

JAN 29 1998

Honorable A. Brian Wallace  
Chairman, Washoe Tribe of Nevada and California  
919 U.S. 395 South  
Gardnerville, Nevada 89410

Dear Chairman Wallace:

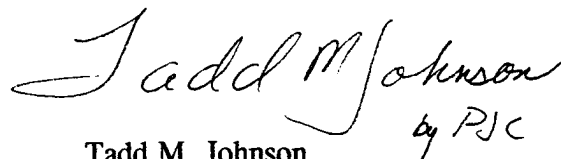
This letter responds to your request to review and approve the Washoe Tribal Gaming Code adopted on August 8, 1997, by the Washoe Tribe of Nevada and California (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required tribal ordinance are not subject to review and approval. Also such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. §556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. §556.5(b).

Thank you for submitting the Gaming Code of the Washoe Tribe of Nevada and California for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,



Tadd M. Johnson  
Chairman

cc: John H. Martin, Attorney

OCT 31 1997

Resolution No. 97-WTC-44

**RESOLUTION OF THE GOVERNING BODY**

**OF THE**

**WASHOE TRIBE OF NEVADA AND CALIFORNIA**

**WHEREAS,** the Washoe Tribe of Nevada and California is organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 594) as amended, to exercise certain rights of home rule and be responsible for the general welfare of its membership; and

**WHEREAS,** the Washoe Tribe of Nevada and California is the sovereign authority to operate, license and regulate gaming activities on Washoe Tribal lands; and

**WHEREAS,** the United States has provided a statutory basis in the Indian Gaming Regulatory Act for the operation of gaming by Indian Tribes and on Indian land as a means of promoting Tribal economic development, self-sufficiency, and strong Tribal government; and

**WHEREAS,** in order to safeguard the political integrity, economic security and general welfare of the Washoe Tribe of Nevada and California as well as the health and safety of Tribal members and visitors to Washoe Tribal lands, it is necessary for the Tribe to promulgate standards and regulations to govern the conduct of gaming activities on Washoe Tribal land; and

**WHEREAS,** the Washoe Tribe desires to enter into negotiations with the State of Nevada to negotiate a gaming compact to define Nevada's relationship to Washoe Tribal gaming.

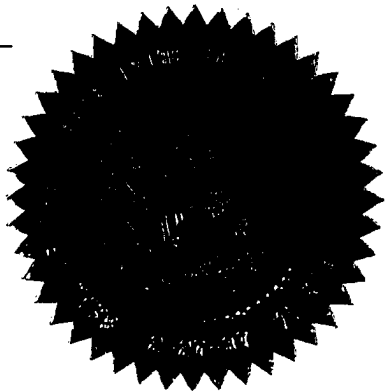
**NOW, THEREFORE, BE IT RESOLVED THAT** the Washoe Tribe of Nevada and California hereby approves and adopts the attached Title 21, Gaming Regulation, as an addition to the Law and Order Code.

**ALSO, LET IT BE RESOLVED THAT** the Chairman of the Washoe Tribe is hereby authorized and directed to enter into negotiations with the State of Nevada to negotiate all necessary agreements and compacts for the operation of gaming activities on Washoe Tribal lands.

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

It is hereby certified that the Washoe Tribal Council is the governing body of the Washoe Tribe of Nevada and California, composed of twelve (12) members of whom 10 constituting a quorum were present at a meeting duly held on the 11th day of JULY, 1997 and that the foregoing resolution as adopted by an affirmative vote of 5 for, 3 against, 1 abstention pursuant to the authority contained in Article VI, Section 1(h) of the Amended Constitution and Bylaws of the Washoe Tribe of Nevada and California.

7-14-97  
DATE



Carolyn M. Kenton  
CAROLYN M. KENTON  
SECRETARY/TREASURER  
WASHOE TRIBAL COUNCIL

OCT 31 1997

Resolution No. 97-WT-55

**RESOLUTION OF THE GOVERNING BODY**

**OF THE**

**WASHOE TRIBE OF NEVADA AND CALIFORNIA**

**WHEREAS,** the Washoe Tribe of Nevada and California is organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 594) as amended to exercise certain rights of home rule and be responsible for the general welfare of its membership; and

**WHEREAS,** the Washoe Tribe of Nevada and California has the sovereign authority to operate, license and regulate gaming activities on Washoe Tribal land; and

**WHEREAS,** the Washoe Tribal Council did enact Title 21 Gaming Regulations, the Tribal Law & Order Code on July 11, 1997, by Resolution No. 97-WTC-44 and did, by that act, intend to rescind and replace any and all resolutions, ordinances and code provisions previously enacted dealing with the subject of Tribal gaming, in particular, Resolution No. 91-W-30 of May 21, 1991, incorporating Title 16, Gaming Ordinance.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Washoe Tribe of Nevada and California by approving and adopting Resolution No. 97-WTC-44, Title 21, Gaming Regulation, did rescind and replace Resolution No. 91-W-30 dated May 21, 1991, and all other resolutions, ordinances and code provisions previously enacted dealing with Gaming Regulations.

