



December 17, 2007

Via U.S. Mail and Facsimile

Melvin Sheldon, Jr., Chairman
Tulalip Tribes of the Tulalip Reservation
6700 Totem Beach Road
Tulalip, WA 98271
Fax: (360) 651-4032

RE: Amendment to Tulalip Gaming Ordinance No. 55

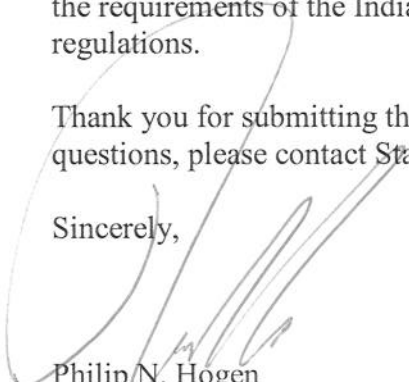
Dear Chairman Sheldon:

By letter dated October 29, 2007, the Bureau of Indian Affairs, Northwest Regional Office, requested that the National Indian Gaming Commission's (NIGC) Chairman review and approve the Tulalip Tribes' amendment to the Tulalip Gaming Ordinance No. 55 (Gaming Ordinance). The Tribes amended the Gaming Ordinance on October 5, 2007, via Resolution No. 2007-267 and received approval from the Superintendent for the Bureau of Indian Affairs. In this amendment, the Tribes separate gaming key employees from non-gaming key employees. Non-gaming key employees will not need state certification under the compact but will need to comply with all NIGC and tribal licensing regulations.

This letter constitutes approval of the amendment because nothing therein conflicts with the requirements of the Indian Gaming Regulatory Act (IGRA) and the Commission's regulations.

Thank you for submitting the amendment for review and approval. If you have any questions, please contact Staff Attorney Rebecca Chapman at (202) 632-7003.

Sincerely,



Philip N. Hogen
Chairman

cc: Northwest Regional Office, Bureau of Indian Affairs, U.S. Department of the Interior

THE TULALIP TRIBES
Amendment to Ordinance 55 – Tulalip Gaming Ordinance
Resolution No.2007- 267

Amending the Tulalip Gaming Ordinance No. 55 Section 4(b) and Gaming Regulation 6.030(d).

WHEREAS the Board of Directors is the governing body of the Tulalip Tribes under the Constitution and Bylaws of the Tribe approved by the United States Commissioner of Indian Affairs and the Secretary of the Interior on January 24, 1936, pursuant to the Act of June 18, 1934 (48 Stat. 984, 25 U.S.C. §476); and

WHEREAS, pursuant to Art. VI. Section 1.F, the Board of Directors possesses the authority to manage all economic affairs and enterprises of the Tulalip Reservation; and

WHEREAS, pursuant to Art. VI. Section 1.R, the Board of Directors possesses the authority to adopt resolutions regulating the procedure of tribal agencies; and

WHEREAS, Tulalip Gaming Ordinance No. 55 currently requires all “Key Employees” to obtain Class III state certification from the Washington State Gambling Commission; and

WHEREAS, the Indian Gaming Regulatory Act only requires tribal and NIGC certification and licensing for Key Employees; and

WHEREAS, the Tulalip Tribes – Washington State Gaming Compact Section 4(b) only requires every *gaming* employee to be licensed by the Tribal Gaming Agency and be certified by the State; and

WHEREAS, the Indian Gaming Regulatory Act defines “Key Employees” as an employee whose total cash compensation is in excess of \$50,000 per year (25 C.F.R. 501.14(b)); and

WHEREAS, the majority of the Tulalip Gaming Organization’s employees earn in total cash compensation over \$50,000 per year; and

NOW THEREFORE BE IT RESOLVED that the Tulalip Gaming Ordinance No. 55 Section 4(b) is hereby amended as presented (additions indicated by underlines, deletions indicated by ~~strikeouts~~).

