



James M. Anderson, Chairman
Shoalwater Bay Tribal Commission
P.O. Box 611
Tokeland, WA 98590

Re: Shoalwater Bay Indian Tribe Gaming Code and related documents
submitted October 9, 2001

Dear Mr. Anderson:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the Shoalwater Bay Indian Tribe Class I, Class II and Class III Gaming Code. The code was adopted by the Shoalwater Bay Indian Tribe on September 6, 2001. The code, along with the Rules Governing Background Checks of Primary Management Officials and Key Employees, Memorandum of Understanding Regarding the Dissemination of Criminal History Record Information by the National Indian Gaming Commission, Rules Governing the Issuance of Tribal Licenses to Primary Management Officials and Key Employees, and Rules Implementing Procedures for Resolving Disputes Between the Gaming Public and the Shoalwater Bay Indian Tribe were received in this office on October 9, 2001. This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). It is important to note that the Gaming Code is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the Gaming Code for review and approval. The NIGC staff and I look forward to working with you and the Tribe on future gaming issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Montie R. Deer".

Montie R. Deer
Chairman

ENCLOSURES

- EXHIBIT A. Certified copy of the Shoalwater Bay Indian Tribe Class II & III Gaming Code**
- EXHIBIT B. Tribal Resolution # 03-28-97-15 authorizing Gaming**
- EXHIBIT C. Rules Governing Background Checks of Primary Management Officials and Key Employees, formally adopted by the Tribal Council, pursuant to Tribal Resolution #11-26-97-60.**
- EXHIBIT D. Memorandum of Understanding Regarding the Dissemination of Criminal History Record Information By The National Indian Gaming Commission.**
- EXHIBIT E. Rules Governing the Issuance of Tribal Licenses to Primary Management officials and Key Employees formally adopted by the Tribal Council, pursuant to Tribal Resolution # 11-26-97-60**
- EXHIBIT F. Rules Implementing Procedures for Resolving Disputes Between the Gaming Public and The Shoalwater Bay Indian Tribe formally adopted by the Tribal Council, pursuant to Tribal Resolution #11-26-97-60**
- EXHIBIT G. Designation of Shoalwater Bay Tribal Gaming Commission formally adopted by the Tribal Council, pursuant to Tribal Resolution # 11-26-97-60**
- EXHIBIT H. Tribal Resolution # 11-26-97-60**
- EXHIBIT I. Tribal Resolution # 09-06-01-44**

**SHOALWATER BAY INDIAN TRIBE
CLASS I, CLASS II & CLASS III GAMING CODE**

I. Purpose

The Shoalwater Bay Indian Tribal Council empowered by the Tribes Constitution or other governing body to enact ordinances hereby enacts this ordinance in order to set the terms for Class I, Class II and Class III gaming operations on tribal lands.

II. Gaming Authorized

A. Class I gaming as defined means social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as part of, or in connection with, tribal ceremonies or celebration.

B. Class II gaming as defined in the Indian Gaming Regulatory Act, P.I. 100-447, 25 U.S.C. Section 2703 (7) (A) ("IGRA"), and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. S 5023 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized.

C. Class III gaming as defined in the IGRA, P.I. 100-447, 25 U.S.C. Section 2703 (8) and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. S 5023 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized.

III. Ownership of Gaming

The Shoalwater Bay Indian Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

IV. Use of Gaming Revenue

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

B. If the Shoalwater Bay Indian Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. S 2710 (b) (3).

V. Audit

A. The Shoalwater Bay Indian Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in section A, above.

VI. Protection of the Environment and the Public Health and Safety

Class I, Class II and Class III gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

VII. Licenses for Key Employees and Primary Management Officials (PMO)

The Shoalwater Bay Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to Key Employees and Primary Management Officials employed at any Class I, Class II or Class III gaming enterprise operated on Indian lands.

A. Definitions

Unless specified other wise, terms used herein shall have the same meaning as in IGRA, including but not limited to references to "Net Revenues," "Class I", "Class II", and "Class III" gaming, except for references to "Commissioners," "Commission," or "Gaming Commission," which shall mean the Shoalwater Bay Tribal Gaming Commission, or its Agents.

1. Key employee means

- (a)** A person who performs one or more of the following functions:
 - (1) Bingo caller;
 - (2) Counting room supervisor;
 - (3) Chief of security;
 - (4) Custodian of gaming supplies or cash;
 - (5) Floor managers, Managers on Duty;
 - (6) Pit boss;
 - (7) Dealer;
 - (8) Croupier;
 - (9) Approver of credit: or
 - (10) Security and Surveillance or
 - (11) Department Supervisors or
 - (12) Floor personnel that at any time handle gaming monies or
 - (13) Custodian of gambling devices
Including persons with access to cash
and accounting records within such
devices;

- (b)** If not otherwise included, any other person whose total cash compensation is in excess of \$50,000.00 per year;

- (c) If not otherwise included, the four most highly compensated persons in the gaming operation.
2. **Primary Management Official (PMO) means**
- (a) The person having management responsibility for management contract;
- (b) Any person who has authority:
- (1) To hire and fire employees; or
- (2) To set up working policy for the gaming operation; or
- (c) The chief financial officer or other person who has financial management responsibility.
3. **Closely Associated Independent Contractor**
Shall mean any contractor that shares common ownership, common officers, or common directors with any management principal, or a person related thereto.
4. **Gaming**
Shall mean an activity in which a person stakes, or risks something of value on the outcome of a contest of chance or a future contingent event, not under his or her control, or influence upon an agreement, or understanding that the person, or someone else, will receive something of value in the event of a certain outcome, but shall not include bona fide business transactions.
5. **Gaming Activities**
Shall mean any Class I, or Class II, or Class III gaming activity conducted by or within the jurisdiction of the Shoalwater Bay Indian Tribe.
6. **Gaming Commission**
Shall mean the Shoalwater Bay Indian Tribal Gaming Commission, as established herein to monitor the Gaming Activities, investigate wrongdoing, conduct background investigations, issue licenses, and perform other duties as necessary for the regulation of gaming on the reservation.
7. **Gaming Contractor**
Shall mean any person or business that manufactures, distributes, or supplies gaming devices, other gaming equipment, other equipment or services, or personal (including gaming management or consulting services).
8. **Gaming Entity**
Shall mean the gaming business, event, or activity (however organized) conducted by or within the jurisdiction of the Shoalwater Bay Indian Tribe.
9. **General Council**
Is the body of the Tribe that decides matters of great importance to the Shoalwater Bay Indian Tribe.
10. **Monies**
Shall mean any cash, currency, coin, chips, and tickets, coupons, involved with a gaming activity.

