



APR 30 2003

Joseph Christy, Esq.
Skokomish Indian Tribe
N. 80 Tribal Center Road
Skokomish Nation, WA 98584

Re: Request for Approval of Amendments to the Skokomish Tribal Gaming Ordinance

Dear Mr. Christy:

This letter responds to your request to the National Indian Gaming Commission (NIGC) to review and approve the amendments to the tribal gaming ordinance of the Skokomish Indian Tribe (Tribe). The Tribe adopted the amendments to the ordinance by Resolution No. 02-153 on December 22, 2002, and the NIGC received the amendments on February 3, 2003.

The Chairman of the NIGC approved the original ordinance on April 30, 1996. This letter constitutes approval of the enclosed amendments as contained in Resolution No. 02-153 under the Indian Gaming Regulatory Act.

Thank you for submitting the amendments to the tribal gaming ordinance of the Skokomish Indian Tribe for review and approval.

Sincerely yours,

A large, stylized handwritten signature in black ink, which appears to be "PHILIP N. HOGEN".

Philip N. Hogen
Chairman

Enclosure

cc: Randle Sitton, Region Director, NIGC Portland (w/enclosure)



Skokomish Indian Tribe

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Skokomish Nation
Washington 98584

SKOKOMISH TRIBAL COUNCIL

RESOLUTION NO. 02-153

A RESOLUTION AMENDING THE GAMING CODE OF THE SKOKOMISH INDIAN TRIBE OF WASHINGTON STATE

WHEREAS, the Skokomish Indian Tribe is a federally recognized Indian tribe organized under its Constitution and by-laws first adopted on April 2, 1938 and approved by the Secretary of the Interior May 3, 1938, amended January 15, 1980 as approved by the Secretary of the Interior March 17, 1980; and

WHEREAS, pursuant to Article IV, Section 1 and Article V, Sections 1(e), (f), (j), (m), (q) and (t) of the Constitution, the Skokomish Tribal Council is the governing body of the Skokomish Indian Tribe and has the authority to license and regulate the conduct of business activities within the tribe's jurisdiction; establish business enterprises as branches or agencies of the Skokomish tribal government; enact laws and ordinances; consult, negotiate, and contract with agencies and officers of Federal, state, local, and tribal governments; provide services for the health, education, and welfare of all persons within the tribe's jurisdiction; and delegate this authority; and

WHEREAS, on February 28, 1996, the Skokomish Tribal Council enacted the Gaming Code of the Skokomish Indian Tribe of Washington State (S.T.C. 4.02), approved by the National Indian Gaming Commission on April 30, 1996, and amended by Resolutions 00-51, dated May 18, 2000; 01-63, dated May 16, 2001 and 01-64, dated May 16, 2001, which amendments have also been approved by the National Indian Gaming Commission, and by Resolution 01-132, dated October 18, 2001, which amendment has been submitted to the National Indian Gaming Commission for approval; and

WHEREAS, at the direction of the Tribal Council, the Skokomish Tribal Attorney, with input from the Gaming Commission, has prepared the attached proposed amendments to the Gaming Code; and

WHEREAS, the Tribal Council finds the proposed amendments to be in the best interest of the Tribe;

NOW THEREFORE BE IT RESOLVED, the Skokomish Tribal Council hereby approves and adopts the attached amendments to the Skokomish Gaming Code, which are incorporated

herein by this reference.

BE IT FURTHER RESOLVED, the Skokomish Tribal Council authorizes Joe Christy Jr., Skokomish Tribal Attorney, or his designee, to sign any and all correspondence or other documents necessary to the enactment and implementation of these amendments.

*****CERTIFICATION*****

I, Gordon James, Chairman of the Skokomish Tribal Council, do hereby certify that the foregoing Resolution No. 02- 153 was adopted at a regular meeting of the Skokomish Tribal Council held on December 11, 2002, at which a quorum was present by a vote of 3 FOR 0 AGAINST 0 ABSTAINING.

ATTEST:

Gordon James

Gordon James, Chairman
Skokomish Tribal Council

Carol Cordova

Carol Cordova, Secretary
Skokomish Tribal Council

General Provisions

4.02.090 **Membership**

(a) Number of Commissioners

The Tribal Commission shall be comprised of five Tribal Commissioners, who shall be appointed by the Tribal Council.

