

NATIONAL
INDIAN
GAMING
COMMISSION

NOV - 9

Arlan D. Melendez, Chairman
Reno-Sparks Indian Colony
98 Colony Road
Reno, Nevada 89502

Dear Chairman Melendez:

This letter responds to your request to review and approve the tribal gaming ordinance submitted on October 25, 1993, for the Reno-Sparks Indian Colony (the Colony). 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 Colony's gaming ordinance, the Colony 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 Reno-Sparks Indian Colony for review and approval. The NIGC staff and I look forward to working with you and the Colony in implementing the IGRA.

Sincerely yours,

Anthony J. Hope
Anthony J. Hope
Chairman

cc: Robert L. Hunter, Jr., Esq.

**RESOLUTION
OF THE
RENO-SPARKS TRIBAL COUNCIL**

WHEREAS, the Tribal Council of the Reno-Sparks Indian Colony is organized pursuant to the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended;


WHEREAS, the Tribal Council is empowered under Article VI, Section 1 (i) of the Constitution to establish subordinate organizations and to vest in these organizations all necessary powers; and

WHEREAS, the Tribal Council has enacted Title 20 of the Law and Order Code, Gaming Licensing and Control Act, and under Section 8 of that Title established the Reno-Sparks Indian Colony Gaming Commission and under Section 5 of that Title established that the Chairman of the Reno-Sparks Indian Colony Gaming Commission is the designated agent to receive all service of documents, determinations and correspondence from the National Indian Gaming Commission and from other persons or entities as provided by that Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that Arlan D. Melendez is hereby appointed Chairman of the Reno Sparks Indian Colony Gaming Commission, and as such, is the designated agent.

C E R T I F I C A T I O N

I, the undersigned Secretary of the Reno-Sparks Tribal Council, hereby certify that the Tribal Council, composed of seven (7) members, of whom six (6) constituting a quorum, were present at a duly called meeting which was convened and held on the Sixth day of July, 1993, and that the foregoing resolution was duly adopted by a vote of three (3) for, zero (0) against, and two (2) abstentions, pursuant to authority contained in the Constitution and By-Laws of the Reno-Sparks Indian Colony.


HENRIETTA A. TOBEY, Secretary
Reno-Sparks Tribal Council

APPROVED

**RENO-SPARKS INDIAN COLONY
LAW & ORDER CODE - TITLE 20
GAMING LICENSING AND CONTROL ACT**

TABLE OF CONTENTS

Title 20 - Gaming Licensing and Control 1

CHAPTER ONE 1

Section 1 TITLE 1

1.1 Short Title. 1

Section 2 PUBLIC POLICY 1

2.1 Public Policy of Tribe Concerning Gaming; License or Approval
Revocable Privilege 1

2.2 No Vested Right to License 1

Section 3 DEFINITIONS 2

3.2 "Applicant" defined 2

3.3 "Application" defined 2

3.4 "Associated Equipment" defined 2

3.5 "Background Investigations" defined 2

3.6 "Bingo" defined 2

3.7 "Chairman" defined 2

3.8 "Class A Offense" defined 2

3.9 "Class I Gaming" defined 2

3.10 "Class II Gaming" defined 3

3.11 "Class III Gaming" defined 3

3.12 "Commission" defined 3

3.13 "Commissioner" defined 3

3.14 "Commission member" defined 3

3.15 "Establishment" defined 3

3.16 "Gaming" and "Gambling" defined 3

3.17 "Gaming compact" defined 3

3.18 "Gaming device" defined 4

3.19 "Gaming license" defined - 4

3.20 "Hearing examiner" defined - 4

3.21 "Indian Gaming Regulatory Act" defined - 4

3.22 "Key employee" defined 4

3.23 "License" defined 4

3.24 "License fees" defined 4

3.25 "Licensed gaming establishment" defined 4

3.26 "Licensee" defined 4

3.27 "Management contract" defined 4

3.28 "National Indian Gaming Commission" defined 5

3.29 "Net revenues" defined 5

3.30 "Operation" defined 5

3.31	<u>"Operator of slot machine route" defined</u>	5
3.32	<u>"Party" defined</u>	5
3.33	<u>"Primary management official" defined</u>	5
3.34	<u>"Quarter" and "calendar quarter" defined</u>	5
3.35	<u>"Regulation" defined -</u>	6
3.36	<u>"Respondent" defined -</u>	6
3.37	<u>"Slot machine" defined</u>	6
3.38	<u>"Temporary license" defined -</u>	6
3.39	<u>"Tribe or Tribal" defined</u>	6
3.40	<u>"Reno-Sparks Indian Colony Tribal Attorney is legal advisor for Tribal Gaming Commission" defined</u>	6
Section 4	SCOPE	7
4.1	<u>"Scope of regulations governing Class I, Class II and Class III Gaming"</u>	7
Section 5	SERVICE	7
5.1	<u>"Appointment of agent for service; notification to the National Indian Gaming Commission".</u>	7
Section 6	GAMING OWNERSHIP	8
6.1	<u>"Gaming ownership; use of net revenues"</u>	8
Section 7	GAMING POLICY COMMITTEE	8
(reserved)		8
Section 8	RENO-SPARKS INDIAN COLONY GAMING COMMISSION	8
8.1	<u>Creation; number of members</u>	8
8.2	<u>Members: Discharge of duties; certain political activities prohibited; oaths</u>	9
8.3	<u>Member; Salaries</u>	9
8.4	<u>Tribe to furnish administrative and clerical services and equipment to Tribal Gaming Commission; administrative costs</u>	9
8.5	<u>Office</u>	9
8.6	<u>Meetings; quorum</u>	9
Section 9	POWERS AND DUTIES OF COMMISSION	10
9.1	<u>Records of Commission; report to tribal council by Commission</u>	10
9.2	<u>General powers and duties of Tribal Gaming Commission</u>	11
9.3	<u>Procedures for forwarding applications and reports for key employees and primary management officials to the National Indian Gaming Commission; granting of gaming license.</u>	13
9.4	<u>Background investigation of qualifications of applicants; application contents; and notification to the National Indian Gaming Commission.</u>	14
9.5	<u>Renewal of Reno-Sparks Indian Colony gaming licenses; penalties</u>	17

9.6	<u>Privacy Act and false statement notifications on the application form</u>	18
9.7	<u>Initiation of proceedings and actions to enforce Chapter</u>	19
9.8	<u>Exercise of other necessary powers by Tribal Gaming Commission</u>	19
Section 10	MANAGEMENT CONTRACTS	19
10.1	<u>Application</u>	19
10.2	<u>Requirements for review and approval</u>	20
10.3	<u>Submission; time; fees</u>	20
10.4	<u>Background investigations</u>	21
10.5	<u>Application form; information required</u>	21
10.6	<u>Listing of individuals within an entity; information required</u>	23
10.7	<u>Accounting</u>	25
10.8	<u>Audits; submission</u>	26
10.9	<u>Reporting; access; guaranteed payment to Tribe; and development and construction costs</u>	26
10.10	<u>Term limits and compensation of the management contract</u>	27
10.11	<u>Termination; modification; dispute resolution</u>	27
10.12	<u>Assignments; subcontracting; ownership interests</u>	28
10.13	<u>Effective date</u>	28
10.14	<u>Prohibitions</u>	28
Section 11	REGULATIONS OF TRIBAL GAMING COMMISSION	28
11.1	<u>Adoption, amendment and repeal; Procedure.</u>	28
11.2	<u>Required provisions</u>	30
11.3	<u>Regulations requiring exclusion or ejection of certain persons from licensed establishments: Persons included</u>	31
11.4	<u>Regulations requiring exclusions or ejection of certain persons from licensed establishments: Notice to person whose name is placed on list</u>	32
11.5	<u>Regulations requiring exclusion or ejection of certain persons from licensed establishments: Hearing; disposition; judicial review</u>	32
11.6	<u>Regulations requiring exclusion or ejection of certain persons from gaming establishments; Penalties for failure to exclude or eject</u>	33
11.7	<u>Regulations requiring exclusion or ejection of certain persons from gaming establishments; Unlawful entry by person whose name has been placed on list; penalty</u>	33
11.8	<u>Regulations concerning financial practices of Class II and Class III gaming operations: Minimum procedures for control of internal fiscal affairs of Class II and Class III gaming operations; external audits</u>	33
11.9	<u>Regulations concerning financial practices of Class II and Class III gaming operations: Periodic financial reports from Class II or Class III gaming operations.</u>	34
11.10	<u>Regulations concerning financial practices of Class II and Class III gaming operations: Duties of Reno-Sparks Indian Colony auditor</u>	34
11.11	<u>Regulations concerning financial practices of Class II and Class III gaming operations: Computation and reporting of winnings, compensation and</u>	

	<u>gross revenue</u>	34
11.12	<u>Regulations governing operation of slot machine routes</u>	34
Section 12	GAMING	35
12.1	<u>Licenses required</u>	35
12.2	<u>RSIC gaming license required where equipment, services or property delivered or furnished for gaming interest or revenues</u>	35
12.3	<u>Licensing of certain persons having significant influence over gaming operation of licensee; remuneration, contracts and employment prohibited for certain unsuitable or unlicensed persons</u>	36
12.4	<u>Suitability or licensing of certain persons furnishing service or property or doing business with key employee or a primary management official; termination of association</u>	37
12.5	<u>Licensing of person conducting certain tournaments or contests in association with gaming licensee; termination of association</u>	38
12.6	<u>Restrictions on person denied license or found unsuitable</u>	38
12.7	<u>Operation and maintenance of gaming device; Approval of Tribal Gaming Commission</u>	38
12.8	<u>Gaming must be conducted with legal tender or tokens, chips or other instrumentalities approved by Commission</u>	39
12.9	<u>Investigations; disciplinary proceedings; duties of Commission; powers of Commission</u>	39
12.10	<u>Emergency order of Commission</u>	40
12.11	<u>Disciplinary action: Complaint; answer; failure to answer or appear; notice of hearing</u>	41
12.12	<u>Hearing: Subpoena; payment of fees, subsistence and transportation for witness; deposition</u>	42
12.13	<u>Hearings: procedure; use of affidavit</u>	43
12.14	<u>Hearings other than investigative hearings: Procedure</u>	45
12.15	<u>Amended or supplemental pleadings</u>	45
12.16	<u>Contempt</u>	45
12.17	<u>Written decision and order of Commission: rehearing</u>	45
12.18	<u>Judicial review: Petition; intervention; stay of enforcement priority if supervisor appointed</u>	46
12.19	<u>Judicial review; Record on review</u>	47
12.20	<u>Judicial review: Additional evidence taken by commission; review confined to record; court may affirm, remand or reverse</u>	47
12.21	<u>Judicial review: Appeal to appellate court; exclusive method of review for disciplinary hearings; certain actions not subject to judicial review</u>	48
Section 13	MISCELLANEOUS PROVISIONS	49
13.1	<u>Investigative fund</u>	49
13.2	<u>Summary suspension of key employee's and primary management official's gaming license: Emergency order; hearing; notice of defense</u>	49
13.3	<u>Revocation of key employee or primary management official's gaming license; Grounds, power of commission; judicial review</u>	50

13.4	<u>Declaratory judgment; limitations on injunctive relief</u>	51
13.5	<u>Injunctions</u>	52
13.6	<u>Prosecution by tribal attorney of violations of gaming laws</u>	52
13.7	<u>Gaming or employment in gaming prohibited for persons under 21</u>	53
13.8	<u>Tribal Prosecutor and chief of police to furnish information obtained during investigation or prosecution</u>	53
13.9	<u>Penalties</u>	53
13.10	<u>Protection of the Environment and Public Health and Safety</u>	54
13.11	<u>Severability Clause</u>	54
Section 14	RECOVERY OF GAMING DEBTS BY PATRONS	54
14.1	<u>Refusal by licensee to pay alleged winnings; investigation; resolution of dispute by Commission's agent</u>	54
14.2	<u>Petition for hearing by Commission; notice and conduct of hearing</u>	55
14.3	<u>Burden of proof on party seeking reconsideration; decision of Tribal Gaming Commission</u>	56
14.4	<u>Payment of claim after decision of Commission becomes final; deposit and withdrawal of amount of claim upon judicial review</u>	56
14.5	<u>Judicial review: Petition; intervention; stay of enforcement</u>	56
14.6	<u>Judicial review: Record on review</u>	57
14.7	<u>Judicial review: Additional evidence taken by Commission; review confined to record; court may affirm, remand or reverse</u>	58
14.8	<u>Judicial review: Appeal; exclusive method of review; costs to transcribe proceedings and transmit record</u>	58

RENO-SPARKS INDIAN COLONY LAW AND ORDER CODE

Title 20 - Gaming Licensing and Control

Be it enacted by the Tribal Council of the Reno-Sparks Indian Colony in a meeting assembled on June 16, 1993, the following:

CHAPTER ONE

Section 1 TITLE

- 1.1 Short Title. This title is known and may be cited as the Reno-Sparks Indian Colony Gaming License and Control Act.

Section 2 PUBLIC POLICY

- 2.1 Public Policy of Tribe Concerning Gaming; License or Approval Revocable Privilege. The Tribal Council hereby finds and declares to be the public policy of this tribe that:

- (a) The gaming industry is vitally important to the economic development and self-sufficiency of the tribe and the general welfare of the tribal members;
 - (b) The continued growth and success of gaming is dependant upon public confidence and trust that licensed gaming is conducted honestly and competitively, that the rights of the creditors of licensees are protected and that gaming is free from criminal and corruptive elements;
 - (c) Public confidence and trust can only be maintained by strict regulation of all persons, locations, practices, associations and activities related to the operation of licensed gaming establishments;
 - (d) All establishments where gaming is conducted and where gambling devices are operated must therefore be licensed, controlled and assisted to protect the public health, safety, morals, good order and general welfare of members of the tribe to foster the stability and success of gaming and to preserve the competitive economy and policies of free competition of the Reno-Sparks Indian Colony.
- 2.2 No Vested Right to License. No applicant for a license or other affirmative Tribal Gaming Commission approval has any right to a license or the granting of the approval sought. Any license issued or other Tribal Gaming Commission approval granted pursuant to the provisions of Title 20; Chapter One of the Reno-Sparks Indian Colony Law and Order Code is a revocable privilege, and no holder acquires any vested right

therein or thereunder.