11. **Memorandum of Understanding (MOU)**
Shall mean the summary form sent in to NIGC for approval with information obtained in the licensing of employees and the recommendation of the Gaming Commission.
12. **National Indian Gaming Commission (NIGC)**
Shall mean the commission established under IGRA
13. **Net Revenues**
Shall mean gross gaming revenues of a tribal gaming operation less (a) amounts paid out as, or paid for, prizes: and (b) total gaming-related operating expenses, excluding management fees.
14. **Person**
Shall mean any natural person or entity, including but not limited to corporations, partnerships and trust.
15. **Related to**
Shall refer to persons who are related as a father, mother, sister or brother.
16. **Reservation**
Shall mean all lands of the Tribe, and including all those lands defined as 'Indian Lands' under the IGRA
17. **Tribal Council**
Shall mean the committee of the elected tribal officers, established as the governing body of the Shoalwater Bay Indian Tribe.
18. **Tribal Court**
Shall mean any court established by the Shoalwater Bay Tribe.
19. **Tribal Gaming Agents**
The Tribal Gaming Agents shall be independent of the gaming operation and shall be supervised and accountable only to the Tribal Gaming Commission.
20. **Tribal Member**
Shall mean any duly enrolled member of the Shoalwater Bay Indian Tribe

B. Application Forms

1. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

In Compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. S 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 disclosures indicated in this notice will result in a tribe being unable to hire you in a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

2. Existing Key Employees and Primary Management Officials shall be notified in writing that they shall:
 - (a) Complete a new application form that contains a Privacy Act notice; or
 - (b) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.
3. The following notice shall be placed on the application form for a Key Employee or a Primary Official before that form is filled out by an applicant.

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, title 18, section 1001)
4. The Shoalwater Bay Tribe or its appointed Gaming Commission shall notify in writing existing Key Employees and Primary Management Officials that they shall either:
 - (a) Complete a new application form that contains a notice regarding false statements; or
 - (b) Sign a statement that contains the notice regarding false statements.

C. Gaming Commission

1. Establishment of the Gaming Commission. There is established here by a Commission acting under the authority of the Shoalwater Bay Indian Tribe to be known as the Shoalwater Bay Tribal Gaming Commission. The Gaming Commission is responsible for licensing and enforcement of the regulations of the Gaming entity and Gaming Activities, but shall not have management responsibility for the Gaming Entity or Gaming Activities. The Commission should be non-partisan and non-political. The Tribal Gaming Commission is free to regulate in an independent capacity without undue interference from tribal leadership.
2. Membership and Appointment. The Tribal Council shall appoint a Chairman to head the Commission. The Gaming Commission shall be composed of three (3) members of the Tribe and shall have appointed terms, designated by the Tribal Council.
3. Qualifications for Office. The following minimum requirements must be met to qualify for membership on the Commission:
 - a) Be enrolled member of the Shoalwater Bay Indian Tribe.

- b) Be twenty-five (25) years of age or older;
 - c) Reside on or near the Shoalwater Bay Indian Tribal Reservation, or near the Gaming Entity or Gaming Activity;
 - d) Successful completion of a background investigation, that is at least as stringent as that of a Key Employee or Primary Management Official.
4. Disqualification's for Office. The following persons shall not serve on the Commission:
- a) Employees of any gaming entity on the Reservation;
 - b) Persons related to any Gaming Contractor (including any principal thereof or closely associated independent contractor); or
 - c) Persons who do not qualify to serve in such a position as a result of findings of a background investigation, including a criminal history review, conducted under the direction of the Tribal Council
5. Terms of Office. The appointed Chairman shall not serve less than three years. Commission member two shall serve no less than two years, commission member three shall serve no less than one year. Terms may be extended by Chairman or Tribal Council approval.
6. Removal from Office. Commissioners may only be removed from office before the expiration of their terms for neglect of duty, malfeasance or other good cause shown. Prior to removal, Commissioners shall be entitled, upon request, to a hearing before the Tribal Council and otherwise be subject to the Tribe's procedures for removing an officer of the Tribe. Removal of commission members during term of office should be for good cause only, and follow a procedure which provides for due process. Removal should not be permitted for simple disagreement with Tribal leadership over matters that involve a gaming commissioner's exercise of discretion in the performance of duty.
7. Quorum. Two members of the gaming Commission shall constitute a quorum.
8. Voting. All actions of the Gaming Commission shall be taken by a 2 to 1 Quorum vote. All voting decisions of the Tribal Gaming Commission shall be noted as 2 for 0 against, 0 for 2 against , or 1 for 1 against with the Chairman of the Commission voting as tie breaker. The Commission Chairman will vote for or against any issue.
9. Meetings. Meetings shall be held at least once quarterly. Additional meetings shall be held as called by the Chairman or by at least two other Commissioners, Notice of meetings shall be given in writing to each Commissioner, served by first class mail or personal delivery at least five business days prior to such meeting. Such notice may be waived when meetings are called by unanimous consent of the Commissioners.