(b) Qualification of Commissioners

Each Commissioner must be a member of the Skokomish Indian Tribe and shall not be a member of the Skokomish Tribal Council.

(c) Background Check

Prior to the time that any Tribal Commission member takes office on the Tribal Commission, the Tribe shall perform or arrange to have performed a background check on each prospective member, consistent with the policies of the Skokomish Tribal Government. No person shall serve as a Commissioner if:

(1) His prior activities, criminal record, if any, or reputation, habits or associations:

(A) Pose a threat to the public interest; or

(B) Threaten the effective regulation and control of gaming; or

(C) Enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of gaming; or

(2) He has been convicted of or entered a plea of *nolo contendere* to a felony or any gaming offense in any jurisdiction or to a misdemeanor involving dishonesty or moral turpitude; or

(3) He or any member of his immediate family has a financial interest in any gaming activity or facility; or

(4) A member of his immediate family is employed as a Primary Management Official of a gaming facility located on Skokomish Tribal Lands.

(d) Appointment of Tribal Commission

The Tribal Council shall appoint members to the Tribal Commission during the first regular Tribal Council meeting in November. The Council's appointment of any Tribal Commission member shall be by resolution

4.02.091 **Term of Office**

(a) Each Commissioner shall serve a four year term, provided the first rotation shall have one appointed Commissioner with a two year term, two appointed Commissioners with three year terms and two appointed Commissioners with four year terms.

(b) The term of office of the Tribal Commission shall begin during the first official Tribal Commission meeting after the first regular Tribal Council meeting in November.

(c) No member of the Tribal Commission shall serve more than five terms

4.02.092 Meetings

(a) Regular Meetings

The Tribal Commission shall hold at least one regular monthly meeting, which shall take place on the first Monday of each month, or as otherwise determined by the Tribal Commission.

(b) Special Meetings

Special meetings may be called at the request of the Tribal Council, the Chairman of the Tribal Commission or 3 or more members of the Tribal Commission.

(c) Compensation of Commissioners

An honorarium may be paid for attendance at each meeting.

(d) Quorum

A quorum for all meetings shall consist of two members and the Chairman or Acting Chairman.

(e) Voting

All questions arising in connection with the action of the Tribal Commission shall be decided by majority vote. The Chairman of the Tribal Commission shall only be entitled to vote to break a tie.

4.02.093 Organization

The Tribal Commission shall develop its own operating procedures and shall elect from within itself a Chairman to direct meetings, a reporter to be responsible for keeping Tribal Commission minutes and transmitting to the Tribal Council a copy of those minutes, handling correspondence and reporting Tribal Commission decisions, and such other officers as the Tribal Commission deems advisable.

4.02.094 Removal of Members or Vacancies

(a) Removal

A Commissioner may be removed by the Council for serious inefficiency, neglect of duty, malfeasance, misfeasance, nonfeasance, misconduct in office, or for any conduct which threatens the honesty or integrity of the Tribal Commission or otherwise violates the letter or intent of this Code. Except as provided below, no Commissioner may be removed without notice and an opportunity for a hearing before the Council, and then only after the Commissioner has been given written notice of the specific charges at least ten days prior to such hearing. At any such hearing, the Commissioner shall have the opportunity to be heard in person or by counsel and to present witnesses on his behalf. If the Council determines that immediate removal of a Commissioner is necessary to protect the interests of the Tribe, the Council may immediately remove the Commissioner temporarily, and the question of permanent removal shall be determined thereafter pursuant to Tribal Commission hearing procedures. A written record of all removal proceedings together with the charges and findings thereon shall be kept by the Tribal Secretary. The decision of the Council upon the removal of a Commissioner shall be final.

(b) Vacancies

If any Commissioner shall die, resign, be removed, or for any reason be unable to serve as a Commissioner, the Council shall declare his position vacant and shall appoint another person to fill the position. The terms of office of each person appointed to replace an initial Commissioner shall be for the balance of any unexpired term for such position, provided, however, that any prospective appointee must meet the qualifications established by this Code.