1. Licenses

(i) **Licensing Program Overview**. The Tribe's Gaming licensing program shall be administered through the TGA. The program shall be an investigative licensing process under which all Applicants for Class II and Class III Gaming licenses are evaluated against the standards set forth in, and subject to the requirements of this Ordinance, all Gaming Regulations promulgated hereunder, IGRA, NIGC regulations, Compact requirements, and any other applicable Tribal, federal, or State laws.

(ii) **Licensing Requirements**. An annual Tribal Gaming license is required for:

(A) Each Class III Gaming Facility and Gaming Operation located on Tulalip Tribal Lands;

(B) Each Class II Gaming Facility and Gaming Operation located on Tulalip Tribal Lands;

(C) Each State lottery retailer located on Tulalip Tribal Lands;

(D) Each employee of a Class II or Class III Gaming Operation, the Director and all TGA employees;

(E) Each Gaming vendor;

(F) Each non-exempt, non-Gaming vendor;

(G) Each non-exempt Gaming financier.

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

(iv) **Applicant Claim of Privileges.** An Applicant may claim any privilege afforded by law in connection with a Gaming license application or investigation, but a claim of privilege with respect to any testimony or evidence pertaining thereto may constitute sufficient grounds for denial, suspension or revocation.

(v) **Release of Information.** Any persons applying for a license shall agree to release all information necessary in order for the TGA, NIGC and the State Gaming Agency to complete their suitability determination. Applicants must update all such information promptly on an on-going basis.

(vi) **Gaming license confers no property right.** A Tribal Gaming license is a revocable privilege, and no licensee shall have any vested or property right in a Tribal Gaming license. A Tribal Gaming license is personal to the licensee, and may not be assigned or transferred.

(vii) **Types of Licenses.**

(A) **Gaming Facility and Gaming Operation License.** A single license for each Class II or Class III Gaming Facility operating on Tulalip Tribal Lands.

(B) **Category A License.** Any Primary Management Official, Gaming Key Employee, or closely associated independent contractor with influence over the management of the Gaming Operation shall obtain a Category A license. The TGA shall conduct or cause to be conducted a background investigation to determine if such person has:

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

2) Anything else in his/her background that might create or enhance the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of Gaming.

Additional procedures for Category A licensing application and background investigations shall be set forth by regulation. Those who do not meet the required qualifications shall be denied a Category A license, or the license if issued, may be revoked

(C) **Category B License**. Persons who are not among those identified in subsection (B) above, but are to be employed at a Gaming Facility on Tulalip Tribal Lands in another non-gaming capacity, shall be required to obtain a Category B license from the TGA. Such persons shall complete a short form Category B application. A Category B license may be denied if the TGA finds that the Applicant has been convicted of a felony or crimes involving dishonesty, or is engaged in any activity which the TGA deems would render such person a danger to the safety and security of the Tribe, property of the Tribe, any Gaming employee or patron, or the public.

Those who do not meet the required qualifications shall be denied a Category B license, or the license if issued, may be revoked. Non-gaming Key Employees shall be required to submit to both tribal licensing requirements and NIGC licensing requirements.

(D) **Gaming Vendor License**. Vendors of goods and services directly related to Class II & III Gaming and non-exempt Gaming financiers must meet all Tribal licensing and State Certification and suitability requirements. Gaming vendor licensing requirements may be more fully set forth in TGC regulations. The Gaming vendor license must be renewed annually. The Tribe shall not enter into, or continue to make payments pursuant to, any contract or agreement that would require licensing if the Gaming vendor has been denied a license or is deemed unsuitable, or the license or suitability determination has expired without renewal.

(E) **Gaming Vendor License Exemptions for Gaming Financiers**. Third party financing extended or guaranteed for the Class II or Class III operation and facility by an agency of the United States, a member institution of the FDIC, or an institution regulated by the Comptroller of the Currency are exempt from licensing requirements.

(F) **Non-Gaming Vendor License**. Vendors who are deemed not to be Gaming vendors and who provide only non-Gaming Goods and Related Services to the TGO shall, unless exempt, complete a short form application.