10. Powers and Duties of the Gaming Commission

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

- a) After consultation with the Tribal Council, issue such regulations as appropriate in order to implement the provision of this Ordinance:
- b) Inspect, examine and monitor Gaming Activities and the Gaming Entity, including the power to demand access to and inspect, examine, photocopy and audit all papers, books and records respecting such Gaming Activities and Gaming Entity:
- c) Investigate or cause to be investigated, in conjunction with the Tribal Police Department or other recognized enforcement agency or agencies, any suspicion of wrongdoing in connection with any Gaming Activities or Gaming Entity:
- d) Conduct or cause to be conducted such investigations as may be necessary to determine compliance with all applicable laws or with the Ordinance or any contracts, agreements, goods, services, events, incidents, or other matters related to the Gaming Activities or Gaming Entity:
- e) Issue licenses to persons and entities connected with the Gaming Activities or the Gaming Entity and, at minimum, for all Key Employees and Primary Management Officials according to requirements at least as stringent as those in 25 C.F.R. parts 556 and 558:
- f) Conduct or cause to be conducted background investigations regarding persons and entities connected with the Gaming Activities or the Gaming Entity and, at minimum, for all Key Employees and Primary Management Officials according to requirements at least as stringent as those in 25 C.F.R. parts 556 and 558:
- g) Hold such hearings, sit and act at such times and places, summon persons on the Reservation to attend and testify at such hearings, take such testimony, and receive such evidence as the Gaming Commission deems relevant in fulfilling its duties:
- h) Administer oaths or affirmations to witnesses appearing before the Gaming Commission;
- i) Implement and administer a system for investigating, licensing and monitoring employees and others connected with the Gaming Activities or Gaming Entity, as described below, and including to issuance of licenses to gaming facilities, individuals and entities as required under this Ordinance and the IGRA;
- j) Hear disputes against the Gaming Entity, in accordance with the procedures established in this Ordinance;
- k) Hire such staff and support services for the Commission as deemed necessary and approved by the Tribal Council;
- l) To the extent required, comply with any reporting requirements, including annual reports to the Tribal Council, and those requirements established under a compact to which the Tribe is a party and other applicable law, including the IGRA and regulations promulgated thereunder;
- m) Promulgate rules for each Class I, Class II, or Class III gaming allowed under this Ordinance to govern the conduct of such games; and
- n) Carry out such other duties with respect to the gaming Activities and Gaming Entity on the Reservation as the Tribal council shall direct.

- o) Annual Reports. On or before a date set by the Tribal Council for each year, the Gaming Commission shall provide in writing to the Tribal Council an Annual Report summarizing its activities during the prior twelve month period ending on September 30, and accounting for all receipts and disbursements. The Tribal Council shall cause an executive summary of the Annual Report to be made available to members of the General Council within thirty days after receipt. Further, the Gaming Commission shall provide an oral report of its activities to the General Council at least annually if needed.
- p) Other Reporting Requirements. As required, the Gaming Commission shall comply with any reporting requirements established under applicable law, including the IGRA and regulations promulgated thereunder.
- q) Gambling. Serious conflicts of interest in the exercise of its regulatory responsibilities as well as an appearance of impropriety are avoided if members of the gaming commissions are prohibited from playing in the gaming activities they regulate.

D. Background Investigations

- 1. The Shoalwater Bay Tribal Gaming Commission shall request from primary management official and from each key employee all of the following information:
 - (a.) Full name, other names used (oral or written), social security number(s), Birth date, place of birth, citizenship, gender, all languages (spoken, or written);
 - (b.) Currently and for the previous 10 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
 - (c.) The names and current addresses of at least three business references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1) (b) of this section;
 - (d.) Current business and residence telephone numbers;
 - (e.) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
 - (f.) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - (g.) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, (and/or related to gaming) whether or not such a license or permit was granted;

- (h) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any;
- (i) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- (j) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, and is not otherwise listed pursuant to paragraph (1.h) or (1.i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- (k). A current photograph (for Commission use only, unless required otherwise by other agencies);
- (l). Any other information the Tribe or its agent deems relevant; and
- (m). Fingerprints, consistent with procedures adopted by the Tribe according to 25 C.F.R. #522.2 (h) shall be taken by trained and certified Shoalwater Bay Tribal Law Enforcement Officers. >

- 2. The Tribe shall conduct an investigation sufficient to make a determination under subsection E. below. In conducting a background investigation, the Tribe or the Gaming Commission shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

E. Eligibility Determination

The Shoalwater Bay Tribal Gaming Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a Key Employee or Primary Management Official for employment in a gaming operation. If the Shoalwater Bay Tribal Gaming Commission determines that the employment of a person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a Tribal gaming operation shall not employ that person in a Key employee or Primary Management Official position.

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

1. When a Key Employee or Primary Management Official begins work at a gaming operation authorized by this ordinance, the Shoalwater Bay Tribal Gaming Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection E. of this section.
2. The Shoalwater Bay Tribal Gaming Commission shall forward the report referred to in subsection G of this section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.
3. The gaming operation shall not employ as a Key Employee, or Primary Management Official, a person who does not have a license after 90 days.

G. Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in subsection F of this section, the Shoalwater Bay Tribal Gaming Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:
 - a) Steps taken in conducting a background investigation;
 - b) Results obtained;
 - c) Conclusions reached; and
 - d) The basis for those conclusions.
2. The Shoalwater Bay Tribal Gaming Commission shall submit, with the report, a copy of the Memorandum of Understanding (M.O.U.) eligibility determination made under subsection E of this section.
3. If a license is not issued to an applicant, the Shoalwater Bay Tribal Gaming Commission;
 - (a) Shall notify the National Indian Gaming Commission; and
 - (b) May forward copies of its eligibility determination and investigative reports (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

4. With respect to Key Employees and Primary Management Officials, the Shoalwater Bay Tribal Gaming Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

H. Granting a Gaming License

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Shoalwater Bay Tribal Commission that it has no objection to the issuance of a license pursuant to a license application filed by a Key Employee or a Primary Management Official for whom the Shoalwater Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Shoalwater Bay Tribal Gaming Commission may issue a license to such applicant.
2. The Shoalwater Bay Gaming Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a Key Employee or a Primary Management Official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph H.1. of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
3. If within the thirty (30) day period described above, the National Indian Gaming Commission provides the Shoalwater Bay Tribal Gaming Commission with a statement itemizing objections to the issuance of a license to a Key Employee or to a Primary Management Official for whom the Shoalwater Bay Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Shoalwater Bay Tribal Gaming Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Shoalwater Bay Tribal Gaming Commission shall make the final decision whether to issue a license to such applicant.