4.02.096 Powers of the Tribal Commission

In furtherance, but not in limitation, of the Tribal Commission's purposes and responsibilities, and subject to any restrictions contained in this Code or other applicable law, the Tribal Commission shall have and is authorized to exercise by majority vote the following powers in addition to all powers already conferred by this Code:

- (a) To regulate and inspect all gaming activities within the jurisdiction of the Tribe.
- (b) To promote the full and proper enforcement of this Code and other applicable law regarding gaming activities within the jurisdiction of the Tribe.
- (c) To enact and enforce such rules and regulations regarding its activities and governing its internal affairs as the Tribal Commission may deem necessary and proper to effectuate the powers granted by this Code and the powers granted and duties imposed by applicable law.
- (d) To publish and distribute copies of this Code and Tribal Commission rules and any Council, Tribal Commission, or Tribal Court decisions regarding gaming matters.
- (e) To prepare and submit for Council approval proposals, including budget and monetary proposals, which could enable the Tribe to better carry forth the policies and intent of this Code.
- (f) To work with the staff of any tribal department, program, project, or operation and to cooperate with the Tribal Council or any Council Committee in regard to gaming issues.
- (g) To make or cause to be made by its agents or employees, an examination or investigation of the place of business, equipment, facilities, tangible personal property, and the books, records, papers, vouchers, accounts, documents, and financial statements of any game or gaming activity operating, or suspected of operating, within the jurisdiction of the Tribe. In undertaking such examination or

investigation, the Tribal Commission may request the assistance of tribal gaming staff, federal and local law enforcement officials, legal counsel, and other third parties.

(h) To maintain and keep current a record of new developments in the area of Indian gaming.

(i) To request the assistance of the Tribal Court or Tribal Appellate Court in conducting gaming hearings, defining terms used in this Code or other tribal laws, or in any other matter in which the Tribal Commission deems such assistance to be necessary or proper.

(j) To consider any gaming regulatory matter brought before it by any person, organization or business, and all regulatory matters referred to it by the Tribal Council.

(k) To obtain and publish a summary of federal revenue laws relating to gaming and to insure compliance with the same.

(l) To arrange for training of Tribal Commission members, tribal employees and others in areas relating to the regulation of gaming.

(m) Upon prior explicit written approval of the Council, to employ such advisors as it may deem necessary. Advisors may include, but shall not be limited to, law enforcement specialists and gaming professionals, the Tribe's general or special counsel, and the Tribe's accountants.

(n) To make recommendations to the Council on the hiring of all supervisory gaming employees.

(o) To promulgate rules and regulations to implement and further the provisions of this Code.

(p) To approve or disapprove any application for a tribal gaming license.

(q) To consult with and make recommendations to the Tribal Council regarding changes in tribal gaming laws and policies.

(r) To examine under oath, either orally or in writing, in hearings or otherwise, any person or agent, officer or employee of any person, or any other witness, with respect to any matters related to this Code, including enforcement of tribal gaming laws, regulations, and policies, and to compel by subpoena the attendance of witnesses and the production of any books, records, and papers with respect thereto.

(s) When necessary or appropriate, to request the assistance and utilize the services of the courts, law enforcement and government officials and agencies, and private parties in exercising its powers and carrying out its responsibilities.

(t) To delegate to an individual member or members of the Tribal Commission to Tribal Commission staff, such of its functions as may be necessary to administer this Code efficiently; provided that the Tribal Commission may not re-delegate its power to exercise any substantial governmental function of the Tribe or its power to promulgate rules and regulations; and provided further that the Tribal Commission may not delegate to anyone the power to permanently revoke a tribal gaming license.

(u) To permanently close, after notice and hearing, any game or games which are operating in violation of tribal law.

(v) To sue or be sued in courts of competent jurisdiction within the United States, subject to the provisions of this Code and other tribal laws relating to sovereign immunity; provided that no suit shall be brought by the Tribal Commission without the prior explicit written approval of the Tribal Council.

(w) To use the seal of the Tribe with the approval of the Tribal Council.

(y) To sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or any part of its personal property and assets.

(aa) With the prior permission of the Tribal Council, to borrow money and to make, accept, endorse, execute and issue bonds, debentures, promissory notes, guarantees, and other obligations of the Tribal Commission for moneys borrowed, or in payment for property acquired or for any of the purposes of the Tribal Commission and to secure payment of any obligations by secured interest, mortgage, pledge, deed, indenture, agreement, or other instrument of trust or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights, or privileges of the Tribal Commission.

(bb) To arbitrate, compromise, negotiate, or settle any dispute to which it is a party relating to the Tribal Commission's authorized activities.