Section 3

DEFINITIONS

- 3.1 **Definitions** - As used in this chapter, the words and terms defined in Section 3, inclusive, unless the context otherwise requires, have these meanings ascribed to them in those sections.
- 3.2 **"Applicant" defined** - "Applicant" means any person who applies for or is about to apply for a tribal gaming license, under the provisions of this chapter, or approval of any act or transaction for which Tribal Gaming Commission approval is required or permitted under the provisions of this Chapter of the Reno-Sparks Indian Colony Law and Order Code.
- 3.3 **"Application" defined** - "Application" means a request for issuance of a tribal gaming license, under the provisions of this Chapter of the Reno-Sparks Indian Colony Law and Order Code, or approval of any act or transaction for which Tribal Gaming Commission approval is required or permitted under the provisions of this Chapter of the Reno-Sparks Indian Colony Law and Order Code.
- 3.4 **"Associated Equipment" defined** - "Associated Equipment" means any equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming that would not otherwise be classified as a gaming device, including equipment which effects the proper reporting of gross revenue, computerized systems for monitoring slot machines and devices for weighing or counting money.
- 3.5 **"Background Investigations" defined** - "Background Investigations" means an investigation conducted by the Reno-Sparks Indian Colony Gaming Commission of key Employees and Primary Management Officials pursuant to this Ordinance and the Indian Gaming Regulatory Act as a condition precedent to the issuance of a gaming license.
- 3.6 **"Bingo" defined** - "Bingo" means the game of chance as defined in § 3.10.
- 3.7 **"Chairman" defined** - "Chairman" means the Chairman of the Reno-Sparks Indian Colony Gaming Commission.
- 3.8 **"Class A Offense" defined** - "Class A Offense" means an offense punishable by labor or jail for a period not to exceed 1 year, or a fine not to exceed \$5000, or both such fine and imprisonment.
- 3.9 **"Class I Gaming" defined** - "Class I Gaming" means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.

- 3.10 "Class II Gaming defined - "Class II Gaming" means: (i) the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo; and (ii) card games that are explicitly authorized by the laws of the State of Nevada or are not explicitly prohibited by the laws of the State of Nevada and are played at any location in the State of Nevada, but only if such card games are played in conformity with those laws and regulations (if any) of the State of Nevada regarding hours or periods of operations of such card games or limitations on wagers or pot sizes in such card games. The term "Class II Gaming" does not include any banking card games, including baccarat, chemin de fer, or blackjack (21), or electric or electromechanical facsimiles of any game of chance or slot machines of any kind.
- 3.11 "Class III Gaming" defined - "Class III Gaming" means all forms of gaming that are not defined above as Class I Gaming or Class II Gaming, except that Class III gaming includes any video facsimile of games defined as Class II games and those Class II games set forth in § 3.10 above when played at locations other than at the same location as a bingo game or played subject to agreed upon limitations not in conformance with the State law or regulations. Class III Gaming also means those forms of gaming conducted pursuant to a Tribal-State Gaming Compact between the Reno-Sparks Indian Colony and the State of Nevada.
- 3.12 "Commission" defined - "Commission" means the Reno-Sparks Indian Colony Gaming Commission.
- 3.13 "Commissioner" defined - "Commissioner" means a member of the Reno-Sparks Indian Colony Gaming Commission.
- 3.14 "Commission member" defined - "Commission member" means a member of the Reno-Sparks Indian Colony Gaming Commission.
- 3.15 "Establishment" defined - "Establishment" means any premises wherein any gaming is done.
- 3.16 "Gaming" and "Gambling" defined - "Gaming" or "gambling" means to deal, operate, carry-on, conduct, maintain or expose for play any game as defined in the Reno-Sparks Indian Colony Law and Order Code Title 13, § 2.9, § 2.10 and § 2.11.
- 3.17 "Gaming compact" defined - A negotiated agreement, required by § 2710(d)(1) of the Indian Gaming Regulatory Act, between the Tribe and the State of Nevada entered into

the exterior boundaries of the Reno Sparks Indian Colony.

- 3.18 "Gaming device" defined - "Gaming device" means any equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss. The term includes a system for processing information which can alter the system or device which affects a game solely by stopping its operation so that the outcome remains undetermined.
- 3.19 "Gaming license" defined - "Gaming license" means any license issued by the Reno-Sparks Indian Colony or any political subdivision thereof pursuant to this Chapter and the Indian Gaming Regulatory Act which authorized the person named therein to engage in or be directly connected with the operation of a gaming establishment.
- 3.20 "Hearing examiner" defined - "Hearing examiner" means a member of the Reno-Sparks Indian Colony Gaming Commission or other authorized person of the Reno-Sparks Indian Colony Gaming Commission to conduct investigative hearings.
- 3.21 "Indian Gaming Regulatory Act" defined - "Indian Gaming Regulatory Act" means the Act passed by the Congress in 1988, contained at 25 U.S.C. § 2701 et seq., to provide clear standards or regulations for the conduct of gaming on Indian lands.
- 3.22 "Key employee" defined - "Key employee" means any person connected with any Chippewa Cree Class II or Class III Gaming Operation who performs one or more of the following jobs: 1) Bingo caller; 2) Counting room supervisor; 3) Chief of security; 4) Custodian of gaming supplies or cash; 5) Floor manager; 6) Pit boss; 7) Dealer; 8) Croupier; and 9) Approver of credit. "Key employee" also encompasses any custodian of gambling devices including persons with access to cash and accounting records within such devices, any person whose total cash compensation is in excess of \$50,000 per year, or the four most highly compensated persons in the gaming operation.
- 3.23 "License" defined - "License" means a Reno-Sparks gaming license.
- 3.24 "License fees" defined - "License fees" means any moneys required by law to be paid to obtain or renew a gaming license.
- 3.25 "Licensed gaming establishment" defined - "Licensed gaming establishment" means any premises pursuant to the provisions of this Chapter wherein or whereupon gaming is done.
- 3.26 "Licensee" defined - "Licensee" means any person to whom a valid gaming license has been issued.
- 3.27 "Management contract" defined - "Management contract" means any contract,

subcontract, or collateral agreement between the Reno Sparks Indian Colony and a contractor that provides for the management of a gaming operation.

- 3.28 "National Indian Gaming Commission" defined - "National Indian Gaming Commission" means the Commission established within the Department of the Interior with the power to oversee the activities of Class II Gaming conducted on the Reno Sparks Indian Colony; to promulgate the regulations implementing the Indian Gaming Regulatory Act; and to approve ordinances or resolutions adopted by the Reno Sparks Indian Colony governing the control of Class II and Class III Gaming.
- 3.29 "Net revenues" defined - "Net revenues" means gross revenues of an Indian gaming activity less amounts paid out as, or paid for, prizes and total operating expenses, excluding management fees. The term does not include:
- (a) Counterfeit money or tokens;
 - (b) Coins of other countries which are received in gaming devices;
 - (c) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed; or
 - (d) Cash received as entry fees for contests or tournaments in which patrons compete for prizes.
- 3.30 "Operation" defined - "Operation" means the conduct of gaming.
- 3.31 "Operator of slot machine route" defined - "Operator of slot machine route" means a person who, under any agreement whereby consideration is paid or payable for the right to place, slot machines, engages in the business of placing and operating slot machines upon the business premises of others at two or more locations.
- 3.32 "Party" defined - "Party" means the Reno-Sparks Indian Colony Gaming Commission and any licensee or other person appearing of record in any proceedings for judicial review of any action, decision or order of the Tribal Gaming Commission.
- 3.33 "Primary management official" defined - "Primary management official" means the management contractor, any person who has the authority to hire and fire employees or set up working policy for the gaming operations, or the chief financial officer or other person who has financial management responsibility for a gaming operation.
- 3.34 "Quarter" and "calendar quarter" defined - "Quarter" or "calendar quarter" means a period of 3 consecutive months commencing on the 1st day of January, April, July, or October in any year.

- 3.35 **"Regulation" defined** - "Regulation" means a rule, standard, directive, or statement of general applicability which effectuates law or policy, or describes the procedure or requirements for practicing before the Tribal Gaming Commission. The term includes a proposed regulation and the amendment or repeal of a prior regulation, but does not include:
- (a) A statement concerning only the internal management of the Tribal Gaming Commission and not affecting the rights or procedures available to any licensee or other person;
 - (b) A declaratory ruling;
 - (c) The Tribal Gaming Commission's decision in a contested case or the administration of this chapter;
 - (d) A notice concerning the fees to be charged which are necessary for the administration of this chapter.
- 3.36 **"Respondent" defined** - "Respondent" means any licensee or other person against whom the tribal prosecutor or tribal attorney has filed a complaint with the Tribal Gaming Commission.
- 3.37 **"Slot machine" defined** - "Slot machine" means any mechanical, electrical or other device, contrivance or machine which, upon insertion of a coin, token, or similar object, or upon payment of any consideration, is available to play or operation of which, whether by reason of the skill of the operator in playing a gambling game which is presented for play by the machine or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tokens or anything of value, whether the payoff is made automatically from the machines or in any other manner.
- 3.38 **"Temporary license" defined** - "Temporary license" means a license which is valid only for a period not to exceed 90 days from the date of issue during which time the Tribal Gaming Commission conducts a background investigation. A temporary license is not renewable.
- 3.39 **"Tribe or Tribal" defined** - "Tribe or Tribal" means the Reno Sparks Indian Colony.
- 3.40 **"Reno-Sparks Indian Colony Tribal Attorney is legal advisor for Tribal Gaming Commission" defined** - "Reno-Sparks Indian Colony Tribal Attorney is legal advisor for Tribal Gaming Commission" means the tribal attorney and his designee are the legal advisors for the Tribal Gaming Commission and shall represent the Tribal Gaming Commission in any proceeding to which either is a party.

Section 4

SCOPE

4.1 "Scope of regulations governing Class I, Class II and Class III Gaming".

- (a) All gaming on the Reno Sparks Indian Colony must be conducted within the parameters of this Ordinance, 25 CFR 501 *et seq.*, the Federal Indian Gaming Regulatory Act found at 25 U.S.C §§ 2701 *et seq.*, and any gaming compact governing Class III Gaming which the Tribe may enter into with the State of Nevada. These laws and regulations provide that:
 - (i) Class I Gaming is not subject to the Indian Gaming Regulatory Act and is within the exclusive jurisdiction of the Tribe;
 - (ii) Class II Gaming is subject to the Indian Gaming Regulatory Act, is conducted under the jurisdiction of the Tribe and the National Indian Gaming Commission, and the Tribe must issue a separate license to each place, facility, or location on the Reno-Sparks Indian Colony where the Colony elects to allow Class II gaming; and
 - (iii) Class III Gaming is subject to the Indian Gaming Regulatory Act and shall be regulated according to the provisions contained within the Reno Sparks Indian Colony Gaming Licensing and Control Act and any Tribal/State gaming compact entered into between the Tribe and the State of Nevada.
- (b) All the regulations within this gaming ordinance dealing with Class III Gaming do not, and are not effective, until a gaming compact covering Class III Gaming activities is entered into between the Reno-Sparks Indian Colony and the State of Nevada and such Class III Gaming compact is duly approved by the National Indian Gaming Commission.

Section 5

SERVICE

5.1 "Appointment of agent for service; notification to the National Indian Gaming Commission".

- (a) The Chairman of the Tribal Gaming Commission is the designated agent to receive all service of documents, determinations and correspondence from the National Indian Gaming Commission and from other persons or entities as provided by this Ordinance.
- (b) The Tribe shall send written notification to the National Indian Gaming Commission designating the Chairman of the Tribal Gaming Commission as the Tribe's agent for service on gaming matters.

- (c) Any management contractor operating a gaming operation on the Reno Sparks Indian Colony shall send to the National Indian Gaming Commission and the Chairman of the Tribal Gaming Commission a written designation of the management contractor's agent who will receive service of acts of the National Indian Gaming Commission and the Tribal Gaming Commission.

Section 6

GAMING OWNERSHIP

6.1 "Gaming ownership; use of net revenues".

- (a) The Tribe shall have the sole proprietary interest in any Class II or Class III Gaming operation and shall have the sole responsibility for the operation of any Class II Gaming operation and the sole responsibility for any Class III Gaming as provided in any Tribal/State gaming compact.
- (b) The Tribe shall use the net revenues received from Class II and Class III Gaming operations only for:
 - (i) the Tribe's governmental operations and programs;
 - (ii) the general welfare of the Tribe or its members, provided that any plan to distribute the net revenues as per capita payments must be approved by the Assistant Secretary - Indian Affairs before such distribution;
 - (iii) the promotion of the Tribe's economic development;
 - (iv) donations to charity organizations as defined by the Tribe; and
 - (v) the funding of local federal, state and county governmental agencies.

Section 7

GAMING POLICY COMMITTEE

(reserved)

Section 8

**RENO-SPARKS INDIAN COLONY
GAMING COMMISSION**

- 8.1 Creation; number of members. The Reno-Sparks Indian Colony Gaming Commission, consisting of five (5) members, appointed by the Reno-Spark Indian Colony Tribal Council, is hereby created.

8.2 Members: Discharge of duties; certain political activities prohibited; oaths.

- (a) The Tribal Gaming Commission members shall devote such time to the business of the Tribal Gaming Commission as may be necessary to the discharge of their duties.
- (b) Before entering upon the duties of his office, each member shall subscribe to the constitutional oath of office and, in addition, swear that he is not actively engaged in nor does he hold a direct pecuniary interest in gaming activities.