I. License Suspension

1. If after the issuance of a gaming license, the Shoalwater Bay Tribal Gaming Commission receives from the National Indian Gaming Commission reliable information indicating that a Key Employee or a Primary Management Official is not eligible for employment under subsection E. above, the Shoalwater Bay Tribal Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
2. The Shoalwater Bay Tribal Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

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

VIII. License Locations

The Shoalwater Bay Tribal Gaming Commission shall issue a separate license to each place, facility, or location on Indian Lands where Class II or Class III gaming is conducted under this ordinance.

IX. Repeal

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

ENCLOSURES

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SHOALWATER BAY INDIAN TRIBE

**P. O. Box 130 – Tokeland, Washington
Telephone (360-267-6766) - FAX (360-267-6778)**

**SHOALWATER BAY INDIAN TRIBE
RESOLUTION # _____**

NIGC MODEL GAMING CODE

WHEREAS, The Shoalwater Bay Indian Tribe is a Federally Recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in the State of Washington; and

WHEREAS, The Shoalwater Bay Tribal Council is the governing body of the Shoalwater Bay Indian Tribe in accordance with their Constitution and By-Laws; and

WHEREAS, The Shoalwater Bay Tribal Council has been charged with the responsibility of promoting the social, health and economic well-being of the Shoalwater Bay People; and

WHEREAS, The Shoalwater Bay Indian Tribe, pursuant to its sovereign rights, has chosen to pursue gaming activities as a viable means to generate badly needed revenues to fund tribal programs and projects and to provide meaningful employment opportunities for the membership;

WHEREAS, The National Indian Gaming Commission has provided a Model Gaming Ordinance that it suggests Tribes adopt; and

WHEREAS, It is in the best interest of the Tribe to amend this Gaming Ordinance to conform with the NIGC Model Gaming Ordinance;

NOW THEREFORE BE IT RESOLVED, That the Shoalwater Bay Tribe hereby amends its gaming ordinance to include the attached **SHOALWATER BAY INDIAN TRIBE CLASS II & CLASS III GAMING CODE** which is incorporated into this Resolution by this reference.

CERTIFICATION

This Resolution was passed at a Tribal Council Meeting Held _____ at the Shoalwater Bay Tribal Center at which a quorum was present. FOR AGAINST AND ABSTAIN.

**Herbert Mark Whitish, Chairman
Shoalwater Bay Tribal Council**

**Lynn Clark, Secretary
Shoalwater Bay Tribal Council**

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SHOALWATER BAY INDIAN TRIBE

GAMING

RULES GOVERNING BACKGROUND CHECKS OF PRIMARY MANAGEMENT OFFICIALS AND KEY EMPLOYEES

The Shoalwater Bay Tribal Council hereby establishes and implements the following rules and regulations governing background checks of all primary management officials and key employees in accordance with the Shoalwater Bay Indian Tribe Class II and Class III Gaming Code.

.001 Minimum Information.

The Shoalwater Bay Tribal Gaming Commission or its qualified Gaming Agents, shall request from each applicant or existing employee that serves as a primary management official or key employee, as defined by the Gaming Code, all of the following information:

- (a) Full name, other names used (oral or written), social security number(s), birth date, citizenship, gender, all languages (spoken or written);
- (b) Currently and for the previous ten years: business and employment positions held, ownership interests in those businesses, business and residence addresses and drivers license numbers;
- (c) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under section .001(b);
- (d) Current business and residence telephone numbers;
- (e) A description of any existing and previous relationships with Indian Tribes, including ownership interests in those businesses;
- (f) A description of any existing and previous relationships with the gaming industry generally, including ownership interests in those businesses;
- (g) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (h) For each felony for which there is an ongoing prosecution or conviction, the charge, the name and address of the court involved and the date of disposition, if any;

- (i) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten years of the date of the application, the name and address of the court involved and the date of disposition;
- (j) For each criminal charge (excluding minor traffic violations), whether or not there was a conviction, if such criminal charge was within ten years of the date of the application and is not otherwise listed pursuant to .001 (h) or .001(i), the criminal charge, the name and address of the court involved and the date of disposition;
- (k) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (l) A current photograph;
- (m) Any other information that the Tribal Council deems relevant; and
- (n) Fingerprinting, consistent with procedures adopted by the Tribe according to 25 CFR #522.2 (h).

.002 Notice of Privacy Rights

The Application shall set forth the full notice of privacy rights as required by the NIGC in 25 CFR #556.2(a) as may be amended from time to time.

.003 Processing of Application

The Council shall through hired staff or through contracting with law enforcement agencies or other appropriate entities, or any appropriate combination thereof, cause the following to occur:

- (a) Verify the applicant's name, place of birth, date of birth and citizenship by requiring the applicant to provide appropriate items such as a birth certificate, social security card and/or passport;
- (b) Confirm the applicant's business and employment positions held and ownership interests in those businesses currently and for the past five years by attempting to contact through written letter, telephone calls or personal visits to past employers listed on the application and through ownership documentation such copies of partnership agreements, stock certificates, or IRS tax returns;
- (c) Obtain the applicant's driving record by using the applicant's drivers license number to contact appropriate state governmental departments;

- (d) Ascertain character information about the applicant by contacting the personal references identified in the application;
- (e) Inquire into existing or previous business relationships the applicant has had with Indian tribes, including the scope of those relationships, by contacting those entities identified in the application if such contact would not jeopardize the applicant's current employment. Other state, federal and tribal entities should also be contacted where appropriate;
- (f) Inquire into existing or previous business relationships the applicant has had in the gaming industry, including the scope of those relationships, by contacting those entities identified in the application if such contact would not jeopardize the applicant's current employment. Other state, federal and tribal entities should also be contacted where appropriate;
- (g) Verify the applicant's history and status with any licensing agency identified by the applicant;
- (h) Obtain information regarding any past felonies, misdemeanors, or criminal charges in the last ten years by contacting appropriate courts and law enforcement agencies in the applicant's area of residence; and
- (i) Obtain any other information that the Tribal Council deems relevant to complete a thorough background investigation.