(cc) To enter into, make, perform, and carry out any agreement, partnership, joint venture contract, or other undertaking with any federal, state, or local governmental agency, tribe, person, partnership, corporation, or other association or entity for any lawful purpose pertaining to the business of the Tribal Commission or which is necessary or incidental to the accomplishment of the purposes of the Tribal Commission.

(ee) To exercise the tribal power to tax authorized by the Skokomish Tribal Constitution in accordance with a Tribal Council resolution delegating such power to the Tribal Commission and in accordance with this Code and other applicable law.

(ff) To purchase insurance from any stock or mutual company for any property, or against any risk or hazard.

(gg) To engage in any and all activities which directly or indirectly carry out the purposes of the Tribe as set forth in this Code.

(hh) With prior approval of the Tribal Council, to make application and accept grants and other awards from private and governmental sources in carrying out or furthering the purposes of the Tribal Commission or the Tribe.

(ii) To exercise all authority delegated to it or conferred upon it by law and to take all action which shall be reasonably necessary and proper for carrying into execution the foregoing powers and all of the powers vested in this Code as permitted by the purposes and powers herein stated and which are deemed to be in the best interests of the Tribe, exercising prudent management and good business judgment, all in compliance with applicable law.

(jj) To establish and maintain such bank accounts as may be necessary or convenient.

(kk) To require by regulation the filing of any records, forms, and reports and all other information desired by the Council for implementation of this Code relating to any gaming activity or operation or any investigation as required by tribal law and the IGRA.

(ll) To provide for an internal system of recordkeeping with adequate safeguards for preserving confidentiality as deemed necessary by the Tribal Commission. All applications, background investigations and Tribal Commission decisions shall be retained in Tribal Commission files for a period of at least 10 years.

(mm) To adopt a schedule of fees to be charged for gaming licenses issued pursuant to this Code.

(nn) To adopt a schedule of fees and charges for services rendered relating to transcripts and the furnishing or certifying of copies of proceedings, files, and records.

(oo) To conduct background investigations of all persons who propose to participate in any gaming activity or operation.

(pp) To compel obedience of its lawful orders by proceedings of mandamus or injunction or other proper proceedings in the name of the Tribe in Tribal Court or in any other court having jurisdiction of the parties and of the subject matter; provided that no suit shall be brought by the Tribal Commission without the prior explicit written approval of the Tribal Council after consultation with the Tribal attorneys.

(qq) To discipline any licensee or other person participating in any gaming activity by ordering immediate compliance with this Code or Tribal Commission regulations and to issue an order of temporary suspension of any license issued under this Code, whenever the Tribal Commission is notified of a violation by any such person of this Code or any other applicable law.

(rr) To issue an order of temporary closure of any gaming activity or operation in the event the Tribal Commission determines that immediate closure is necessary to protect assets or interests of the Tribe, pursuant to Tribal Commission regulations, or whenever the Tribal Commission shall receive information from the National Indian Commission that a primary management official or key employee of an licensee does not meet the standards for being licensed under the IGRA.

(ss) To become self-regulating whenever the Tribe becomes eligible for a certificate of self-regulation under the IGRA.

4.02.098 Tribal Commission Regulations

(a) Tribal Commission regulations necessary to carry out the orderly performance of its duties and powers shall include, but shall not be limited to:

(1) Internal operational procedures of the Tribal Commission and its staff;

(2) Interpretation and application of this Code as may be necessary to carry out the Tribal Commission's duties and exercise its powers;

(3) A regulatory system for all gaming activity, including accounting, contracting, management, and supervision;

(4) The findings of any reports or other information required by or necessary to implement this Code; and

(5) The conduct of inspections, investigations, hearings, enforcement actions, and other powers of the Tribal Commission authorized by this Code.

(b) No regulation of the Tribal Commission shall be of any force or effect unless it is adopted by the Tribal Commission by written resolution and subsequently approved by a resolution of the Tribal Council and filed for record both in the office of the Tribal Attorney and in the Office of the Clerk of the Tribal Court.

(c) The Tribal Court and any other court of competent jurisdiction shall take judicial notice of all Tribal Commission regulations adopted pursuant to this Code.

4.02.103 Bank Account for Tribally Owned or Tribally Managed Gaming Facility

The Tribal Council shall ensure that the Tribe opens a separate bank account for each tribally owned or tribally managed gaming activity, and all money of such facility shall be deposited in that account. The Tribal Council shall determine who shall have check writing authority from such account.