8.3 Member: Salaries. The chairman and members of the Tribal Gaming Commission are entitled to an honorarium to be determined by the Tribal Council.

8.4 Tribe to furnish administrative and clerical services and equipment to Tribal Gaming Commission; administrative costs.

- (a) The Tribe shall furnish to the Tribal Gaming Commission such administrative and clerical services and such furnishings, equipment, supplies, stationery, books, motor vehicles and all other things as the Tribal Gaming Commission may deem necessary or desirable in carrying out its functions.
- (b) Except as otherwise provided in this Chapter, all costs of administration incurred by the Tribe on behalf of the Tribal Gaming Commission shall be paid by the Tribe.

8.5 Office.

- (a) The Tribal Gaming Commission shall keep its main office at the Reno-Sparks Indian Colony.

8.6 Meetings; quorum.

- (a) Regular and special meetings of the Tribal Gaming Commission may be held, at the discretion of the Tribal Gaming Commission, at such times and places as it may deem convenient, but at least one regular meeting annually.
- (b) A majority of the members is a quorum of the Tribal Gaming Commission.
- (c) Background investigations and investigative hearings may be conducted by one or more members of the Tribal Gaming Commission with the concurrence of a majority of the Tribal Gaming Commission, or by a hearing examiner as directed by the Tribal Gaming Commission, or by other means as provided in any gaming compact.

POWERS AND DUTIES OF COMMISSION

9.1 Records of Commission; report to tribal council by Commission.

- (a) The Tribal Gaming Commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the Tribal Gaming Commission.
- (b) The Tribal Gaming Commission shall maintain a file of all applications for licenses under this chapter, together with a record of all action taken with respect to those applications.
- (c) The Tribal Gaming Commission may maintain such other files and records as they may deem desirable.
- (d) Except as provided in this subsection and subsection (e), all information and data:
 - (i) Required by the Tribal Gaming Commission to be furnished to it under this Chapter or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant of licensee;
 - (ii) Pertaining to an applicant's criminal record, antecedents and background which have been furnished to or obtained by the Tribal Gaming Commission from any source;
 - (iii) Provided to the members, agents or employees of the Tribal Gaming Commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential; and
 - (iv) Obtained by the Tribal Gaming Commission from a manufacturer, distributor or operator relating to the manufacturing of gaming devices, are confidential and may be revealed in whole or in part only in the course of the necessary administration of this Chapter or upon the lawful order of a court of competent jurisdiction. The Tribal Gaming Commission may reveal such information and data to the National Indian Gaming Commission; to an authorized agent of any agency of the United States Government, and any state or any political subdivision of this state pursuant to regulations adopted by the Tribal Gaming Commission or gaming compact.
- (e) Before the approval of the tribal budget by the Tribal Council, the Tribal Gaming Commission shall submit to the Tribal Council for its review and for the use of the Tribal Council a report on the net revenue and average depreciation of all licensees.

- (f) Notice of the content of any information or data furnished or released pursuant to subsection (d) may be given to any applicant or licensee in a manner prescribed by regulations adopted by the Tribal Gaming Commission.
- (g) The files, records of the Tribal Gaming Commission are open at all times to inspection by the National Indian Gaming Commission and its authorized agents.
- (h) All files, records, reports and other information pertaining to gaming matters in the possession of the Tribal Council must be made available to the Reno-Sparks Indian Colony Gaming Commission as is necessary to the administration of this Chapter.

9.2 General powers and duties of Tribal Gaming Commission.

- (a) The provisions of this Chapter with respect to Reno-Sparks Indian Colony gaming licenses must be administered by the Tribal Gaming Commission, which shall administer them for the protection of the public and in the public interest in accordance with the policy of this Tribe.
- (b) The Tribal Gaming Commission and their agents may:
 - (i) Inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are manufactured, sold or distributed.
 - (ii) Inspect all equipment and supplies in, upon or about such premises.
 - (iii) Summarily seize and remove from such premises and impound any equipment or supplies for the purpose of examination and inspection.
 - (iv) Demand access to and inspect, examine, photocopy and audit all papers, books and records of applicants and licensees, on their premises, or elsewhere as practicable, and in the presence of the licensee or his agent, respecting the gross income produced by any gaming business, and require verification of income, and all other matters affecting the enforcement of the policy or any of the provisions of this Chapter.
 - (v) Determine the eligibility for and the issuance of gaming licenses to key employees, primary management officials and any other person or entity other than the Reno Sparks Indian Colony for the conduct of Class II Gaming with prompt notification to the National Indian Gaming Commission of such issuance of license.
- (c) For the purpose of conducting audits after the cessation of gaming by a licensee, the former licensee shall furnish, upon demand of an agent of the Tribal Gaming

Commission, books, papers and records as necessary to conduct the audits. The former licensee shall maintain all books, papers and records necessary for audits for a period of 1 year after the date of the surrender or revocation of the former licensee's gaming license. If the former licensee seeks judicial review of the deficiency determination or files a petition for a redetermination, he must maintain all books, papers and records until a final order is entered on the determination.

- (d) The Tribal Gaming Commission may investigate, for the purpose of prosecution, any suspected criminal violation of the provisions of this Chapter. For the purpose of the administration and enforcement of this Chapter, so far as it involves crimes against the property of gaming licensees, the Tribal Gaming Commission and investigative personnel of the Tribal Gaming Commission have the powers of a peace officer of the Reno Sparks Indian Colony.
- (e) For the purpose of protecting members of the Tribal Gaming Commission and their property, and providing security at meetings of the Tribal Gaming Commission, the Tribal Gaming Commissioners and the agents of the Tribal Gaming Commission, whose duties include the enforcement of this ordinance, have the power of a peace officer of the Reno Sparks Indian Colony. Power of peace officer shall include the authority to arrest, remove, restrict, cite or charge any person who threatens or poses a threat to the security of, or hampers or impedes, or in any other manner interferes with the duties of the Tribal Gaming Commission.
- (f) The Tribal Gaming Commission or any of its members has full power and authority to issue subpoenas, compel the attendance of witnesses at any place within the jurisdiction of the Reno-Sparks Indian Colony, 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. Any person making false oath in any matter before either the Tribal Gaming Commission is guilty of perjury. The Tribal Gaming Commission or any member thereof may appoint hearing examiners who may administer oaths and receive evidence and testimony under oath.
- (g) The Tribe may appoint the Tribal Gaming Commission or any member thereof as the, or as a part of the, negotiation team to represent the Tribe in its negotiations with the State of Nevada for entering any Class III gaming compact.

9.3 Procedures for forwarding applications and reports for key employees and primary management officials to the National Indian Gaming Commission; granting of gaming license.

- (a) When a key employee or a primary management official begins work at a gaming operation or in conjunction with a management contractor, the Tribal Gaming Commission shall:
 - (i) send to the National Indian Gaming Commission a completed application containing all the information necessary from sections 9.4 and 9.5 for the applicant;
 - (ii) conduct a background investigation pursuant to § 9.4 in order to determine the eligibility of the key employee and primary management official to continue employment in the Tribe's gaming operation;
 - (iii) file with the National Indian Gaming Commission a report pursuant to § 9.4(f) after the background investigation and eligibility determination is completed. This report shall be filed within 60 days after the employee begins work. No key employee or primary management official may be kept employed by the Tribe in a gaming operation who does not receive a gaming license after 90 days of beginning work.
- (b) The Tribal Gaming Commission may issue a gaming license to an applicant if, within 30 days after filing the report and information as required by subparagraph (a), the National Indian Gaming Commission notifies the Tribal Gaming Commission that there are no objections to issuing the gaming license to the applicant. Should the National Indian Gaming Commission not notify the Tribal Gaming Commission within the 30 days as required by this subparagraph, then the Tribal Gaming Commission may or may not license the applicant as is appropriate in light of the Tribal Gaming Commission's determination of eligibility pursuant to § 9.4(c),(d) and (e).
- (c) If within the 30 day period after the Tribal Gaming Commission sends the National Indian Gaming Commission the information as required by subparagraph (a), the National Indian Gaming Commission notifies the Tribal Gaming Commission that there are objections to licensing the applicant based upon the investigative report and the application, the Tribal Gaming Commission shall reconsider the application in light of the National Indian Gaming Commission's objections. However, the Tribal Gaming Commission shall make or have the final decision on whether to issue a gaming license to the applicant.

9.4 Background investigation of qualifications of applicants; application contents; and notification to the National Indian Gaming Commission.

- (a) The Tribal Gaming Commission shall cause a background investigation to be conducted on the qualifications of each applicant for a key employee and primary management official gaming license under this Chapter. Such background investigation shall include a request by the Tribal Gaming Commission for the following information on each applicant pursuant to an application on forms furnished by the Tribal Gaming Commission requesting:
 - (i) Full names(s), other name(s) whether oral or written, Social Security Number, birthdate, birth place, citizenship, gender, language(s) used/understood;
 - (ii) Current and for the past 5 (five) years:
 - (A) business and employment positions held;
 - (B) ownership interests in those businesses;
 - (C) business and residential addresses; and
 - (D) drivers license number(s);
 - (iii) The names and addresses of at least 3 (three) personal references, including 1 (one) personal reference acquainted with the applicant during each period of residence listed § 9.3(a)(ii);
 - (iv) The applicant's current business and residential telephone numbers;
 - (v) A description of any existing or previous business relationships with Indian Tribes, including ownership interests in those businesses;
 - (vi) A description of any existing or previous business relationship(s) with the gaming industry generally, including ownership in those businesses;
 - (vii) The names and addresses of each licensing or regulatory agency that the applicant has applied to for a license and/or permit relating to gaming, whether or not such license or permit was granted;
 - (viii) A listing of each felony, either on-going or resulting in conviction stating for each:
 - (A) the charge;

- (B) the name and address of the court where the proceedings were held; and
 - (C) the date and disposition of the matter;
 - (ix) A list of each misdemeanor conviction or on-going prosecution (not minor traffic violations) within the last 10 years from the date of application providing the names of the courts involved and the dates and dispositions of the cases;
 - (x) A list of each criminal charge, not minor traffic citations, whether convicted or not, where such criminal charge was alleged within 10 years of the application, which criminal charge is not otherwise listed in subsections (viii) and (ix) above, giving the names and addresses of the courts involved and the dates and dispositions of the cases;
 - (xi) The names and addresses of any licensing or regulatory agency whom the applicant has applied for an occupational license or permit, whether or not granted;
 - (xii) A photograph;
 - (xiii) The fingerprints of the applicant which fingerprints shall be obtained or taken by the personnel of the Washoe County Sheriff's Department and sent by the Washoe County Sheriff's Department to the National Indian Gaming Commission for processing; and
 - (xiv) Any other information the Reno Sparks Indian Colony or the Tribal Gaming Commission deems relevant.
- (b) The Tribe, Tribal Gaming Commission and their agents must conduct the background investigation in such a manner as to keep confidential the identity of each person interviewed during and after the investigation.
- (c) After receiving the information contained in subparagraph (a), the Tribal Gaming Commission or its agents will make a determination as to whether the applicant is eligible to receive a gaming license to be employed as a key employee, primary management official based upon the applicant's:
- (i) prior activities;
 - (ii) criminal record (if any);
 - (iii) reputation;

- (iv) habits; and
 - (v) associations;
- (d) If an agent of the Tribal Gaming Commission makes the determination of eligibility, this determination, supported by evidence, must be presented to the Tribal Gaming Commission for acceptance or non-acceptance. Should the Tribal Gaming Commission not accept the agent's determination, the Tribal Gaming Commission shall either conduct the investigation to make a determination itself or remand the matter to the agent with instructions as to the areas of deficiency in the agent's investigations. The agent shall address the areas that are deficient and submit a determination of eligibility to the Tribal Gaming Commission thereafter. After accepting the agent's determination or the Tribal Gaming Commission conducts its own investigation, the Tribal Gaming Commission shall either grant or deny the gaming license after complying with subparagraphs (f) and (g) and § 9.3(a) and (b).
- (e) Should the Tribal Gaming Commission, in light of adopted standards in subparagraph (c), determine that the applicant would pose a threat to the public interest, or the effective regulation of gaming, or create, enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in gaming, that person shall not be employed as a key employee or primary management official in a gaming operation or a management contractor position or be granted a license to conduct gaming operations as an individual conducting an independent gaming operation on the Tribe's land.
- (f) Before the Tribal Gaming Commission issues a gaming license to a key employee or to a primary management official the Tribal Gaming Commission shall forward to the National Indian Gaming Commission the investigative report on each applicant as well as a copy of eligibility determination for a gaming license for the applicant. The investigative report must include:
- (i) the steps taken by the Tribal Gaming Commission in conducting the background investigation;
 - (ii) the results of the investigation;
 - (iii) the conclusion the Tribal Gaming Commission reached; and
 - (iv) the basis for the conclusion;
- (g) Should the Tribal Gaming Commission determine that an applicant is not eligible for a gaming license, the Tribal Gaming Commission must notify the National Indian Gaming Commission of this determination forwarding copies of the

eligibility determination and investigative report along with the notification.

- (h) If satisfied that an applicant is eligible to receive a Reno-Sparks Indian Colony gaming license, and upon tender of all license fees and taxes as required by law and regulation of the Tribal Gaming Commission and the faithful performance of all requirements imposed by law or regulation or the conditions of the license, the Tribal Gaming Commission shall issue and deliver to the applicant a license entitling him to engage in the gaming operation for which he is licensed. The Tribal Gaming Commission shall prepare and maintain a written record of the specific terms and conditions of any license issued and delivered and of any modification to the license. A duplicate of the record must be delivered to the applicant or licensee and the National Indian Gaming Commission.
- (i) All licenses issued under the provisions of this Chapter must be kept in a file by the Tribal Gaming Commission created solely for license purposes in order to be inspected by the National Indian Gaming Commission and by authorized Tribal officials. Also, if a gaming compact between the State of Nevada so authorizes, the license file may be inspected by state, county, city or town officials.