004. Preparation of Investigative Reports

- (a) The Tribal Council shall through hired staff or through contracting with qualified individuals document the disposition of all potential problem areas noted and disqualifying information obtained, as to each applicant.
- (b) The Tribal Council shall through hired staff or through contracting with qualified individuals shall cause an Investigative Report be prepared as to each applicant setting forth, at a minimum: (i) steps taken conducting the background investigation; (ii) results obtained; (iii) conclusions reached; and (iv) the basis for those conclusions.

005. Reporting to the NIGC

- (a) The Tribal Council shall through hired staff or through contracting with qualified individuals report the results of each background investigation to the National Indian Gaming Commission, in compliance with its regulations and procedures as they may be amended from time to time.
- (b) The Tribal Council shall reconsider any application that the NIGC reports to the Tribe as recommended to be not suitable pursuant to tribal and / or federal law.

ENCLOSURES

- EXHIBIT A. Certified copy of the Shoalwater Bay Indian Tribe Class II & III Gaming Code
- EXHIBIT B. Tribal Resolution # 03-28-97-15 authorizing Gaming
- EXHIBIT C. Rules Governing Background Checks of Primary Management Officials and Key Employees, formally adopted by the Tribal Council, pursuant to Tribal Resolution #11-26-97-60.
- EXHIBIT D. Memorandum of Understanding Regarding the Dissemination of Criminal History Record Information By The National Indian Gaming Commission.**
- EXHIBIT E. Rules Governing the Issuance of Tribal Licenses to Primary Management officials and Key Employees formally adopted by the Tribal Council, pursuant to Tribal Resolution # 11-26-97-60
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- EXHIBIT H. Tribal Resolution # 11-26-97-60
- EXHIBIT I. Tribal Resolution # 09-06-01-44

**MEMORANDUM OF UNDERSTANDING
REGARDING THE DISSEMINATION OF CRIMINAL HISTORY RECORD
INFORMATION BY THE NATIONAL INDIAN GAMING COMMISSION**

In order to facilitate the undersigned tribe Shoalwater Bay Tribal Council in determining the suitability of individuals who have applied for employment as key employees and primary management officials in its gaming operations, the National Indian Gaming Commission (NIGC) or representatives of law enforcement will be obtaining criminal history record information (CHRI) from the Federal Bureau of Investigation (FBI) on these individuals and disseminating such information to the Shoalwater Bay Tribal Council.

This memorandum sets forth the following conditions under which the NIGC will provide (CHRI) to the Shoalwater Bay Tribal Council.

1. The FBI has retained the right to approve the dissemination of CHRI and may at some future date prohibit the NIGC from disseminating CHRI. It is understood by the Shoalwater Bay Tribal Council that the NIGC will not release any information without having received all required prior approvals from the FBI and will not release any information where prohibited from doing so by the FBI. It is further understood that the FBI may impose restrictions on the release and use of the CHRI in addition to those imposed by the NIGC and that the Shoalwater Bay Tribal Council will be subject to all such additional restrictions.
2. The CHRI provided by the NIGC may be used by the Shoalwater Bay Tribal Council solely for the purpose of determining a particular applicant's suitability for employment in the Tribe's Gaming operations.
3. NIGC responses will only contain CHRI information on a particular applicant and will not contain recommendations or conclusions of the NIGC. The NIGC reserves the right to furnish to the Tribe summary memoranda containing the results of the information search of the criminal history records maintained by the FBI.
4. CHRI provided to the Shoalwater Bay Tribal Council shall be afforded proper security. The Shoalwater Bay Tribal Council shall ensure that access to all CHRI furnished by the NIGC, including all summary memoranda, is restricted to personnel directly involved in licensing deliberations. The Shoalwater Bay Tribal Council shall maintain records of the identities of all persons receiving access to the CHRI and such records shall be furnished to the NIGC upon request.
5. Except in connection with proceedings related to the Shoalwater Bay Tribal Council's licensing determinations for gaming employees, neither the CHRI nor any summary memoranda furnished by the NIGC shall be reproduced, disseminated, or introduced in a court of law or administrative hearing, without the prior written consent of the NIGC.
6. Employees, past and present, of the NIGC will not be called as witnesses to testify relative to CHRI disseminated to the Tribe before any Tribal court or in any Tribal administrative hearings, except in extraordinary circumstances to be determined by the NIGC.

7. Any request for access to provided CHRI by individual who is the subject of the CHRI shall be referred to the NIGC for processing and an appropriate response pursuant to the Freedom of Information and Privacy Acts (Title 5, USC, Section 552 and 552a).

8. The Shoalwater Bay Tribal Council will be promptly notified in the event that the NIGC determines that it is necessary to discontinue providing CHRI information to the Shoalwater Bay Tribal Council (either in whole or in part) due to the Shoalwater Bay Tribal Gaming Council's failure to comply with the conditions set forth in this memorandum.

The Shoalwater Bay Tribe acknowledges and consents to the above stated conditions on this day of 11-26-1997.

Authorized Tribal Official
Shoalwater Bay Tribe

ENCLOSURES

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- EXHIBIT H. Tribal Resolution # 11-26-97-60
- EXHIBIT I. Tribal Resolution # 09-06-01-44

SHOALWATER BAY INDIAN TRIBE

GAMING

RULES GOVERNING THE ISSUANCE OF TRIBAL LICENSES TO PRIMARY MANAGEMENT OFFICIALS & KEY EMPLOYEES

The Shoalwater Bay Tribal Council hereby establishes and implements the following rules and regulations governing the issuance of licenses to primary management officials and key employees in accordance with the Shoalwater Bay Indian Tribe Class II and Class III gaming Code.