Gaming Employee License

4.02.133 Standards For Denial of A Key Employee or Primary Management Official License

The Commission shall not license, hire, or employ as a key employee or primary management official in connection with Class II or Class III gaming, any person who:

- (a) Is under the age of 18; provided, however, that if liquor is sold on the premises that age limitation is raised to 21.
- (b) Has been convicted of or entered a plea of no contest to a gambling offense, theft, embezzlement, fraud or misrepresentation within the immediately preceding seven years; or
- (c) Has been convicted of or entered a plea of guilty or no contest to any other offense related to honesty, violence, or drugs within the immediately preceding five years; this provision shall not apply if that person has been pardoned by the Governor of the State where the conviction occurred or, if a tribal member, has been determined by the Tribe to be a person who is not likely again to engage in any offensive or criminal course of conduct and the public good does not require that the applicant be denied a license as a key employee or primary management official; or
- (d) If the Tribal Commission determines, after notice and hearing, that the person has participated in organized crime or unlawful gambling or is a person whose prior activities, criminal record, reputation, habits, and/or associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming or to the carrying on of the business and financial arrangements incidental to the conduct of gaming.
- (e) If the applicant is found to have knowingly supplied false or misleading information or has knowingly omitted material information on his license application.
- (f) Provided further that the Tribal Commission may, by regulations, add additional limitations and conditions for denial of said license.

Provisions of General Applicability to All Gaming Operators

4.02.150 Provisions of General Applicability to All Gaming Operators

- (a) Each Class II or Class III gaming activity within the jurisdiction of the Tribe shall be conducted only by a gaming operator who possesses a current and valid tribal gaming license.
- (b) Each tribal gaming license shall be applicable only to one gaming site and the gaming operator named on such license.
- (c) No tribal gaming license shall be sold, lent, assigned or otherwise transferred.
- (d) Each management and key employee of a licensed gaming activity shall possess a current and valid tribal gaming employee license.
- (e) A tribal gaming license shall be issued only to a person who qualifies therefor under this Code, or to the Tribe or a tribal subdivision.
- (f) Each gaming operator shall have a copy of this Code and regulations readily available for inspection by any person at each authorized gaming facility or activity.
- (g) Each gaming facility shall post, in a prominent place in each room where gaming is conducted, a sign stating the following:

This facility is regulated by the National Indian Commission and the Skokomish Indian Tribe of Washington.

- (h) Each facility that houses one or more card games shall post, in a prominent place in each card room, the rules of each card game played. These rules shall notify the public of the following:
 - (1) The maximum rake-off percentage, time buy-in and other fees charged;
 - (2) The number of raises allowed;
 - (3) The monetary limit of each raise
 - (4) The amount of ante; and
 - (5) Other rules as may be necessary.
- (i) No Class III gaming equipment or supplies shall be operated, purchased, leased or otherwise acquired by the Tribe unless that Class III equipment or supplies meet the technical equipment standards of either the State of Nevada or the State of New Jersey.
- (j) All accounting records of each tribally licensed gaming facility shall be kept on a double entry system of accounting, maintaining detailed, supporting, subsidiary records. The operator and the Tribe shall maintain the following records for not less than three (3) years:
 - (1) Revenues, expenses, assets, liabilities and equity for each location at which Class II and Class III gaming is conducted;
 - (2) Daily cash transactions for each Class II and Class III game at each location at which gaming is conducted, including but not limited to transactions relating to each gaming table bank, game drop box, and gaming room bank;