9.5 Renewal of Reno-Sparks Indian Colony gaming licenses; penalties.

- (a) Subject to the power of the Tribal Gaming Commission to deny and revoke any Tribal gaming license, any Tribal license in force may be renewed by the Tribal Gaming Commission for the next succeeding license period upon proper application for renewal as required by applicable law, gaming compacts and the regulations of the Tribal Gaming Commission.
- (b) All Reno-Sparks Indian Colony gaming licenses are subject to renewal on January 1st of each year, as the Tribal Gaming Commission so determines.
- (c) Application for renewal must be filed with the Tribal Gaming Commission and all Reno-Sparks Indian Colony license fees and taxes required by law must be paid to the Tribal Gaming Commission on or before the date respectively provided by law for each fee or tax.
- (d) Any person failing to pay any Reno-Sparks Indian Colony license fees or taxes due at the times respectively provided shall have their gaming licenses revoked.
- (e) Upon renewal of any Reno-Sparks Indian Colony license, the Tribal Gaming Commission shall issue an appropriate renewal certificate or validating device or sticker, which must be attached to each Reno-Sparks Indian Colony gaming license so renewed. The National Indian Gaming Commission must also be notified of any such renewal.

- (f) Any person who operates, carries on or exposes for play any Class II or Class III gaming after his license becomes subject to renewal, and thereafter fails to apply for renewal as provided in this section, is guilty of a Class A offense and, in addition to the penalties provided by law, is liable to the Reno-Sparks Indian Colony for all license fees, taxes and penalties which would have been due upon application for renewal.
- (g) If any licensee or other person fails to renew his license as provided in this section the Tribal Gaming Commission may order the immediate closure of all his gaming activity until the license is renewed by the payment of the necessary fees, taxes, interest and any penalties.

9.6 Privacy Act and false statement notifications on the application form.

- (a) Each application form the Tribal Gaming Commission requires the applicant to complete in applying for a gaming license must contain the following notification on the Privacy Act:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 *et seq.* The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire 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) Each application form the Tribal Gaming Commission requires to be filled out by an applicant for a gaming license must also contain the following:

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).

- 9.7 Initiation of proceedings and actions to enforce Chapter. The Tribal Gaming Commission shall initiate proceedings or actions appropriate to enforce the provisions of this Chapter and may request that the tribal prosecutor or recommend that the tribal attorney prosecute any public offense committed in violation of any provision of this Chapter.
- 9.8 Exercise of other necessary powers by Tribal Gaming Commission. The Tribal Gaming Commission may exercise any proper power and authority necessary to perform the duties assigned to it by the Tribal council, and is not limited by any enumeration of powers in this Chapter.
- 9.9 Audits. In addition to complying with § 10.8 herein, the Tribe shall engage an independent certified public accountant to provide an annual audit of the financial statements of each and every gaming operation on the Reno Sparks Indian Colony. Such financial statements shall be prepared in accordance with generally accepted accounting principles by each gaming operation and the audit(s) shall be conducted in accordance with generally accepted auditing standards. Audit(s) of the gaming operations required under this section shall be conducted annually and may be conducted in conjunction with any other independent audit of the Tribe, provided that the requirements of this Chapter are met. An independent audit shall also be conducted on all gaming related contracts resulting in the purchase of supplies, services, or concessions for a contract expenditure in excess of \$25,000 annually (excluding contracts for professional legal or accounting services). The results of such audits shall be submitted by the Tribal Gaming Commission to the National Indian Gaming Commission when completed.

Section 10

MANAGEMENT CONTRACTS

- 10.1 Application. All Class II and Class III gaming operations which are conducted pursuant

to a management contract shall be in accordance with this Ordinance and the Indian Gaming Regulatory Act.

10.2 Requirements for review and approval.

- (a) With the National Indian Gaming Commission's approval, the Tribe may enter into a management contract for the operation of a Class II or Class III gaming operation;
- (b) All management contracts will become effective only after the approval of the National Indian Gaming Commission with such approval evidenced by a document dated and signed by the Chairman of the National Indian Gaming Commission. No other means of approval shall be valid.

10.3 Submission; time; fees.

- (a) In order to have a management contract approved by the National Indian Gaming Commission, the Tribe shall submit in its request for approval the following items which the National Indian Gaming Commission deems necessary:
 - (i) the management contract containing the original signatures of the Tribal Chairman and the management contractor along with a representation that the contract as submitted is the entire agreement between the parties;
 - (ii) a letter from the Tribal Chairman stating that he/she has the authority to sign the contract on behalf of the Tribe, such letter to be accompanied by a Tribal Council resolution granting the Tribal Chairman the authority to execute the contract;
 - (iii) a list of the persons and entities required to be identified according to §§ 10.4 and 10.6 of this Section and the information required under § 10.5 for Class II Gaming contracts and § 10.4 (a)(i) of this Section for Class III gaming contracts;
 - (iv) a three (3) year business plan which sets forth the parties, goals, objectives, budgets, financial plans, and related matters; and
 - (v) if applicable, justifications for wanting to contract for a term of seven (7) years instead of five (5) and for a fee in excess of thirty percent but no more than forty percent.
- (b) The Tribe or a management contractor shall submit a management contract to the National Indian Gaming Commission for approval upon execution of the contract with sufficient time for the National Indian Gaming Commission to complete its

background investigation by the time the individual is to assume management responsibility for, or the management contractor is to begin managing, the gaming operation, or within ten (10) days of any proposed change in financial interest.

- (c) The management contractor shall pay the fees, as required by 25 CFR § 537.3, to the National Indian Gaming Commission necessary for the National Indian Gaming Commission to complete the background investigations.

10.4 Background investigations.

- (a) For submittal to the National Indian Gaming Commission, the Tribe shall conduct a background investigation for each Class II management contract application the following:
 - (i) each person with management responsibility for the management contract;
 - (ii) each person who is a director of a corporation that is a party to a management contract;
 - (iii) the ten persons who have the greatest direct or indirect financial interest in a management contract;
 - (iv) any entity with a financial interest in a management contract; and
 - (v) on any other person with a direct or indirect financial interest in a management contract otherwise designated by the National Indian Gaming Commission.

10.5 Application form; information required.

- (a) Where any natural person is identified in subsection (a)(iii) of § 10.3, the management contractor shall provide to the Tribal Gaming Commission and the National Indian Gaming Commission the following:
 - (i) the items contained in §§ 9.4(a)(i), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (x);
 - (ii) a current photograph, driver's license number, a list of all languages spoken;
 - (iii) business and employment positions held, and business and residence addresses currently and for the previous ten (10) years; the city, state and country of residence from age eighteen (18) to the present;

- (iv) a complete financial statement showing all sources of income for the previous three (3) years along with the assets, liabilities and net worth of the individual as of the date of submission of this information.
- (b) The management contractor shall have each natural person identified in subsection (a)(iii) of § 10.3 provide their fingerprints to the personnel of the Washoe County Sheriff's Department on form FD-258, (Applicant Fingerprint Card) as supplied by the National Indian Gaming Commission. The Washoe County Sheriff's Department will then send the fingerprints taken pursuant to this provision to the National Indian Gaming Commission for processing;
- (c) Any person who has a direct or indirect financial interest in a management contract or management responsibility for a management contract shall respond within thirty days to written or oral questions propounded by the National Indian Gaming Commission;
- (d) Each person required to submit information under this section shall sign and submit the following statement in compliance with the Privacy Act of 1974:

Solicitation of the information in this section is authorized by 25 U.S.C. 2701 *et seq.* The purpose of the requested information is to determine the suitability of individuals with a financial interest in, or having management responsibility for , a management contract. The information will be used by the National Indian Gaming Commission members and staff and Indian tribal officials who have need for the information in the performance of their official duties. The information may be disclosed to appropriate federal, tribal, state, or foreign law enforcement and regulatory agencies in connection with a background investigation or when relevant to civil, criminal or regulatory agencies investigations or prosecutions or investigations of activities while associated with a gaming operation. Failure to consent to the disclosures indicated in this statement will mean that the Chairman of the National Indian Gaming Commission will be unable to approve the contract in which the person has a financial interest or management responsibility.

The disclosure of a person's Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing the information provided.

- (e) each person required to submit information under this section shall sign and submit the following statement on false statements:

A false statement knowingly and wilfully provided in any of the information pursuant to this section may be grounds for not approving the contract in which I have a financial interest or management responsibility, or for disapproving or voiding such contract after it is approved by the Chairman of the National Indian Gaming Commission. Also, I may be punished by fine or imprisonment (U.S Code, title 18, section 1001).

10.6 Listing of individuals within an entity; information required.

- (a) The management contractor shall provide to the Tribe and the National Indian Gaming Commission for each entity identified in subsection (a) of § 10.4, under Background investigations, the following:
- (i) each of the ten (10) largest beneficiaries and the trustees when the entity is a trust;
 - (ii) each of the ten (10) largest partners when the entity is a partnership; and
 - (iii) each person who is a director or who is one of the ten (10) largest holders of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling when the entity is a corporation.
- (b) The management contractor shall also provide;
- (i) the full names, other names used (oral or written), social security number(s), birth dates, places of birth, citizenship, and gender of each individual identified in subsection (a) of this section;
 - (ii) copies of documents establishing the existence of the entity, such as the partnership agreement, the trust agreement, or the articles of incorporation;
 - (iii) copies of documents designating the person who is charged with acting on behalf of the entity;
 - (iv) copies of bylaws or other documents that provide the day-to-day operating rules for the organization;

- (v) a description of any previous business relationships with Indian tribes, including ownership interests in those businesses;
 - (vi) a description of any 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 entity has filed an application for a license or permit relating to gaming, whether or not such license or permit was granted;
 - (viii) the information required by § 9.4, subsections (viii), (ix) and (x); and
 - (ix) the complete financial statements for the previous three (3) fiscal years.
- (c) Each entity with a direct or indirect financial interest in management contract shall respond within thirty (30) days to written or oral questions propounded by the National Indian Gaming Commission.
- (d) Each entity required to submit information under this section shall sign and submit the following statement for false statements:

A false statement knowingly and wilfully provided in any of the information pursuant to this section may be grounds for not approving the contract in which we have a financial interest, or for disapproving or voiding such contract after it is approved by the Chairman of the National Indian Gaming Commission. Also, we may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).

Responsibilities of the parties.

- (a) The responsibilities of each of the parties involved in a management contract shall be enumerated for each identifiable function, including:
- (i) Maintaining and improving the facility where the gaming operation is occurring;
 - (ii) the providing of operating capital;
 - (iii) the establishment of the hours and days in which the gaming shall operate;
 - (iv) developing the policy or rules for hiring, firing, training and promoting employees;

- (v) maintaining the gaming operation's books and records;
- (vi) the preparation of the operation's financial statements and reports;
- (vii) the payment for the services of an independent auditor as required by § 10.8 of this Chapter.
- (viii) hiring and supervising security personnel;
- (ix) securing services for fire protection;
- (x) developing an advertising budget and the placement of advertising;
- (xi) paying the bills and expenses;
- (xii) creating, establishing and administering employment practices;
- (xiii) purchasing and maintaining insurance coverage, including coverage of public liability and property loss or damage;
- (xiv) complying with all applicable provisions of the Internal Revenue Code;
- (xv) paying for the cost of any increase in public safety services; and
- (xvi) provide the National Indian Gaming Commission with all the information necessary for the National Indian Gaming Commission to comply with the regulations of the National Indian Gaming Commission issued to conform to the requirements of the National Environmental Policy Act, if applicable.

10.7 Accounting.

- (a) The management contractor shall provide for the establishment and maintenance of satisfactory accounting systems and procedures that shall, at a minimum:
 - (i) contain an adequate system of internal accounting controls;
 - (ii) permit the preparation of financial statements in accordance with generally accepted accounting principles;
 - (iii) be conducive to an audit as provided in §§ 10.8 and 11.8 (b) and (c);
 - (iv) provide for a Class II gaming operation, the Tribe and the National Indian Gaming Commission to calculate the annual fees as provided by § 514.1

of Title 25, Code of Federal Regulations;

- (v) permit the calculation and payment of the manager's fees; and
- (vi) allow the allocation or division of operating expenses or overhead expenses among the Tribe, the Tribal gaming operation, the management contractor and any other user of shared facilities and services.

10.8 Audits; submission.

- (a) The Tribe shall engage an independent certified public accountant to provide an annual audit of the financial statements of each and every gaming operation on the Reno Sparks Indian Colony. Such financial statements shall be prepared in accordance with generally accepted accounting principles and the audit(s) shall be conducted in accordance with generally accepted auditing standards. Audit(s) of the gaming operations required under this section shall be conducted annually and may be conducted in conjunction with any other independent audit of the Tribe, provided that the requirements of this Chapter are met. An independent audit shall also be conducted on all gaming related contracts resulting in the purchase of supplies, services, or concessions for a contract expenditure in excess of \$25,000 annually (excluding contracts for professional legal or accounting services).
- (b) The Tribe shall submit to the Tribal Gaming Commission a copy of the record of the report(s) and management letter(s) setting forth the results of each annual audit within 120 days after the end of each fiscal year of the gaming operation.
- (c) The Tribe shall reconcile its quarterly fee assessment reports, submitted under 25 CFR part 514, with its audited financial statements and make available such reconciliation upon request by the National Indian Gaming Commission's authorized representative.

10.9 Reporting; access; guaranteed payment to Tribe; and development and construction costs.

- (a) The management contractor shall:
 - (i) be required to provide the Tribe with not less than monthly financial reports which are verifiable or which contain all the information necessary to prepare such reports;
 - (ii) provide for the immediate access to the gaming operation, including its books and records by the Tribal Gaming Commission. The Tribal Gaming Commission shall have the right to verify the daily gross revenues and income from the gaming operation and have access to any other

gaming related information the Tribal Gaming Commission deems appropriate.