(G) **Non-Gaming Vendors Licensing Exemptions**. The following categories of vendors are exempt from licensing requirements: (1) non-Gaming vendors supplying less than \$25,000 in goods or services annually, (2) vendors supplying only accounting or legal services, and (3) non-Gaming vendors supplying only food, beverage, gift shop, advertising, promotional, entertainment or marketing goods and services.

(H) **State Lottery Retailers**. All State lottery retailers shall complete a short form application.

(I) **Temporary Licenses**. Pending completion of an investigation for a license, the Tribal Gaming Agency may issue a temporary license.

(J) **Conditional Licenses**. Licenses that contain conditions those are necessary for an individual to qualify for a license.

(viii) **License Renewal**. All licenses, other than temporary licenses, shall be subject to renewal annually. Licenses may be suspended or revoked upon the occurrence of any act which, if known during the application process, would have disqualified such person or Entity for such a license.

(ix) **License Investigations**. The TGA may employ all reasonable means, including engaging outside services and investigators to acquire the information necessary to determine whether or not a license should be issued. Applicants shall agree to release all information necessary in order for the TGA to achieve its goals under this section and to furnish such information to the

NIGC, the State Gaming Agency, or other agencies as may be required by Tribal, federal or State law or the Compact.

(A) **License fees and costs.** All license Applicants shall pay to the TGA a non-refundable fee, in the amount set forth in Gaming Regulations, or fee schedule approved by the TGC and Board pursuant to the Gaming Regulations. Unless specifically waived by the TGA, all persons applying for a license shall be required to pay all applicable license fees and costs when due, including a reasonable deposit for costs that may be incurred in connection with the license application. Estimates of licensing costs will be provided to Applicants upon reasonable request. All fees and costs must be received by the TGA prior to issuance of the license, unless the Tribe or the Gaming Operation has agreed to reimburse the TGA directly for all or part of such fees and costs.

(x) **Background Investigations.**

(A) The TGA shall request ~~from each Primary Management Official, Key Employees, and any other Applicant for a Category A license,~~ all information required by NIGC regulations and the TGC, as more fully set forth in TGC regulations for:

(a) Primary Management Officials.

(b) Key Employees, and

(c) Any Applicant for a Category A license.

(B) The TGA shall conduct or cause to be conducted, an investigation sufficient to make a determination of eligibility as required under this Ordinance and NIGC regulations.

(C) The TGA inspector conducting the background investigation on behalf of the TGA shall create an investigative report noting the steps taken, information gained, potential problem areas, and disqualifying information, conclusions reached and basis thereof. The report shall be reviewed by the Director or the Director's designee. The TGA, TGC and TGA inspectors shall keep confidential the identity of each person interviewed in the course of an investigation, other than disclosure as required under Tribal, federal or State law.

(D) Fingerprints shall be taken by the trained personnel of the TGA. Fingerprints will then be forwarded by the Director to the NIGC and to the State Gaming Agency, if applicable, consistent with all applicable laws and the Compact. Fingerprints shall be processed through the FBI and/or other available State sources as applicable to determine the Applicant's criminal history, if any.

NOW THEREFORE BE IT FUTHER RESOLVED that the Tulalip Gaming Ordinance No. 55 Gaming Regulation 6.030 (d) is hereby amended as presented (additions indicated by underlines, deletions indicated by ~~strikeouts~~).

d. Gaming Key Employees and Primary Management Officials shall be required to submit additional information as provided for in these Gaming Regulations for Category A Licenses. All other employees shall submit a short form licensing application for Category B Licenses.

ADOPTED by the Board of Directors of the Tulalip Tribes of Washington at a regular meeting assembled on

the 5 of October, 2007, with a quorum present, by a vote of 4 for and 0 against.

THE TULALIP TRIBES OF WASHINGTON

Melvin R. Sheldon Jr.
Melvin R. Sheldon, Jr., Chairman

ATTEST:

Marlin Fryberg
Marlin Fryberg, Secretary

Approved pursuant to 09 DM 8,
230 dm 1, 3 IAM 4, 4a

Judith N. Joseph 10/10/07
Superintendent Date