- (3) All markers, IOU's, returned checks, hold checks or other similar credit instruments;
 - (4) Individual and statistical game records (except card games) to reflect statistical drop and statistical win; for electronic, computer, or other technologically assisted games, analytic reports which show the total amount of cash wagered and the total amount of prizes won;
 - (5) Contracts, correspondence and other transaction documents relating to all vendors and contractors;
 - (6) Records of all tribal gaming enforcement activities;
 - (7) All gaming related audits prepared by or on behalf of the Tribe or one of its subdivisions; and
 - (8) Personnel information on all Class II and Class III gaming employees or agents including rotation sheets, hours worked, employee profiles and background checks.
- (k) No person under the age of 21 shall be employed as a key employee or primary management official of any Class III game, if the facility serves alcoholic beverages.
- (l) No person under the age of 21 years shall be permitted to conduct, assist in, or play any gaming activity conducted at any location having an alcoholic beverage license of any type or class.
- (m) Each gaming operator shall post in a conspicuous location near where each gaming activity is being played or shall otherwise provide the public with an explanation of the rules of play of every game he operates.
- (n) A gaming operator is prohibited from renting or lending gaming equipment to any person without the prior written approval of the Tribal Commission.
- (o) A gaming operator is prohibited from exchanging pull-tabs, punch-boards, sports pools, and twenty-one boxes (shoes) without the approval of the Tribal Commission. All other gaming equipment may be exchanged without prior approval. Any request for approval shall be made to the Tribal Commission at least 5 days prior to the exchange.
- (p) Each gaming operator who anticipates the printing, manufacture, or construction of any equipment for gaming activity shall first notify the Tribal Commission of his intention and shall have the finished product approved by the Tribal Commission before it is placed in service.
- (q) Gaming chips and other tokens of value may be sold and redeemed only by the gaming operator and only for full value.
- (r) Every licensed gaming operation shall maintain and keep for not less than 10 years permanent books of accounts and records, including inventory records of gaming supplies, sufficient to establish the gross and net income, deductions, expenses, receipts, and disbursements of the enterprise.
- (s) A gaming operator who conducts a gaming activity at a site in which the operator does not have a legal ownership interest shall file with the Tribal Commission, prior to conducting any gaming activity at such site, a written agreement, attested to by both the gaming operator and the owner of such site, setting forth the terms under which the operator is permitted the use of such site.

(1) Such agreement shall contain all of the following information:

- (A) The name of the legal owner of the site. If the gaming operator is to be a sub-lessee, then the name of the lessee must also be included.
- (B) The name and gaming license number of the gaming operator.
- (C) The term of such use of the site.
- (D) The monetary consideration to be paid for such use of the site, if any.
- (E) A precise description of the location or premises.
- (F) A prohibition of advertising of the gaming activity by the owner.
- (G) The following provision:

The (grantor/lessor) hereby agrees that neither (he), (his) spouse, nor any employee or agent of the (grantor/lessor) shall participate in the selling, distributing, conducting, assisting, or participating in gaming activity at the site herein (granted/leased) without the prior written approval of the Tribal Commission.

(2) Any rent or lease provision of such agreement shall include a fixed monthly rental dollar amount, unless otherwise approved in writing by the Tribal Commission.

(3) A graduated lease rate for use of the site is prohibited unless approved in writing by the Tribal Commission.

(4) Other remuneration in lieu of money for use of the site is prohibited unless approved in writing by the Tribal Commission.

(5) A percentage lease rate for use of the site is prohibited unless approved in writing by the Tribal Commission.

(6) No game of chance shall be operated in conjunction with the conduct of the grantor's business operation unless approved in writing by the Tribal Commission.

(7) Any renegotiated agreement shall be submitted to the Tribal Commission for approval prior to its effective date.

(t) There shall be no sale of liquor at any gaming site without the prior approval of the Tribal Gaming Council.

(u) Consideration for the chance to play in any gaming activity shall only be cash or, if allowed by the gaming operator, personal check and shall be presented at the time the game is played. No other form of consideration shall be allowed unless the Tribal Commission gives prior written approval.

(v) Evidence of any win or loss incurred by a player must, upon request, be provided to such player in such form as will be acceptable to the IRS.

All Class III gaming must comply with the applicable provisions of the Bank Secrecy Act, P.L. 91-508, October 26, 1970, 31 U.S.C. §§ 5312-5314.