01. Granting of a License – Majority Vote

To approve of any license issued pursuant to the Gaming Code, a quorum of the Council must be present with a majority vote of approval by said quorum required. A license will not be issued to a person whose license has previously been revoke pursuant to this Code, or to whom the issuance of renewal of a license has been denied, except with majority approval of the Council members.

002. Application Fee

The Council shall set a fee for applications, background investigations, and licenses. All such fees shall be made payable to the Shoalwater Bay Indian Tribe and delivered to the Tribe's accounting office.

003. Background Investigation

No license shall be granted to any person or entity who has been determined to be a person or entity whose prior activities, criminal record, if any, and associations pose a threat to the public interest or to the effective regulation and control of gaming,, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto. The background investigation shall be at least as stringent as the regulations of the National Indian Gaming Commission published as 25 CFR # 556 in the Federal Register, volume 58, no. 13, on Friday, January 22, 1993

004. Failure of Applicant to Disclose Material Information

An applicant for licensing shall make true and full disclosure of all information to the Council as necessary or appropriate in the public interest or as required in order to carry out the policies of this Tribe relating to licensing and control of the gaming industry. It is the duty of the applicant to disclose all information material to whether his involvement with gaming would jeopardize or compromise the Tribal interest, whether or not the applicant has been specifically requested to provide that information. It shall be deemed a violation of tribal law, including the Gaming Code, to fail to disclose, to mislead, or to misstate any such material information to the Council, or to any licensee's employer.

005. Temporary Employment Licenses

The Council may issue a temporary employment license to any person or entity applying for a license to work in a licensed gaming establishment which shall be valid pending the background investigation of the applicant. In no event shall such temporary license be valid for greater than 180 days.

006. Parameters of Licensee

Violation of any provision of the Gaming Code, or rules promulgated pursuant or enacted to implement the Gaming Code by a licensee, his agent, or employee shall be deemed contrary to the public health, safety, morals, good order and general welfare of the Shoalwater Bay Tribe and the inhabitants of the Tribe's Reservation, and shall be deemed grounds for refusing to grant or renew a license, suspension or revocation of a license, or shall be grounds for the filing of charges by the Council. Acceptance of a gaming license or the renewal; thereof, or condition imposed thereon, by a licensee, constitutes an agreement on the part of the licensee to be bound by all the regulations and conditions of the Council and by the provisions of the Gaming Code as the same are now, or may hereafter be amended or promulgated, and to cooperate fully with the Council, and its hired staff of contracted individuals. It is the responsibility of the licensee to keep himself informed of the contents of all such rules, regulations, amendments, provisions and conditions, and ignorance thereof will not excuse violations. The Council shall use reasonable efforts to notify all licensees of changes in regulations.

ENCLOSURES

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- EXHIBIT I. Tribal Resolution # 09-06-01-44

SHOALWATER BAY INDIAN TRIBE

GAMING

RULES IMPLEMENTING PROCEDURES FOR RESOLVING DISPUTES BETWEEN THE GAMING PUBLIC AND THE SHOALWATER BYA INDIAN TRIBE

The Shoalwater Bay Tribal Council hereby establishes and implements the following rules implementing procedures for the resolution of disputes between the gaming public and tribal gaming operations, in accordance with the Shoalwater Bay Indian Tribe Class II and Class III Gaming Code.

001. Reference to Shift Supervisor

When a patron brings a dispute to an employee, the employee shall refer the patron to the Shift Supervisor. The Shift Supervisor shall make all reasonable efforts to resolve promptly, the dispute to the satisfaction of the patron.

002. Provide Patron With Written Notice of Procedures

If the patron is not satisfied with the decisions of the Shift Supervisor, the patron shall be provided with a written "Customer Concern Form," a copy of which is attached. Further, the Customer shall be provided a card that is 2.5" x 3.5" which states:

Any customer may request a determination of a dispute involving the conduct of a game or and other matter involving gaming on Indian lands of the Shoalwater Bay Indian Tribe by submitting in writing, the details of your dispute to the Casino Manager. If the determination is still not satisfactory after review and action taken by the Casino Manager, a written statement of the dispute may be forwarded to Shoalwater Bay Tribal Council, or its designated subcommittee at the following address:

P O Box 130
Tokeland, WA 98590

Please mark your mailing "Gaming Dispute"

The decision of the Tribal Council will be final.

003. Action by Casino Manager

The Customer Concern Form shall be submitted to the Casino Manager, who shall review it and take whatever corrective action he/she deems appropriate, and if reasonably possible, the Casino Manager shall notify the customer of the action taken, and record whether the customer is satisfied or dissatisfied with the decision.

004. Submission to the Tribal Council or its Designated Subcommittee

If the customer is dissatisfied with the decision of the Casino Manager, a written statement of the dispute may be forwarded to the Tribal Council, or its designated subcommittee. The Council, or its designated subcommittee shall review and if a majority of the of the Council, or its designated subcommittee believes that the decision of the Casino Manager was not reasonable, the Council or its designated subcommittee shall take corrective action as it deems appropriate, so long as such action is otherwise in compliance with the Gaming Code. Unless the customer is entitled to or seeks a hearing pursuant to rule 005, below the decision of the Council is final

005. Hearing Available if Customer Alleges Deprivation of Winnings

If the customer is not satisfied with the initial decision of the Council, or its designated subcommittee, and the customer alleges that he/she has been deprived of winnings that belong to him or her, the customer may seek a full hearing before the Tribal Council and present any facts or arguments he/she wishes to offer to the Council. The Casino Manager shall cooperate in making any relevant tapes or documents available to the Council. The Council may, in its discretion, determine that such tapes or documents be reviewed in camera. The decision of the Tribal Council is final.

006. Records of "Customer Concern Forms"

All "Customer Concern Forms" shall be recorded and maintained by the gaming operation for period not less than three years.