- (b) The management contract shall itself provide:
 - (i) a minimum guaranteed monthly payment to the Tribe in a sum certain that has preference over the retirement of development and construction costs; and
 - (ii) an agreed upon maximum dollar amount for the recoupment of development and construction costs.

10.10 Term limits and compensation of the management contract.

- (a) The term of the management contract shall not exceed five (5) years unless the Tribe requests the National Indian Gaming Commission for authorization for the management contract to run seven (7) years provided the capital investment required and the income projections for the gaming operation will require additional time.
- (b) A management contract shall detail the method of compensating and reimbursing the management contractor. Should the management contract provide that the management contractor be compensated by a percentage fee, this fee shall not be more than 30 percent of the net revenues of the gaming operation provided the National Indian Gaming Commission determines that such fee is reasonable. The National Indian Gaming Commission may grant the management contractor 40 percent of the net revenues of the gaming operation if the National Indian Gaming Commission finds that the capital investment so requires and the income projections for the gaming operation necessitate the additional fee.

10.11 Termination; modification; dispute resolution.

- (a) The management contract shall provide the mechanisms necessary to provide for the termination and modification (subject to 25 CFR § 535.1) of the management contract. The termination of the contract shall not need approval of the National Indian Gaming Commission.
- (b) Provisions or mechanisms must be contained in the management contract in order to deal with disputes that may arise between:
 - (i) the management contractor and the Tribe;
 - (ii) the management contractor and the customers; and

(iii) the management contractor and the gaming operation employees.

10.12 Assignments; subcontracting; ownership interests.

- (a) The Tribe must indicate in the management contract whether and to what extent contract assignments and subcontracting are permissible;
- (b) The management contract must also provide to what extent changes in the ownership interests in the management contract require advance approval by the Tribe.

10.13 Effective date. The management contract shall not become effective unless and until it is approved by the National Indian Gaming Commission, the date of the signatures of the parties notwithstanding.

10.14 Prohibitions. Any management contract the Tribe enters into for the operation of gaming shall not transfer, or in any other manner, convey any interest in land or other real property, unless specific statutory authority exists and unless clearly specified in writing in the contract.

Section 11 **REGULATIONS OF TRIBAL GAMING COMMISSION**

11.1 Adoption, amendment and repeal; Procedure.

- (a) The Tribal Gaming Commission shall, pursuant to § 11.2, adopt, amend and repeal regulations in accordance with the following procedures:
 - (i) At least 30 days before the initial meeting of the Tribal Gaming Commission and 20 days before any subsequent meeting at which the adoption, amendment or repeal of a regulation is considered, notice of the proposed action must be:
 - (A) Published or communicated to the Tribal members, key employees, primary management officials and management contractors in a manner as the Tribal Gaming Commission prescribes;
 - (B) Mailed to every person who has filed a request therefor with the Tribal Gaming Commission;
 - (C) When the Tribal Gaming Commission deems advisable, mailed to any person whom the Tribal Gaming Commission believes would be interested in the proposed action, and published in such additional form and manner as the Tribal Gaming Commission

prescribes.

- (ii) The notice of proposed adoption, amendment or repeal must include:
 - (A) A statement of the time, place and nature of the proceedings for adoption, amendment or repeal;
 - (B) Reference to the authority under which the action is proposed; and
 - (C) Either the express terms or an informative summary of the proposed action.
 - (iii) On the date and at the time and place designated in the notice, the Tribal Gaming Commission shall afford any interested person or his authorized representative, or both, the opportunity to present statements, arguments or contentions in writing, with or without opportunity to present them orally. The Tribal Gaming Commission shall consider all relevant matter presented to it before adopting, amending or repealing any regulation.
 - (iv) Tribal members, key employees, primary management officials or management contractors may file a petition with the Tribal Gaming Commission requesting the adoption, amendment or repeal of a regulation. The petition must state, clearly and concisely:
 - (A) The substance or nature of the regulation, amendment or repeal requested;
 - (B) The reasons for the request; and
 - (C) Reference to the authority of the Tribal Gaming Commission to take the action requested. Upon receipt of the petition, the Tribal Gaming Commission shall within 30 days deny the request in writing or schedule the matter for action pursuant to this subsection.
 - (v) In emergencies where action is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare, the Tribal Gaming Commission may summarily adopt, amend or repeal any regulation, if at the same time of such emergency action, the Tribal Gaming Commission files a statement of the facts constituting the emergency.
- (b) In any hearing under this section, the Tribal Gaming Commission or its duly authorized representative may administer oaths or affirmations, and may continue

or postpone the hearing from time to time and at such places as it prescribes.

11.2 Required provisions.

- (a) The Tribal Gaming Commission shall, from time to time, adopt, amend or repeal such regulations, consistent with the policy, objectives and purposes of this chapter as it may deem necessary or desirable in the Tribe's interest in carrying out the policy and provision of this chapter.
- (b) These regulations must, without limiting the general powers herein conferred, include the following:
 - (i) Prescribing the method and form of application which any applicant for a gaming license must follow and complete before consideration of this application by the Tribal Gaming Commission. Such application form shall include the language for notification of the Privacy Act and false statements as set out in § 9.5 and request the information required in § 9.4.
 - (ii) Prescribing the manner and procedure of all hearings conducted by the Tribal Gaming Commission or any hearing examiner of the Tribal Gaming Commission, including special rules of evidence applicable thereto and notices thereof.
 - (iii) Requiring any applicant to pay all or any part of the fees and costs of investigation of such applicant as may be determined by the Tribal Gaming Commission.
 - (iv) Prescribing the manner and method of collection and payment of fees and issuance of licenses.
 - (v) Defining and limiting the area, games and devices permitted, and the method of operation of such games and devices for the purposes of this chapter.
 - (vi) Prescribing under what conditions the nonpayment of a gambling debt by a licensee shall be deemed grounds for revocation or suspension of his license.
 - (vii) Requiring any applicant or licensee to waive any privilege with respect to any testimony at any hearing or meeting of the Tribal Gaming Commission, except any privilege afforded by the constitutions of the United States or this tribe.
 - (viii) Prescribing the qualifications of, and the conditions under which

attorneys, accountants and others are permitted to practice before the Tribal Gaming Commission.

11.3 Regulations requiring exclusion or ejection of certain persons from licensed establishments: Persons included.

- (a) The Tribal Council hereby proclaims that the exclusion or ejection of certain persons from licensed gaming establishments may be necessary to effectuate the policies of this Chapter and to maintain effectively the strict regulation of licensed gaming.
- (b) The Tribal Gaming Commission may by regulation provide for the establishment of a list of persons who are to be excluded or ejected from any Tribally licensed gaming establishment. The list may include any person whose presence in the establishment is determined by the Tribal Gaming Commission to pose a threat to the interests of this Tribe or to licensed gaming, or both.
- (c) In making that determination, the Tribal Gaming Commission may consider any:
 - (i) Prior conviction of a crime which is a felony in the State of Nevada or under the laws of the United States, a crime involving moral turpitude or a violation of the gaming laws of any jurisdiction;
 - (ii) Violation or conspiracy to violate the provisions of this chapter relating to:
 - (A) The failure to disclose an interest in a gaming establishment for which the person must obtain a license; or
 - (B) Willful evasion of fees or taxes;
 - (iii) Notorious or unsavory reputation which would adversely affect public confidence and trust that the Tribal gaming industry is free from criminal or corruptive elements; or
 - (iv) Written order of a governmental agency which authorizes the exclusion or ejection of the person from an establishment at which gaming is or was conducted.
- (d) Race, color, creed, national origin or ancestry, or sex must not be grounds for placing the name of a person upon the list.

11.4 Regulations requiring exclusions or ejection of certain persons from licensed establishments: Notice to person whose name is placed on list. Whenever the name and description of any person is placed on a list pursuant to § 11.3, the Tribal Gaming Commission shall serve notice of such fact to such person:

- (a) By personal service;
- (b) By certified mail to the last known address of such person; or
- (c) By publication daily for 1 week in one of the principal newspapers published in the city of Reno and publication in the Native Nevadan (if available).

11.5 Regulations requiring exclusion of ejection of certain persons from licensed establishments: Hearing; disposition; judicial review.

- (a) Within 30 days after service by mail or in person or 60 days after the last publication, as provided in § 11.4, the person named may demand a hearing before the Tribal Gaming Commission and show cause why he should have his name taken from such a list. Failure to demand a hearing within the time allotted in this section precludes the person from having an administrative hearing, but in no way affects his right to petition for judicial review as provided in subparagraph (ii) of subsection (c).
- (b) Upon receipt of a demand for hearing, the Tribal Gaming Commission shall set a time and place for the hearing. This hearing must not be held later than 30 days after receipt of the demand for the hearing, unless the time of the hearing is changed by agreement of the Tribal Gaming Commission and the person demanding the hearing.
- (c) If, upon completion of the hearing, the Tribal Gaming Commission determines that:
 - (i) The regulation does not or should not apply to the person so listed, the Tribal Gaming Commission shall notify all persons licensed under § 9.4 and § 10.2 of this Ordinance about the Tribal Gaming Commission's determination.
 - (ii) Placing the person on the exclusion or ejection list was proper, the Tribal Gaming Commission shall make and enter in its minutes an order to that effect. This order is subject to review by any court of competent jurisdiction in accordance with the provisions of § 12.18 to § 12.21, inclusive.

- 11.6 Regulations requiring exclusion or ejection of certain persons from gaming establishments; Penalties for failure to exclude or eject. The Tribal Gaming Commission may revoke suspend the license of an individual licensee, in accordance with the laws of the Tribe and the regulations of the Tribal Gaming Commission, if that individual licensee knowingly fails to exclude or eject from the premises of a Tribal gaming establishment any person placed on the list of persons to be excluded or ejected.
- 11.7 Regulations requiring exclusion or ejection of certain persons from gaming establishments; Unlawful entry by person whose name has been placed on list; penalty. Any person who has been placed on the list of persons to be excluded or ejected from any gaming establishment pursuant to § 11.3 is guilty of a Class A offense if he thereafter enters the premises of a Tribal gaming establishment which conducts gaming operations without first having obtained a determination by the Tribal Gaming Commission that he should not have been placed on the list of persons to be excluded or ejected.
- 11.8 Regulations concerning financial practices of Class II and Class III gaming operations; Minimum procedures for control of internal fiscal affairs of Class II and Class III gaming operations; external audits.
- (a) The Tribal Gaming Commission shall by regulation:
 - (i) Prescribe minimum procedures for adoption by each Class II and Class III gaming operation owned by the Reno Sparks Indian Colony to exercise effective control over its internal fiscal affairs, which shall include but are not limited to provisions for:
 - (A) The safeguarding of its assets and revenues, especially the recording of cash and evidences of indebtedness; and
 - (B) The provisions of reliable records, accounts and reports of transactions, operations and events, including reports to the Tribal Gaming Commission.
 - (b) Provide for the adoption and use of external audits by independent accountants holding a permit to practice public accounting in the State of Nevada.
 - (c) For every audit required pursuant to this section:
 - (i) The independent accountants shall submit an audit report which must express an unqualified or qualified opinion or, if appropriate, disclaim an opinion on the statements taken as a whole in accordance with standards for the accounting profession established by rules and regulations of the American Institute of Certified Public Accountants. The preparation of

statements without an audit does not constitute compliance with this subsection.

- (ii) The examination and audit must disclose whether the accounts, records and control procedures maintained by the gaming operation are as required by the regulations of the Tribal Gaming Commission as required by this Ordinance.

11.9 Regulations concerning financial practices of Class II and Class III gaming operations: Periodic financial reports from Class II or Class III gaming operations. The Tribal Gaming Commission shall by regulation require periodic financial reports from each Class II and Class III gaming operation, and:

- (a) Specify standard forms for reporting financial condition, results of operations and other relevant financial information;
- (b) Formulate a uniform code of accounts and accounting classifications to assure consistency, comparability and effective disclosure of financial information; and
- (c) Prescribe the intervals at which such information shall be furnished.

11.10 Regulations concerning financial practices of Class II and Class III gaming operations: Duties of Reno-Sparks Indian Colony auditor. The tribal auditor shall, in performing regular audits of the Tribal Gaming Commission, and in addition whenever so directed by a concurrent resolution of the Tribal Council, ascertain whether the control and related practices prescribed by § 11.8 and § 11.9 inclusive, are being efficiently, effectively and equitably administered.

11.11 Regulations concerning financial practices of Class II and Class III gaming operations: Computation and reporting of winnings, compensation and gross revenue. The Tribal Gaming Commission shall adopt regulations which prescribe the manner in which winnings, compensation from gaming and gaming devices, and net revenue must be computed and reported by the gaming operation.

11.12 Regulations governing operation of slot machine routes. The Tribal Gaming Commission shall, from time to time, adopt, amend or repeal such regulations, consistent with the policy, objectives and purposes of this Chapter as it may deem necessary or desirable in the public interest governing the operation of slot machines routes, the licensing of their operators and the reports appropriate to such an operation.

12.1 Licenses required.

- (a) Any person who deals, operates, conducts, maintains, manages or exposes for play in the Reno-Sparks Indian Colony any Class II or Class III gaming operation without having first procured a Reno Sparks Indian Colony gaming license pursuant to this Ordinance is guilty of a Class A Offense.
- (b) Any person knowingly permits any Class II or Class III gaming operation to be conducted, operated, or carried on in any house or building or other premise owned by him, in whole or part, by a person who is not licensed under this Ordinance is guilty of a Class A Offense.

12.2 RSIC gaming license required where equipment, services or property delivered or furnished for gaming interest or revenues.