- (w) Each gaming operator shall pay all fees and file all reports required by law within the time prescribed.
- (x) Each gaming operator shall respond immediately to and obey all inquiries, subpoenas, or orders of the Tribal Commission, the Tribal Council, the Tribal Court, or the National Indian Gaming Commission.
- (y) Each gaming operator shall prominently display at each gaming site a current, valid tribal gaming license.
- (z) Each gaming operator shall at all times maintain an orderly, clean, and neat gaming facility, inside and out.
- (aa) Each gaming operator shall provide adequate security to protect the public before, during, and after any gaming activity.
- (bb) Each licensed gaming activity shall be subject to patrol by the tribal police force for the purpose of enforcing tribal law, and each gaming operator shall cooperate at all times with the tribal police force.
- (cc) Each gaming operator shall make its premises and books and records available for inspection during normal business hours by the Tribal Commission and members of the Tribal Council or their designee.
- (dd) No gaming shall be conducted on tribal election days, or on any day on which any tribal referendum is held, or on special days of observance designated by the Tribal Council or by the Tribal Commission.
- (ee) No gaming operator may discriminate on the basis of sex, race, color, or creed in the conduct of any licensed gaming activity.
- (ff) Each gaming operator shall keep accurate books and records of all moneys received and paid out and provide the Tribal Commission or its designee with copies of or access to the same upon request.
- (gg) All net revenues of any gaming activity shall be used only in a manner prescribed by this Code.
- (hh) Every gaming operator shall comply with all applicable tribal and federal revenue reporting laws.
- (ii) Each gaming operator shall immediately suspend any employee who, during the course of employment, is charged with a crime of theft, embezzlement, fraud or other gaming crime, or any offense related to the sale, possession, manufacture, or transport of illegal drugs. The gaming operator shall also immediately notify the Tribal Commission in writing of the name of the person and the pending charge and advise the Tribal Commission of the outcome of the case. If the employee is convicted or pleads *nolo contendere* to the charge, the employee's employment shall be terminated.

Enforcement

4.02.161 Prohibited Acts

In addition to other civil and criminal offenses provided for in this Code or under other applicable law, the following acts are prohibited and subject any violator to the civil or criminal penalties specified herein:

- (a) Knowingly making a false statement in an application for employment with any gaming operator or with the Tribal Commission.
- (b) Knowingly making a false statement in connection with any contract to participate in any gaming activity.
- (c) Attempting to bribe any person participating in any gaming activity.
- (d) Offering or accepting a loan, financing, or other thing of value between a Tribal Commission member or employee and any person participating in any gaming activity.
- (e) Failing to keep sufficient books and records to substantiate receipts, disbursements, and expenses incurred or paid from any gaming activity authorized pursuant to this Code.
- (f) Falsifying any books or records which relate to any transaction connected with any gaming activity pursuant to this Code.
- (g) Conducting or participating in any gaming activity which in any manner results in cheating or misrepresentation or which allows any other disreputable tactics that detract from the fair nature and equal chance of participation between gaming players, or which otherwise creates an advantage over and above the chance of such gaming activity and which affects its outcome.
- (h) To conduct a gaming activity with or to allow participation in a gaming activity by an intoxicated or disorderly player.
- (i) To allow or participate in the sale of liquor at gaming sites when such sale is prohibited by tribal law.
- (j) To accept consideration other than money, personal checks, or other approved consideration for the chance to play or participate in any gaming activity.
- (k) To solicit, directly or indirectly, or to use inside information on the nature or status of any gaming activity for the benefit of any person.
- (l) To tamper with a gaming device or conspire to tamper or manipulate the outcome or the payoff of a gaming device, or otherwise interfere with the proper functioning of the machine.
- (m) To alter or counterfeit a gaming license.
- (n) To aid, abet, or conspire with another person knowingly or knowingly to cause any person to violate any provision of this Code or any rules and regulations adopted hereunder.
- (o) To operate, use, or make available to the public any illegal gaming device, apparatus, material, or equipment.

- (p) To sell or hold out for sale or transport into or out of the jurisdiction of the Tribe any illegal gaming device, apparatus, material, or equipment.
- (q) To assist or allow a person who is under age to participate in any gaming activity.
- (r) To possess any illegal narcotics or controlled substances on any licensed gaming site.
- (s) To steal or attempt to steal funds or other items of value from any gaming facility or from the Tribal Commission.
- (t) To employ any person at a licensed gaming facility whom the gaming operator knows has been convicted of a gaming crime or a crime of fraud.
- (u) To conspire with or induce any person to violate any of the provisions of this Code or any tribal or federal law.
- (v) For a operator or any of his employees or agents to engage in any act, practice, or course of operation which could result in a fraud or deceit upon any person.
- (w) To use bogus or counterfeit chips or charitable gaming tickets, or to substitute or use any game, cards, charitable gaming tickets, or gaming equipment that have been marked or tampered with.
- (x) To employ or have on the Reservation any device to facilitate cheating in any game of chance.
- (y) To knowingly use any fraudulent scheme or technique, or to solicit, provide, or receive inside information about any gaming activity with the intent of benefiting any person.
- (z) To take, solicit, or encourage any action which undermines the integrity of any game of chance.
- (aa) For a gaming operator to knowingly employ any person who, within the preceding seven years, has been convicted of or entered a plea of *nolo contendere* to a crime of theft, embezzlement, fraud, or other gaming crime.