007. Corrective Action Must Comply with Law

Nothing herein shall be interpreted to enable any gaming employee, or agent of the Tribe to take any corrective action that contravenes tribal or federal law.

CUSTOMER CONCERN FORM

CUSTOMER
NAME: _____ DATE: _____

ADDRESS: _____ PHONE: _____

DEPARTMENT INVOLVED: _____

CONCERN / COMPLAINT: _____

CORRECTIVE ACTION TAKEN: _____

CUSTOMER WAS: _____ SATISFIED _____ DISSATISFIED

EMPLOYEE INVOLVED (IF NECESSARY): _____

SUPERVISOR INVOLVED: _____

PROPERTY SHIFT MANAGER: _____

SIGNATURE OF CUSTOMER: _____

SHIFT MANAGER
SIGNATURE: _____

SHOALWATER BAY INDIAN TRIBE

GAMING

DESIGNATION OF AGENT FOR SERVICE OF PROCESS

The designated agent for the Shoalwater Bay Indian Tribe for service of process in matters relating to the National Indian Gaming Commission, as required for in 25 CFR #522.2(g) and referenced in 25 CFR #519.1, of the regulations promulgated by the National Indian Gaming Commission, is:

Herbert Mark Whitish, Chairman
Shoalwater Bay Indian Tribe
2373 Old Tokeland Highway
P O Box 130
Tokeland, WA 98590

If verbal or fax communication is required, Mr. Whitish can be reached by phone at 360-267-6766 or by fax transmission at 360-267-6778. If the matter is an emergency and Mr. Whitish cannot be reached, please contact Carol Johnson at these same numbers or contact the Tribe's legal counsel of gaming issues, Monteau, Peebles & Crowell, L.L.P. Attorneys at Law, Offices at 916-441-2700.

ENCLOSURES

- EXHIBIT A. Certified copy of the Shoalwater Bay Indian Tribe Class II & III Gaming Code
- EXHIBIT B. Tribal Resolution # 03-28-97-15 authorizing Gaming
- EXHIBIT C. Rules Governing Background Checks of Primary Management Officials and Key Employees, formally adopted by the Tribal Council, pursuant to Tribal Resolution #11-26-97-60.
- EXHIBIT D. Memorandum of Understanding Regarding the Dissemination of Criminal History Record Information By The National Indian Gaming Commission.
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- EXHIBIT G. Designation of Shoalwater Bay Tribal Gaming Commission formally adopted by the Tribal Council, pursuant to Tribal Resolution # 11-26-97-60**
- EXHIBIT H. Tribal Resolution # 11-26-97-60
- EXHIBIT I. Tribal Resolution # 09-06-01-44

SHOALWATER BAY INDIAN TRIBE
P.O. Box 130 - Tokeland, WA 98590
Telephone (360) 267-6766 - FAX (360) 267-6778

SHOALWATER BAY INDIAN TRIBE
RESOLUTION# _____
(Amended resolution # _____)

WHEREAS, the Shoalwater Bay Tribe is a Federally recognized Tribe Headquartered on the Shoalwater Bay Indian reservation in the State of Washington; and

WHEREAS, the Shoalwater Bay Tribal Council is the governing body of the Shoalwater Bay Tribe in accordance with their Constitution and By-laws; and

WHEREAS, the Shoalwater Bay Tribal Council has been charged with the responsibility of promoting the social, health, and the economic well-being of the Shoalwater Bay people; and

WHEREAS, the Shoalwater Bay Indian Tribe has pursuant to Tribal Resolution # _____ enacted and adopted the Shoalwater Bay Indian Tribal Class II and III Gaming Code; and

WHEREAS, the actions taken below are in the best interests of the Tribe and its members; and

NOW THEREFORE BE IT RESOLVED, that the Shoalwater Bay Tribe does hereby enact, adopt and implement the following, full copies of which are attached and incorporated herein:

I Rules Governing the Issuance of Tribal Licenses to Primary Management Officials and Key Employees

II Rules Governing Background Checks of Primary Management Officials and Key Employees

III Rules Implementing Procedures for Resolving disputes between the gaming public and the Shoalwater Bay Indian Tribe

AND BE IT FURTHER RESOLVED, that the Tribal Council hereby agrees to the terms of, and authorizes and directs the Gaming Commission Chairman Jim Anderson to execute, the Memorandum of Understanding regarding the Dissemination of Criminal History Record Information by The National Indian Gaming Commission, a copy of which is attached and incorporated herein;

Resolution _____
Amended Resolution # _____
Page 2

AND BE IT FURTHER RESOLVED, that the Shoalwater Bay Tribal Council hereby designates Gaming Commission Chairman Jim Anderson as the Designated Agent for Services of Process for communications with the National Indian Gaming Commission, and authorizes that the attached "Designation" be executed and forwarded to the National Indian Gaming Commission;

FINALLY BE IT RESOLVED, that the Shoalwater Bay Gaming Commission cause these materials to be forwarded to the National Indian Gaming Commission, together with the Gaming Code and a copy of its authorizing Resolution, certified as authentic, all together with a cover letter noting that these materials comprise a complete submission of those required for the NIGC to formally approve the Tribe's Gaming Code.