- (a) Any person who:
 - (i) Lends, lets, leases or otherwise delivers or furnishes any gambling device or machine covered by the definition of Class II or Class III gaming, for any interest, percentage or share of the money or property played, under guise of any agreement whatever, without having first procured a Reno-Sparks Indian Colony gaming license for it is guilty of a Class A Offense;
 - (ii) Furnishes services or property, real or personal, on the basis of contract, lease or license, pursuant to which that person receives payment based on earnings or profits or otherwise from any Class II or Class III game without having first procured a Reno-Sparks Indian Colony gaming license is guilty of a Class A Offense.
- (b) The Tribal Gaming Commission may require the licensing of any person who:
 - (i) Repairs, rebuilds or modifies any gaming device; or
 - (ii) Manufactures or distributes chips or gaming tokens for use on the Reno Sparks Indian Colony.
- (c) Any person who is required by the Tribal Gaming Commission to be licensed under subsection (b) and fails to do so is guilty of a Class A Offense.
- (d) If the Tribal Gaming Commission finds a person described in subsection (b) ineligible, a licensee shall not enter into any contract or agreement with that person without the prior approval of the Tribal Gaming Commission. Any other

agreement between the licensee and the person must be terminated upon receipt of notice of the action by the Tribal Gaming Commission. Any agreement between a licensee and a person described in subsection (b) shall be deemed to include provisions for its termination without liability on the part of the licensee upon a finding by the Tribal Gaming Commission that the person is unsuitable. Failure to expressly include this condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement. If an application for a gaming license is not presented to the Tribal Gaming Commission within 30 days after demand, the Tribal Gaming Commission may pursue any remedy or combination of remedies provided in this Ordinance.

12.3 Licensing of certain persons having significant influence over gaming operation of licensee; remuneration, contracts and employment prohibited for certain unsuitable or unlicensed persons.

- (a) Each employee, agent, guardian, personal representative, lender or holder of indebtedness of a gaming licensee who, in the opinion of the Tribal Gaming Commission, has the power to exercise a significant influence over the licensee's operation of a gaming establishment may be required to apply for a license;
- (b) A person required to be licensed pursuant to subsection (a) shall apply for a license within 30 days after the Tribal Gaming Commission requests that he do so;
- (c) if an employee required to be licensed under subsection (a):
 - (i) Does not apply for a license within 30 days after being requested to do so by the Tribal Gaming Commission;
 - (ii) Is denied a license; or
 - (iii) Has his license revoked by the Tribal Gaming Commission, the licensee by whom he is employed shall terminate his employment in any capacity in which he is required to be licensed and shall not permit him to exercise a significant influence over the operation of the gaming establishment upon being notified by registered or certified mail of that action.
- (d) A key employee or a primary management official or an affiliate thereof shall not pay to a person whose employment has been terminated pursuant to subsection (c) any remuneration for any service performed in any capacity in which he is required to be licensed, except for amounts due for services rendered before the date of receipt of notice of the action by the Tribal Gaming Commission.
- (e) Any contract or agreement for personal services or for the conduct of any activity

at the licensed gaming establishment between a gaming licensee or an affiliate of the licensee and a person terminated pursuant to subsection (c) is subject to termination. Every such agreement shall be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the Tribal Gaming Commission that the person is unsuitable to be associated with a gaming enterprise. Failure expressly to include that condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

- (f) A key employee or a primary management official or an affiliate thereof shall not enter into any contract or agreement with a person who is found unsuitable or who is denied a license or whose license is revoked by the Tribal Gaming Commission or with any business enterprise under the control of that person after the date of receipt of notice of the action by the Tribal Gaming Commission. Every contract or agreement for personal services to a gaming licensee or an affiliate or for the conduct of any activity at a licensed gaming establishment shall be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the Tribal Gaming Commission that the person is unsuitable to be associated with a gaming enterprise. Failure expressly to include such a condition in the agreement is not a defense any action brought pursuant to this section to terminate this agreement.
- (g) A key employee or a primary management official or an affiliate thereof shall not employ any person in a capacity for which he is required to be licensed, if he has been found unsuitable or denied a license, or whose license has been revoked by the Tribal Gaming Commission, after the date of receipt of notice of the action by the Tribal Gaming Commission, without prior approval of the Tribal Gaming Commission.
- (h) As used in this section, "affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a key employee or primary management official.

12.4 Suitability or licensing of certain persons furnishing service or property or doing business with key employee or a primary management official; termination of association.

- (a) The Tribal Gaming Commission shall require the licensing of any person who furnishes services or property to a Reno-Sparks Indian Colony gaming licensee under any arrangement pursuant to which the person receives payments based on earnings, profits or receipts from gaming. The Tribal Gaming Commission shall require any such person to comply with the requirements in this chapter and with the regulations of the Tribal Gaming Commission. If the Tribal Gaming Commission determines that any such person is unsuitable, it may require the arrangement to be terminated.

- (b) If the Tribal Gaming Commission determines that the person is unsuitable to be associated with a gaming enterprise, the association must be terminated. Any agreement which entitles a business other than gaming to be conducted on the premises is subject to termination upon a finding of unsuitability of the person associated therewith. Every such agreement must be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the Tribal Gaming Commission that the person associated therewith is unsuitable to be associated with a gaming enterprise. Failure expressly to include that condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement. If the application is not presented to the Tribal Gaming Commission within 30 days following demand or the unsuitable association is not terminated, the Tribal Gaming Commission may pursue any remedy or combination of remedies provided in this chapter.

12.5 Licensing of person conducting certain tournaments or contests in association with gaming licensee; termination of association.

- (a) Any person who conducts a tournament or contest on behalf of or in conjunction with a gaming licensee may be required by the Tribal Gaming Commission to be licensed. Any person so required must apply for a license within 30 days after the decision of the Tribal Gaming Commission requiring him to obtain the license.
- (b) If any person required to be licensed pursuant to subsection (a);
 - (i) Does not apply for a license within 30 days after the decisions of the Tribal Gaming Commission that he must be licensed, and the Tribal Gaming Commission finds him unsuitable for that reason; or
 - (ii) Is denied a license, the gaming licensee with whom he is associated shall terminate that association upon notification from the Tribal Gaming Commission by registered or certified mail of the action.

12.6 Restrictions on person denied license or found unsuitable.

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12.7 Operation and maintenance of gaming device; Approval of Tribal Gaming Commission.

- (a) The Tribal Gaming Commission shall maintain a list of approved gaming devices.
- (b) Any person who operates or maintains in the Reno-Sparks Indian Colony any gaming device of a specific model, or which includes a significant modification, which the Tribal Gaming Commission has not approved for operation, is guilty

of a Class A Offense and is subject to any disciplinary action by the Tribal Gaming Commission as is provided in this Ordinance.

- (c) The Tribal Gaming Commission shall adopt regulations relating to gaming devices and their significant modification.

12.8 Gaming must be conducted with legal tender or tokens, chips or other instrumentalities approved by Commission. All gaming must be conducted with chips, tokens or other instrumentalities approved by the Tribal Gaming Commission or with the legal tender of the United States.

12.9 Investigations; disciplinary proceedings; duties of Commission; powers of Commission.

- (a) A Tribal Gaming Commission member or designated officer shall make appropriate investigations:
 - (i) To determine whether there has been any violation of this Chapter or any regulations adopted thereunder;
 - (ii) To determine any facts, conditions, practices or matters which it may deem necessary or proper to aid in the enforcement of any such law or regulation;
 - (iii) To aid in adopting regulations;
 - (iv) To secure information as a basis for recommending amendments relating to this Chapter.
- (b) If, after any investigation the designated examiner is satisfied that a license or prior approval by the Tribal Gaming Commission of any transaction for which the approval was required or permitted under the provisions of this Chapter should be limited, conditioned, suspended or revoked, the designated examiner shall initiate a hearing before the Tribal Gaming Commission by filing a complaint with the Tribal Gaming Commission in accordance with § 12.11 and transmit therewith a summary of evidence in his possession bearing on the matter and the transcript of testimony at any investigative hearing conducted by the designated examiner.
- (c) Upon receipt of the complaint of designated examiner, the Tribal Gaming Commission shall review it and all matters presented in support thereof and shall conduct further proceedings in accordance with §§ 12.11 to 12.17, inclusive.
- (d) After the provisions of subsections (a), (b) and (c) have been complied with, the Tribal Gaming Commission may:

- (i) Limit, condition, suspend or revoke the license of any licensed gaming establishment or the individual license of any licensee without affecting the license of the establishment;
- (ii) Order a licensed gaming establishment to keep an individual licensee from the premises of the licensed gaming establishment or not to pay the licensee any remuneration for services or any profits, income or accruals on his investment in the licensed gaming establishment; and
- (iii) Fine, civilly, each person or entity or both, who was licensed:
 - (A) Not less than \$100 nor more than \$5000 for each separate violation of any regulation adopted pursuant to this Ordinance which is the subject of an initial or subsequent complaint;
- (e) For the second violation of any provision of this Chapter by any individual licensee, the Tribal Gaming Commission shall revoke the license of that person.
- (f) If the Tribal Gaming Commission limits, conditions, suspends or revokes any license or imposes a fine, it shall issue its written order therefor after causing to be prepared and filed its written decision upon which the order is based with the National Indian Gaming Commission.
- (g) Any such limitation, condition, revocation, suspension or fine so made is effective unless or until reversed upon judicial review, except that the Commission may stay its order pending a rehearing or judicial review upon such terms and conditions as it deems proper.

12.10 Emergency order of Commission.

- (a) The Tribal Gaming Commission may issue an emergency order for suspension, limitation or conditioning of a license, or may issue an emergency order requiring a licensed gaming establishment to keep an individual licensee from the premises of the licensed gaming establishment or not to pay such licensee any remuneration for services or any profits, income or accruals on his investment in the licensed gaming establishment in the following manner:
 - (i) An emergency order may be issued only when the Tribal Gaming Commission believes that:
 - (A) There has been a violation of subsection (a) of § 13.9 (penalties);
 - (B) Such action is necessary for the immediate preservation of

the public peace, health, safety, morals, good order or general welfare.

- (ii) The emergency order must set forth the grounds upon which it is issued, including a statement of facts constituting the alleged emergency necessitating such action.
- (iii) An emergency order may be issued only with the approval of and upon signature by not less than three members of the Tribal Gaming Commission.
- (iv) The emergency order is effective immediately upon issuance and service upon the licensee or resident agent of the licensee or upon the person or entity involved or resident agent of the entity involved. The emergency order may suspend, limit, condition or take other action in relation to the license of one or more persons in an operation without affecting other individual licensees or the licensed gaming establishment. The emergency order remains effective until further order of the Tribal Gaming Commission or final disposition of the case.
- (v) Within 5 days after issuance of an emergency order, the Tribal Gaming Commission shall cause a complaint to be filed and served upon the person or entity involved in accordance with the provisions of § 12.11.
- (vi) Thereafter, the person or entity against whom the emergency order has been issued and served is entitled to a hearing before the Tribal Gaming Commission in accordance with §§ 12.11 to 12.17, inclusive, and to judicial review of the decision and order of the Tribal Gaming Commission thereon in accordance with §§ 12.18 to 12.21, inclusive.

12.11 Disciplinary action: Complaint; answer; failure to answer or appear; notice of hearing.

- (a) The complaint referred to in § 12.9 must be a written statement of charges which must set forth in ordinary and concise language any acts or omissions with which the respondent is charged. It must specify the statutes and regulations which the respondent is alleged to have violated, but must not consist merely of charges raised in the language of the statutes or regulations.
- (b) Upon the filing of the complaint, the Tribal Gaming Commission shall serve a copy of the complaint upon the respondent either personally or by registered or certified mail at his address on file with the Tribal Gaming Commission.
- (c) Except as provided in subsection (d), the respondent must answer within 20 days after the service of the complaint. In his answer the respondent:

- (i) Must state in short and plain terms his defenses to each claim asserted.
 - (ii) Must admit or deny the facts alleged in the complaint.
 - (iii) Must state which allegations he is without knowledge or information to form a belief as to their truth. Such allegations shall be deemed denied.
 - (iv) Must affirmatively set forth any matter which constitutes an avoidance or affirmative defense.
 - (v) May demand a hearing. Failure to demand a hearing constitutes a waiver of the right to a hearing and to judicial review of any decision or order of the Tribal Gaming Commission, but the Tribal Gaming Commission may order a hearing even if the respondent so waives his right.
- (d) Failure to answer or to appear at the hearing constitutes an admission by the respondent of all facts alleged in the complaint. The Tribal Gaming Commission may take action based on such an admission and on other evidence without further notice to the respondent. If the Tribal Gaming Commission takes action based on such an admission, it shall include in the record which evidence was the basis for the action.
- (e) The Tribal Gaming Commission shall determine the time and place of the hearing as soon as reasonably practical after receiving the respondent's answer. The Tribal Gaming Commission shall deliver or send by registered or certified mail a notice of hearing to all parties at least 10 days before a hearing.

12.12 Hearing; Subpoena; payment of fees, subsistence and transportation for witness; deposition.

- (a) Before a hearing before the Tribal Gaming Commission, and during a hearing upon reasonable cause shown, the Tribal Gaming Commission shall issue subpoenas and subpoenas duces tecum at the request of a party. All witnesses appearing pursuant to subpoena, other than parties, officers or employees of the tribe or any political subdivision thereof, are entitled to receive fees and mileage in the same amounts and under the same circumstances as provided by law for witnesses in civil actions in the Tribal court. Witnesses entitled to fees or mileage who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day are entitled, in addition to witness fees and in lieu of mileage, to the per diem compensation for subsistence and transportation authorized for tribal officers and employees for each day of actual

attendance and for each day necessarily occupied in traveling to and from the hearings. Fees, subsistence and transportation expenses must be paid by the party at whose request the witness is subpoenaed. The Tribal Gaming Commission may award as costs the amount of all such expenses to the prevailing party.

- (b) The testimony of any material witness residing within or without the tribal territory may be taken by deposition in the manner provided by the Reno-Sparks Indian Colony law and order code.