Operation of Tribally Owned or Tribally Operated Games

4.02.180 Management by a General Manager

- (a) The Tribal Council may appoint one person to serve as General Manager of each tribally owned or tribally operated gaming facility. Each General Manager shall undergo a background check by the Tribal Commission and shall obtain an employee gaming license before commencing work. The Tribal Council shall be the direct supervisor of the General Manager and the Tribal Council shall retain the authority to suspend or dismiss the General Manager as it deems necessary.
- (b) The General Manager shall be responsible for managing and overseeing the day-to-day operations of the gaming operation. The General Manager shall have such authority as the Tribal Council may delegate.
- (c) The General Manager shall provide a written monthly report to the Tribal Council and Tribal Commission which details the number of patrons served, the amount of income generated, the numbers of employees working at the facility, a detailed description of any patron complaints and other problems experienced at the facility, and a written statement of any changes in key employees or primary management officials and all bills which are 30 days or more past due.
- (d) The General Manager shall propose and the Tribal Commission shall approve a patron's complaint process. Each tribally owned and tribally operated gaming facility shall post at least one sign in each gaming room informing patrons that they may file complaints directly with the Tribal Commission, and advising them of the Tribal Commission's address and phone number.
- (e) The General Manager shall be personally responsible for seeing that all gaming activities are managed in accordance with tribal and federal law and that all gaming activities comply with all IRS reporting requirements.

4.02.185 Financier Contracts

- (a) Each financing agreement shall fully comply with and is subject to the prior approval of the Tribal Commission and ratification by the Council.
- (b) Before submission to the Council for final ratification, each financing contract shall be approved by the Tribal Commission. Before giving final consideration to any proposed financing agreement the Tribal Council shall direct the Tribal Commission to conduct a complete background investigation of persons and entities with the financial interest in, or having financing responsibility for, the financing contract, including requiring the submission of all information required under 25 C.F.R. § 537.1, as amended, incorporated herein by this reference.
 - (1) Background information on the proposed financier including: its name, its address, the names and addresses of each person or entity having a direct financial interest and, in the case of a corporation, the names and addresses of each member of its board of directors and all stockholders who hold directly or indirectly 10 percent or more of its issued or outstanding stock.
 - (2) A description of any previous experience that each person listed in subsection (b)(1) of this section has had with other gaming contracts with Indian tribes or with any gaming activity or operation wherever located, including the name and address of any tribal

government or licensing agency with which such person has had a contract, license, or other agreement or permit relating to gaming.

(3) A complete financial statement of each person listed in compliance with subsection (b)(1) of this section.

(4) The Tribal Commission shall contact each of the tribal governments and licensing agencies listed in compliance with subsection (b)(2) of this section to determine the performance history of the proposed financier.

(5) The Tribal Commission shall arrange to have each proposed financier investigated to learn of his personal attributes and to determine whether he has a prior criminal record or any pending criminal charges.

(6) The Tribal Commission shall obtain an independent verification of the completed financial statements of the proposed financier.

(7) The Tribal Commission shall undertake any additional steps it can to determine the character and reputation of the proposed financier and each person listed in compliance with subsection (b)(2) of this section.

(8) If the Council, after reviewing the above described information, still desires to enter into a financing agreement with the proposed financier, such agreement shall be made in writing and submitted to the Tribe's attorneys for review.

(c) Any financing agreement approved by the Tribal Council must include at a minimum, with respect to the gaming activity to which the agreement is applicable, all of the required provisions contained in 25 C.F.R. § 537.1, as amended, incorporated herein by this reference.

(d) All persons who possess an ownership interest or management position in the proposed financing contract shall apply for a gaming employee license under this Code. No financing agreement shall be approved by the Tribal Council until all gaming employee license applications have been reviewed and the Tribal Commission has submitted written findings on such applications to the Tribal Council.

(e) If the Tribal Commission is satisfied with the information it receives it shall submit the proposed agreement language to the Tribal Council for final approval.