CERTIFICATION

The above Resolution was passed at a regular Council meeting held _____ at the Shoalwater Bay Tribal Center at which a quorum was present. ____ FOR ____ AGAINST
____ ABSTAIN

Herbert Madzu Whitish, Chairman
Shoalwater Bay Indian Tribe

Lynn Clark, Secretary
Shoalwater Bay Indian Tribe

ENCLOSURES

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- EXHIBIT H. Tribal Resolution # 11-26-97-60**
- EXHIBIT I. Tribal Resolution # 09-06-01-44

SHOALWATER BAY INDIAN TRIBE
P O Box 130 - Tokeland, WA 98590
Telephone (360)267-2677 - FAX (360)267-6778

SHOALWATER BAY INDIAN TRIBE
RESOLUTION # _____

WHEREAS, the Shoalwater Bay Indian Tribe is a Federally Recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in the State of Washington; and

WHEREAS, the Shoalwater Bay Tribal Council is the governing body of the Shoalwater Bay Indian Tribe in accordance with their Constitution and By-laws; and

WHEREAS, the Shoalwater Bay Tribal Council has been charged with the responsibility of promoting the social, health, and economic well-being of the Shoalwater Bay people; and

WHEREAS, the Shoalwater Bay Indian Tribe has pursuant to Tribal Resolution # _____ has enacted and adopted the Shoalwater Bay Indian Tribe Class II and Class III Gaming Code; and

WHEREAS, the fulfillment of the obligations under that Ordinance and the regulations promulgated by the National Indian Gaming Commission requires that this Council take certain actions; and

WHEREAS, the actions taken below are in the best interests of the Tribe and its members;

NOW THEREFORE BE IT RESOLVED, that the Shoalwater Bay Tribe does hereby enact, adopt and implement the following full copies of which are attached and incorporated herein:

- I. Rules Governing the Issuance of Tribal Licenses to Primary Management Officials and Key Employees
- II. Rules Governing Background Checks of Primary Management Officials and Key Employees
- III. Rules implementing Procedures for Resolving disputes between the gaming public and The Shoalwater Bay Indian Tribe

FURTHER BE IT RESOLVED, that the Council hereby agrees to the terms of, and authorizes and directs Shoalwater Bay Tribal Gaming Commission to execute, the Memorandum of Understanding Regarding the Dissemination of Criminal History Record Information By The National Indian Gaming Commission, a copy of which is attached and incorporated herein.

FURTHER BE IT RESOLVED, that the Council hereby designates the Shoalwater Bay Tribal Gaming Commission as the designated Agent for Service of Process for communications with the National Indian Gaming Commission, and authorizes that the attached "designation" be executed and forward to the National Indian Gaming Commission, and

FINALLY BE IT RESOLVED, that the Shoalwater Bay Tribal Gaming Commission cause these materials to be forwarded to the National Indian Gaming Commission, together with the Gaming Code and a copy of its authorizing Resolution, certified as authentic, all together with a cover letter noting that these materials comprise a complete submission of those required for the NIGC to formally approve the Tribe's Gaming Code

CERTIFICATION

This Resolution was passed at a Tribal Council Meeting held _____ at the Shoalwater Bay Tribal Center at which a quorum was present ___ FOR ___ AGAINST AND ___ ABSTAIN.

Herbert Mark Whitish, Chairman
Shoalwater Bay Tribal Council

Lynn Clark, Secretary
Shoalwater Bay Tribal Council

ENCLOSURES

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- EXHIBIT H.** Tribal Resolution # 11-26-97-60
- EXHIBIT I.** Tribal Resolution # 09-06-01-44

SHOALWATER BAY INDIAN TRIBE

P o Box 130 Tokeland, WA 98590
Telephone (360) 267-6766 - FAX (360) 267-6778

SHOALWATER BAY INDIAN TRIBE RESOLUTION #09-06-01-44

WHEREAS, the Shoalwater Bay Tribe is a Federally recognized Tribe Headquartered on the Shoalwater Bay Indian reservation in the State of Washington; and

WHEREAS, the Shoalwater Bay Tribal Council is the governing body of the Shoalwater Bay Tribe in accordance with the Constitution and By-laws; and

WHEREAS, the Shoalwater Bay Tribal Council recognizes the need for a Gaming Code to Cover Class I, Class II, and Class III gaming on the Shoalwater Bay Reservation; and

NOW THEREFORE BE IT RESOLVED, that the Shoalwater Bay Tribal Council hereby passes the Shoalwater Bay Tribal Gaming Code for Class I, Class II, and Class III gaming on the Shoalwater Bay Reservation.

CERTIFICATION

The above Resolution was passed at a regular Council meeting held September 6, 2001 at the Shoalwater Bay Tribal Center at which a quorum was present. ___ FOR ___ AGAINST ___ ABSTAIN

Herbert Madzu Whitish, Chairman
Shoalwater Bay Indian Tribe

Lynn Clark, Secretary
Shoalwater Bay Indian Tribe



SHOALWATER BAY INDIAN TRIBE

P.O. Box 130 • Tokeland, Washington 98590
Telephone (360) 267-6766 • FAX (360) 267-6778

SHOALWATER BAY INDIAN TRIBE RESOLUTION # 09-06-01-44

WHEREAS, the Shoalwater Bay Tribe is a Federally recognized Tribe Headquartered on the Shoalwater Bay Indian reservation in the State of Washington; and

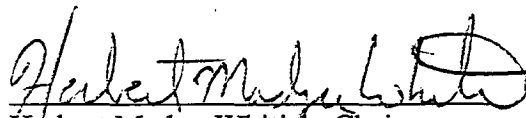
WHEREAS, the Shoalwater Bay Tribal Council is the governing body of the Shoalwater Bay Tribe in accordance with their Constitution and By-laws; and

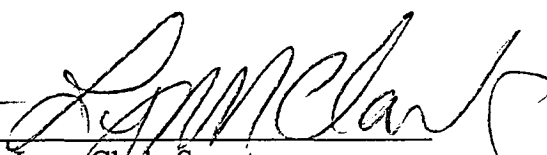
WHEREAS, the Shoalwater Bay Tribal Council recognizes the need for a Gaming Code to Cover Class I, Class II, and Class III gaming on the Shoalwater Bay Reservation; and

NOW THEREFORE BE IT RESOLVED, that the Shoalwater Bay Tribal Council hereby passes the Shoalwater Bay Tribal Gaming Code for Class I, Class II, and Class III gaming on the Shoalwater Bay Reservation.

CERTIFICATION

The above Resolution was passed at a regular Council meeting held September 6, 2001 at the Shoalwater Bay Tribal Center at which a quorum was present. FOR
 AGAINST ABSTAIN


Herbert Madzu Whitish, Chairman
Shoalwater Bay Indian Tribe


Lynn Clark, Secretary
Shoalwater Bay Indian Tribe