12.13 Hearings: procedure; use of affidavit.

- (a) At all hearings before the Tribal Gaming Commission other than investigative hearings:
 - (i) Oral evidence may be taken only upon oath or affirmation administered by the Tribal Gaming Commission.
 - (ii) Every party has the right to:
 - (A) Call and examine witnesses;
 - (B) Introduce exhibits relevant to the issues of the case, including the transcript of testimony at any investigative hearing conducted by or on behalf of the Tribal Gaming Commission;
 - (C) Cross-examine opposing witnesses on any matters relevant to the issues of the case, even though the matter was not covered in a direct examination;
 - (D) Impeach any witness regardless of which party first called him to testify; and
 - (E) Offer rebuttal evidence.
 - (iii) If the respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.
 - (iv) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper

the admission of such evidence over objection in a civil action.

- (v) The parties or their counsel may by written stipulation agree that certain specified evidence may be admitted even though such evidence might otherwise be subject to objection.
- (b) The Tribal Gaming Commission may take official notice of any generally accepted information or technical or scientific matter within the field of gaming, and of any other fact which may be judicially noticed by the courts of this tribe. The parties must be informed of any information, matters or facts so noticed, and must be informed of any information, matters or facts noticed, and must be given a reasonable opportunity, on request, to refute such information, matters or facts by evidence or by written or oral presentation of authorities, the manner of such refutation to be determined by the Tribal Gaming Commission.
- (c) Affidavits may be received in evidence at any hearing of the Tribal Gaming Commission in accordance with the following:
 - (i) The party wishing to use an affidavit must, not less than 10 days before the day set for hearing, serve upon the opposing party or counsel, either personally or by registered or certified mail, a copy of the affidavit which he proposes to introduce in evidence together with a notice as provided in paragraph (c).
 - (ii) Unless the opposing party, within 7 days after such service, mails or delivers to the proponent a request to cross-examine the affiant, his right to cross-examine the affiant is waived and the affidavit, if introduced in evidence, must be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after request therefor is made in accordance with this paragraph, the affidavit may be introduced in evidence, but must be given only the same effect as other hearsay evidence.
 - (iii) The notice referred to in paragraph (a) must be substantially in the following form:

The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing set for the ___ day of _____, 19___, (here insert the name of affiant) will not be called to testify orally and you will not be entitled to question him unless you notify the undersigned that you wish to cross-examine him. To be effective your request must be mailed or delivered to the undersigned on or before 7 days from the date this notice and the enclosed affidavit are served upon you.

(party or counsel)

(address)

12.14 Hearings other than investigative hearings: Procedure.

- (a) The following procedures apply at all hearings of the Tribal Gaming Commission other than investigative hearings:
 - (i) at least three members of the Tribal Gaming Commission shall be present at every hearing, and they shall exercise all powers relating to the conduct of the hearing and shall enforce all decisions with respect thereto.
 - (ii) The proceedings at the hearing must be reported either stenographically or by tape recorder.

12.15 Amended or supplemental pleadings. The Tribal Gaming Commission may, before submission of the case for decision, permit the filing of amended or supplemental pleadings and shall notify all parties thereof, and provide a reasonable opportunity for objections thereto.

12.16 Contempt. If any person in proceedings before the Tribal Gaming Commission disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during the hearing or so near the place thereof as to obstruct the proceeding, the Tribal Gaming Commission may certify the facts to the tribal court. The court shall thereupon issue an order directing the person to appear before the court and show cause why he should not be punished as for contempt. The court order and a copy of the statement of the Tribal Gaming Commission must be served on the person cited to appear. Thereafter the court has jurisdiction of the matter, and the same proceedings must be had, the same penalties may be imposed and the person charged may purge himself of the contempt in the same way as in the case of a person who has committed a contempt in the trial of a civil action before a Tribal court.

12.17 Written decision and order of Commission: rehearing.

- (a) After the hearing of a contested matter, the Tribal Gaming Commission shall render a written decision on the merits which must contain findings of fact, a determination of the issues presented and the penalty to be imposed, if any. The Tribal Gaming Commission shall thereafter make and enter its written order in conformity to its decision. No member of the Tribal Gaming Commission who

did not hear the evidence may vote on the decision. The affirmative votes of a majority of the whole Tribal Gaming Commission are required to impose any penalty. Copies of the decision and order must be served on the parties personally or sent to them by registered or certified mail. The Tribal Gaming Commission shall send a copy of the decision to the National Indian Gaming Commission. The decision is effective upon such service, unless the Tribal Gaming Commission orders otherwise.

- (b) The Tribal Gaming Commission may conduct a rehearing of any matter upon which it has already made a decision if a motion for rehearing is made within 10 days of the Tribal Gaming Commission's original decision. The motion must not be granted except upon a showing that there is additional evidence which is material and necessary and reasonably calculated to change the decision of the Tribal Gaming Commission, and that sufficient reason existed for failure to present the evidence at the hearing of the Tribal Gaming Commission. The motion must be supported by an affidavit of the moving party or his counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced at the hearing. Upon rehearing, rebuttal evidence to the additional evidence must be permitted. After rehearing, the Tribal Gaming Commission may modify its decision and order as the additional evidence may warrant. Copies of this decision are to be disseminated in accordance with subsection (a).

12.18 Judicial review: Petition; intervention; stay of enforcement priority if supervisor appointed.

- (a) Any person aggrieved by a final decision or order of the Tribal Gaming Commission made after hearing or rehearing by the Tribal Gaming Commission pursuant to §§ 11.11 to 11.17, inclusive, and whether or not a petition for rehearing was filed may obtain a judicial review thereof in the tribal court.
- (b) The judicial review must be instituted by filing a petition within 10 days after the effective date of the final decision or order. A petition may not be filed while a petition for rehearing or a rehearing is pending before the Tribal Gaming Commission. The petition must set forth the order or decision appealed from and the grounds or reasons why petitioner contends a reversal or modification should be ordered.
- (c) Copies of the petition must be served upon the Tribal Gaming Commission and all other parties of records, or their counsel of record, either personally or by certified mail.
- (d) The court, upon a proper showing, may permit other interested persons to intervene as parties to the appeal or as friends of the court.

- (e) The filing of the petition does not stay enforcement of the decision or order of the Tribal Gaming Commission, but the Tribal Gaming Commission may grant a stay upon such terms and conditions as it deems proper.

12.19 Judicial review; Record on review.

- (a) Upon written request of petitioner and upon payment of such reasonable costs and fees as the Tribal Gaming Commission may prescribe, the complete record on review, or such parts thereof as are designated by the petitioner, must be prepared by the Tribal Gaming Commission.
- (b) The complete record on review must include copies of:
 - (i) All pleadings in the case;
 - (ii) All notices and interim orders issued by the Tribal Gaming Commission in connection with the case;
 - (iii) All stipulations;
 - (iv) The decision and order appealed from;
 - (v) A transcript of all testimony, evidence and proceedings at the hearing;
 - (vi) The exhibits admitted or rejected; and
 - (vii) Any other papers in the case.

The original of any document may be used in lieu of a copy thereof. The record on review may be shortened by stipulation of all parties to the review proceedings.

- (c) The record on review must be filed with the reviewing court within 30 days after service of the petition for review, but the Court may allow the Tribal Gaming Commission additional time to prepare and transmit the record on review.

12.20 Judicial review; Additional evidence taken by commission; review confined to record; court may affirm, remand or reverse.

- (a) The reviewing court may, upon motion therefor, order that additional evidence in the case be taken by the Tribal Gaming Commission upon such terms and conditions as the court may deem just and proper. The motion must not be granted except upon a showing that the additional evidence is material and necessary and that sufficient reason existed for failure to present the evidence at

the hearing of the Tribal Gaming Commission. The motion must be supported by an affidavit of the moving party or his counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced in the administrative hearing. Rebuttal evidence to the additional evidence must be permitted. In cases in which additional evidence is presented to the Tribal Gaming Commission, the Tribal Gaming Commission may modify its decisions and orders as the additional evidence may warrant and shall file with the reviewing court a transcript of the additional evidence together with any modifications of the decision and order, all of which become a part of the record on review.

- (b) The review must be conducted by the court sitting without a jury, and must not be a trial de novo but is confined to the record on review.
- (c) The reviewing court may affirm the decision and order of the Tribal Gaming Commission, or it may remand the case for further proceedings or reverse the decision if the substantial rights of the petitioner have been prejudiced because the decision is:
 - (i) In violation of constitutional provisions;
 - (ii) In excess of the statutory authority or jurisdiction of the Tribal Gaming Commission;
 - (iii) Made upon unlawful procedure;
 - (iv) Unsupported by any evidence; or
 - (v) Arbitrary or capricious or otherwise not in accordance with law.

12.21 Judicial review: Appeal to appellate court; exclusive method of review for disciplinary hearings; certain actions not subject to judicial review.

- (a) Any party aggrieved by the final decision of the tribal court after a review of the decision and order of the Tribal Gaming Commission may appeal to the appellate court for appeals in civil cases. The appellate court shall follow the same procedure thereafter as in appeals in civil actions, and may thereafter, reverse or modify the decision as the record and law warrant.
- (b) The judicial review by the tribal and appellate courts afforded in this chapter is the exclusive method of review of the Tribal Gaming Commission's actions, decisions and orders in disciplinary hearings held pursuant to §§ 12.10 to 12.17, inclusive. Judicial review is not available for actions, decisions or conditional licenses. Extraordinary common law writs or equitable proceedings are available

except where statutory judicial review is made exclusive or is precluded or the use of those writs or proceedings is precluded by specific ordinance.

Section 13

MISCELLANEOUS PROVISIONS

13.1 Investigative fund.

- (a) An investigative fund is hereby created as a special revenue fund for the purposes of paying all expenses incurred by the Tribal Gaming Commission for investigation of an application for a license. The special revenue of the investigative fund is the money received by the tribe from the respective applicants. The amount to be paid by each applicant is the amount determined by the Tribal Gaming Commission in each case.
- (b) Expenses may be advanced from the investigative fund by the chairman. Any money received from the application in excess of the costs and charges incurred in the investigation or the processing of the application must be refunded. At the conclusion of the investigation, the Tribal Gaming Commission shall give to the applicant a written accounting of the costs and charges so incurred.

13.2 Summary suspension of key employee's and primary management official's gaming license: Emergency order; hearing; notice of defense.

- (a) The Tribal Gaming Commission may issue an emergency order suspending a person's gaming license upon a finding that the suspension is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare. The order becomes effective when served upon the license holder.
- (b) The emergency order must state the facts upon which the finding of necessity for the suspension is based. For purposes of this section, the emergency order shall be deemed a complaint.
- (c) The person whose gaming license is summarily suspended:
 - (i) Has a right to a hearing on the order. The Tribal Gaming Commission shall schedule a hearing within 5 days after receipt of the person's notice of defense.
 - (ii) Must file a notice of defense within 30 days after the effective date of the emergency order. Failure to timely file this notice waives his right to a hearing before the Tribal Gaming Commission and to judicial review of the final decision.

- (d) All affirmative defenses must be specifically stated in the notice of defense and unless an objection is stated to the form or manner of the order, all objections to the form of the complaint shall be deemed waived.
- (e) Except as otherwise provided in this section, the procedures for disciplinary action in §§ 12.11 to 12.17, inclusive, must be followed.

13.3 Revocation of key employee or primary management official's gaming license; Grounds, power of commission; judicial review.

- (a) If any key employee or primary management official is convicted of any violation involving fraud, theft, larceny, cheating, gaming offense or other crime of immoral behavior, or if in investigating an alleged violation of this chapter by any licensee the Tribal Gaming Commission finds that a gaming employee employed by the licensee has been guilty of cheating, the Tribal Gaming Commission shall after a hearing as provided in this Chapter if the gaming employee holds a gaming license issued by the Tribal Gaming Commission, revoke it;
- (b) The Tribal Gaming Commission may revoke a gaming license issued by the Tribal Gaming Commission if the Tribal Gaming Commission finds after a hearing as provided in this Chapter that the gaming employee misstated or otherwise misled the Tribal Gaming Commission in respect to any fact contained within any application for a gaming license or, subsequent to being issued a gaming license:
 - (i) Committed, attempted or conspired to do any of the acts prohibited by this Chapter;
 - (ii) Knowingly possessed or permitted to remain in or upon any licensed premises any cards, dice, mechanical device or any other cheating device whatever, the use of which is prohibited by statute or ordinance or compact;
 - (iii) Concealed or refused to disclose any material fact in any investigation by the Tribal Gaming Commission;
 - (iv) Committed, attempted or conspired to commit larceny or embezzlement against a gaming licensee or upon the premises of a licensed gaming establishment;
 - (v) Been convicted in any jurisdiction of any offense involving or relating to gambling;
 - (vi) Accepted employment without prior Tribal Gaming Commission

approval in a position for which he could be required to be licensed under this chapter after having been denied a license for a reason involving personal unsuitability or after failing to apply for licensing when requested to do so by the Tribal Gaming Commission;

- (vii) Been refused the issuance of any license to engage in or be involved with gaming, or had any such license revoked or suspended;
 - (viii) Been prohibited under color of governmental authority from being present upon the premises of any gaming establishment for any reason relating to improper gambling activities or any illegal act;
 - (ix) Continuously defied any investigative committee or other officially constituted bodies acting on behalf of the United States or any state, county or municipality which seeks to investigate crimes relating to gaming, corruption of public officials, or any organized criminal activities; or
 - (x) Been convicted of any felony or gross misdemeanor other than one constituting a violation of this chapter.
- (c) A gaming license must not be issued by any authority in this Tribe to a person whose gaming license has previously been revoked pursuant to this section, or to whom the issuance or renewal of a gaming license has been denied, except with the unanimous approval of the Tribal Gaming Commission members.
- (d) A gaming employee whose gaming license has been revoked pursuant to this section is entitled to judicial review of the Tribal Gaming Commission's action in the manner prescribed by §§ 12.18 to 12.21, inclusive.

13.4 Declaratory judgment; limitations on injunctive relief.

- (a) The Tribal Gaming Commission or any applicant or licensee may obtain a judicial determination of any question of construction of or validity arising under this chapter or any regulation of the Tribal Gaming Commission by bringing an action for a declaratory judgment in tribal court.
- (b) When an action is brought by a person other than the Tribal Gaming Commission, the Tribal Gaming Commission must be made a party to the action and the tribal attorney must be served with a copy of the complaint and is entitled to appear in the action.

- (c) Statutes and regulations reviewed pursuant to this section must be construed in a manner consistent with the declared policy of the tribe.
- (d) The filing of a complaint for judicial determination under this section does not stay enforcement of any Tribal Gaming Commission action. The Tribal Gaming Commission may grant a stay upon appropriate terms.
- (e) In any proceeding brought under this section, the tribal court shall not grant any injunctive relief or relief based upon any other extraordinary common law writ to:
 - (i) Any applicant for licensing;
 - (ii) Any person who has been ordered by the Tribal Gaming Commission to submit his application for licensing; or
 - (iii) Any person seeking judicial review of an action of the Tribal Gaming Commission which is subject to the provisions of Chapter.

13.5 Injunctions.

- (a) The tribal attorney, at the direction of the Tribal Gaming Commission, may institute a civil action in tribal court against any person subject to this chapter to restrain a violation of this chapter.
- (b) The tribal court shall give priority over other civil actions to an action brought pursuant to this section.
- (c) An action brought against a person pursuant to this section does not preclude a criminal action or administrative proceeding against that person.

13.6 Prosecution by tribal attorney of violations of gaming laws.

- (a) If the tribal prosecutor fails to file a complaint for an offense, within 15 days after the Tribal Gaming Commission so requests in writing, the Tribal Gaming Commission may recommend to the tribal attorney that he file a complaint as the facts may warrant, and thereafter proceed as appropriate to complete the prosecution. Upon a written recommendation to prosecute from the Tribal Gaming Commission, the tribal attorney may so file the matter without leave of court and has exclusive charge of the prosecution.
- (b) If the tribal prosecutor declines to prosecute a gaming offense after receiving a written request to do so from the Tribal Gaming Commission, he may respond in writing to the Tribal Gaming Commission within the 15-day period specified

in subsection (a) and state the reasons why he declines.

13.7 Gaming or employment in gaming prohibited for persons under 21.

- (a) A person under the age of 21 years shall not:
 - (i) Play, or be allowed to play, any Class II or Class III game,
 - (ii) Loiter, or be permitted to loiter, in or about any room or premises wherein any Class II or Class III game is operated or conducted.
 - (iii) Be employed as a gaming employee except in a counting room.
- (b) Any licensee, employee, dealer or other person who violates or permits the violation of any of the provisions of this section and any person, under 21 years of age, who violates any of the provisions of this section is guilty of a Class A offense.
- (c) In any prosecution or other proceeding for the violation of any of the provisions of this section, it is no excuse for the licensee, employee, dealer or other person to plead that he believed the person to be 21 years old or over.

13.8 Tribal Prosecutor and chief of police to furnish information obtained during investigation or prosecution. Every tribal prosecutor shall furnish to the Tribal Gaming Commission on forms prepared by the Tribal Gaming Commission, all information obtained during the course of any substantial investigation or prosecution of any person if it appears that a violation of any law related to gaming has occurred.

13.9 Penalties.

- (a) Conviction by a court of competent jurisdiction of a person for a violation of, an attempt to violate, or a conspiracy to violate any of the provisions of this chapter may act as an immediate revocation of all licenses which have been issued to the violator, and in addition, the court may, upon application of the tribal attorney or tribal prosecutor, order that no new or additional license under this chapter be issued to the violator, or be issued to any persons for the room or premises in which the violation occurred, for 1 year after the date of the revocation.
- (b) Any person who willfully fails to report, pay or truthfully account for and pay over any license fee or tax imposed by the provisions of this chapter, or willfully attempts in any manner to evade or defeat any such license fee, tax or payment thereof shall be punished for a Class A offense.
- (c) A licensee who puts additional games or slot machines into play or displays

additional games or slot machines in a public area without first obtaining all required licenses and approval is subject only to the penalties for a Class A offense.

- (d) The violation of any of the provisions of this Ordinance, the penalty for which is not specifically fixed in this Ordinance is a Class A offense.
- (e) Any person who operates, carries on or exposes for play any Class II or Class III gaming after his license becomes subject to renewal, and thereafter fails to apply for renewal as provided in this Ordinance, is guilty of a Class A Offense and in addition to the criminal penalties, is liable to the Reno Sparks Indian Colony for all license fees, taxes and penalties which would have been due upon application for renewal.
- (f) Any person or entity who has violated any of the provisions of this Ordinance or this section and does not fall within the criminal jurisdiction of the Reno Sparks Indian Colony, is subject to the civil jurisdiction of the Tribe and is thereupon subject to a civil fine of up to \$5000 per violation, subject to immediate gaming license revocation, suspension or limitation, to property impoundment and confiscation, and/or to removal from the Reno Sparks Indian Colony as the Tribal Gaming Commission or the Tribal Court deems appropriate. These sanctions are in addition to the administrative violation and remedies available to the Tribal Gaming Commission.

13.10 Protection of the Environment and Public Health and Safety. Class II gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

13.11 Severability Clause. If any provision of the Ordinance is held invalid, such invalidity shall not affect the other provisions of the Ordinance.

Section 14 **RECOVERY OF GAMING DEBTS BY PATRONS**

14.1 Refusal by licensee to pay alleged winnings; investigation; resolution of dispute by Commission's agent.

- (a) Whenever a licensee refuses payment of alleged winnings to a patron, the licensee and the patron are unable to resolve the dispute to the patron's satisfaction and the dispute involves:
 - (i) At least \$500, the licensee shall immediately notify the Tribal Gaming Commission; or

- (ii) Less than \$500, the licensee shall inform the patron of his right to request that the Tribal Gaming Commission conduct an investigation.

The Tribal Gaming Commission, through an agent, shall conduct whatever investigation it deems necessary and shall determine whether payment should be made.

- (b) The Tribal Gaming Commission's agent shall mail written notice to the Tribal Gaming Commission, the licensee and the patron of his decision resolving the dispute, return receipt requested, within 30 days after the date when the Tribal Gaming Commission first received notification from the licensee or a request to conduct an investigation from the patron.
- (c) Failure to notify the Tribal Gaming Commission or patron as provided in subsection (a) is grounds for disciplinary action pursuant to §§ 11.12 to 12.17, inclusive.
- (d) The decision of the Tribal Gaming Commission's agent is effective on the date the aggrieved party receives the notice of the decision. The date of receipt is presumed to be the date specified on the return receipt.

14.2 Petition for hearing by Commission; notice and conduct of hearing.

- (a) Within 20 days after the date of receipt of the agent's written decision, the aggrieved party may file a petition with the Tribal Gaming Commission requesting a hearing to reconsider the decision. The date of receipt is presumed to be the date specified on the return receipt.
- (b) The petition must set forth the basis of the request for reconsideration.
- (c) If no petition for reconsideration is filed within the time prescribed in subsection (a), the decision shall be deemed final action on the matter and is not subject to reconsideration by the Tribal Gaming Commission or to review by any court.
- (d) The party requesting the hearing must provide a copy of the petition to the other party.
- (e) Within 15 days after service of the petition, the responding party may answer the allegations contained therein by filing a written response with the Tribal Gaming Commission.
- (f) The Tribal Gaming Commission shall schedule a hearing and shall conduct the hearing as provided in this Chapter, except that notice of the date, time and place

of the hearing must be provided by the Tribal Gaming Commission to both parties.

14.3 Burden of proof on party seeking reconsideration; decision of Tribal Gaming Commission.

- (a) The party seeking reconsideration bears the burden of showing that the agent's decision should be reversed or modified.
- (b) After the hearing, the Tribal Gaming Commission may sustain, modify or reverse the agent's decision. The decision by the Tribal Gaming Commission must be in writing and must include findings of fact. A copy of the Tribal Gaming Commission's decision must be delivered or mailed forthwith to each party or to his attorney of record.

14.4 Payment of claim after decision of Commission becomes final; deposit and withdrawal of amount of claim upon judicial review.

- (a) Except as otherwise provided in subsection (b), a licensee shall pay a patron's claim within 20 days after the decision of the Tribal Gaming Commission directing him to do so becomes final. Failure to pay within that time is grounds for disciplinary action pursuant to the provisions of this Chapter.
- (b) If a licensee intends to file a petition for judicial review of the Tribal Gaming Commission's decision pursuant to §§ 12.18 to 12.21, inclusive, the licensee must first deposit in an interest-bearing account in a financial institution an amount equal to the amount in dispute. The licensee shall pay the full amount of the patron's claim, including interest, within 20 days after a final, nonappealable order of a court of competent jurisdiction so directs.
- (c) The licensee may withdraw the amount deposited in the financial institution upon:
 - (i) Payment of the full amount of the patron's claim, plus interest, if the licensee has given notice to the Tribal Gaming Commission of the payment; or
 - (ii) A final determination by the court that the licensee is not required to pay the claim.

14.5 Judicial review: Petition; intervention; stay of enforcement.

- (a) Any person aggrieved by a final decision or order of the Tribal Gaming Commission made after hearing by the Chapter to the provisions of this Chapter, may obtain a judicial review thereof in the tribal court.

- (b) The judicial review must be instituted by filing a petition within 20 days after the effective date of the final decision or order. The petition must set forth the order or decision appealed from and the grounds or reasons why petitioner contends a reversal or modification should be ordered.
- (c) Copies of the petition must be served upon the Tribal Gaming Commission and all other parties of record, or their counsel of record, either personally or by certified mail.
- (d) The court, upon a proper showing, may permit other interested persons to intervene as parties to the appeal or as friends of the court.
- (e) The filing of the petition does not stay enforcement of the decision or order of the Tribal Gaming Commission, but the Tribal Gaming Commission itself may grant a stay upon such terms and conditions as it deems proper.

14.6 Judicial review: Record on review.

- (a) Upon written request of petitioner and upon payment of such reasonable costs and fees as the Tribal Gaming Commission may prescribe, the complete record on review, or such parts thereof as are designated by the petitioner, must be prepared by the Tribal Gaming Commission.
- (b) The complete record on review must include copies of:
 - (i) All pleadings in the case;
 - (ii) All notices and interim orders issued by the Tribal Gaming Commission in connection with the case;
 - (iii) All stipulations;
 - (iv) The decision and order appealed from;
 - (v) A transcript of all testimony, evidence and proceedings at the hearing;
 - (vi) The exhibits admitted or rejected; and
 - (vii) Any other papers in the case.

The original of any document may be used in lieu of a copy thereof. The record on review may be shortened by stipulation of all parties to the review proceedings.

- (c) The record on review must be filed with the reviewing court within 30 days after service of the petition for review, but the court may allow the Tribal Gaming Commission additional time to prepare and transmit the record on review.

14.7 Judicial review: Additional evidence taken by Commission; review confined to record; court may affirm, remand or reverse.

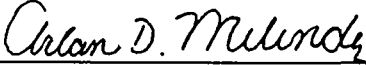
- (a) The reviewing court may, upon motion therefor, order that additional evidence in the case be taken by the Tribal Gaming Commission upon such terms and conditions as the court may deem just and proper. The motion must not be granted except upon a showing that the additional evidence is material and necessary and that sufficient reason existed for failure to present the evidence at the hearing of the Tribal Gaming Commission. The motion must be supported by an affidavit of the moving party or his counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced in the administrative hearing. Rebuttal evidence to the additional evidence must be permitted. In cases in which additional evidence is presented to the Tribal Gaming Commission, the Tribal Gaming Commission may modify its decisions and orders as the additional evidence may warrant and shall file with the reviewing court a transcript of the additional evidence together with any modifications of the decision and order, all of which become a part of the record on review.
- (b) The review must be conducted by the court sitting without a jury, and must not be a trial de novo but is confined to the record on review.
- (c) The reviewing court may affirm the decision and order of the Tribal Gaming Commission, or it may remand the case for further proceedings or reverse the decision if the substantial rights of the petitioner have been prejudiced because the decision is:
 - (i) In violation of constitutional provisions;
 - (ii) In excess of the statutory authority or jurisdiction of the Tribal Gaming Commission;
 - (iv) Made upon unlawful procedure;
 - (v) Unsupported by an evidence; or
 - (vi) Arbitrary or capricious or otherwise not in accordance with law.

14.8 Judicial review: Appeal; exclusive method of review; costs to transcribe proceedings and transmit record.

- (a) Any party aggrieved by the final decision in the tribal court after a review of the decision and order of the Tribal Gaming Commission may appeal to the appellate court in the manner and within the time provided by law for appeals in civil cases. The appellate court shall follow the same procedure thereafter as in appeals in civil actions, and may affirm, reverse or modify the decision as the record and law warrant.
- (b) The judicial review by the tribal and appellate courts afforded in this chapter is the exclusive method of review of the Tribal Gaming Commission's actions, decisions and orders in hearings held pursuant to this Chapter. Judicial review is not available for extraordinary common law writs or equitable proceedings.
- (c) The party requesting judicial review shall bear all of the costs of transcribing the proceedings before the Tribal Gaming Commission and of transmitting the record on review.

CERTIFICATION

I, the undersigned Chairman of the Reno-Sparks Tribal Council, hereby certify that the Tribal Council, composed of seven (7) members, of whom six (6) constituting a quorum, were present at a duly called meeting which was convened and held on the 16th day of June, 1993, and that the foregoing Title 20, Gaming Licensing and Control Act, was duly adopted by a vote of five (5) for, zero (0) against, and one (1) abstention, pursuant to authority contained in the Constitution and Bylaws of the Reno-Sparks Indian Colony.



Arlan D. Melendez, Tribal Chairman
Reno-Sparks Indian Colony