SIGNED:

*A. Brian Wallace*  
A. BRIAN WALLACE, CHAIRMAN

*Benny Mills*  
BENNY MILLS

*Lenora Kizer*  
LENORA KIZER

\_\_\_\_\_  
ROBERTA JONES

\_\_\_\_\_  
SHERI JOHNSON

\_\_\_\_\_  
JACK MALONE, JR.

*Jacqueline Steele*  
JACQUELINE STEELE

*Wanda Batchelor*  
WANDA BATCHELOR

*Kathie Wyatt*  
KATHIE WYATT

*Russell McDonald*  
RUSSELL McDONALD

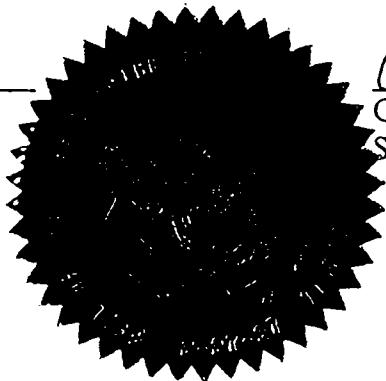
*Claudia Ann Wade*  
CLAUDIA ANN WADE

*Phillip Bennett*  
PHILLIP BENNETT

CERTIFICATION

It is hereby certified that the Washoe Tribal Council is the governing body of the Washoe Tribe of Nevada and California composed of twelve (12) members of whom 9 executed the foregoing signature resolution pursuant to the authority contained in Article VI Section I (h) of the Amended Constitution and Bylaws of the Washoe Tribe of Nevada and California.

8-8-97  
DATE



*Carolyn M. Kenton*  
Carolyn M. Kenton  
Secretary-Treasurer

OCT 31 1997

WASHOE TRIBE OF NEVADA AND CALIFORNIA

LAW AND ORDER CODE

TITLE 21

GAMING REGULATION

WASHOE TRIBE OF NEVADA AND CALIFORNIA

LAW AND ORDER CODE

TITLE 21- GAMING REGULATION

TABLE OF CONTENTS

**21-10 LEGISLATIVE FINDINGS AND PURPOSE**

- 21-10-10 Gaming Authority
- 21-10-20 Findings
- 21-10-30 Purpose

**21-20 GENERAL PROVISIONS**

- 21-20-10 Title
- 21-20-20 Definitions

**21-30 AUTHORIZATION OF TRIBAL GAMING**

- 21-30-10 Tribal Gaming Authorized
- 21-30-20 Separate License for Each Location
- 21-30-30 Negotiation of Compact Authorized
- 21-30-40 Compliance with Law; Inclusion of Compact
- 21-30-50 Repeal of Prior Ordinances

**21-40 WASHOE TRIBAL GAMING AGENCY**

- 21-40-10 Agency Established
- 21-40-20 Structure of Agency
- 21-40-30 Powers and Duties of Agency
- 21-40-40 Agency Operations
- 21-40-50 Powers and Duties of Gaming Manager

**21-50 FINANCIAL MATTERS**

- 21-50-10 Application of Net Revenues

21-50-20 Budgets  
21-50-30 Audits

**21-60 BACKGROUND INVESTIGATIONS FOR PRIMARY MANAGEMENT  
OFFICIALS AND KEY EMPLOYEES**

21-60-10 Required Background Investigations  
21-60-20 Statement of Responsibilities  
21-60-30 Notices to Applicants  
21-60-40 Information from Applicants  
21-60-50 Rules Regarding Background Investigations  
21-60-60 Eligibility Determinations  
21-60-70 Reporting to the Commission; Agency Action on  
Commission Recommendations

**21-70 LICENSES**

21-70-10 License Required for Each Gaming Location  
21-70-20 License Required for Each Gaming Employee; Standard for  
Gaming License  
21-70-30 Background Investigations  
21-70-40 Licensing Decision; No Vested Right to License  
21-70-50 Work Permits  
21-70-60 Licensing of Vendors, etc.

**21-80 HEARINGS AND APPEALS**

21-80-10 Licensing Decisions  
21-80-20 Patron Disputes Regarding Particular Wagers  
21-80-30 Appeal to Council  
21-80-40 Confidential Information  
21-80-50 Hearing Procedures; Burden of Proof

**21-90 PROHIBITED ACTS AND PENALTIES**

21-90-10 Prohibited Acts  
21-90-20 Penalties

**21-100 CLASS II GAMING**

- 21-100-10 Definitions
- 21-100-20 Persons Authorized to Conduct Class II Gaming
- 21-100-30 Ownership of Class II Gaming Activity
- 21-100-40 Management Contracts
- 21-100-50 Games Permitted
- 21-100-60 Bingo Game Cards
- 21-100-70 Player Limitation
- 21-100-80 Entry Prohibited
- 21-100-90 Hours of Operation; Notice to Commission

**21-110 CLASS III GAMING**

- 21-110-10 Compliance with Compact and Laws Applicable
- 21-110-20 Persons Authorized to Conduct Class III Gaming
- 21-110-30 Ownership of Class III Gaming Activity
- 21-110-40 Hours of Operation
- 21-110-50 Games Permitted
- 21-110-60 Management Contracts

**21-120 RECORDS AND AUDITS**

- 21-120-10 Records and Maintenance



WASHOE TRIBE OF NEVADA AND CALIFORNIA

LAW AND ORDER CODE

TITLE 21 - GAMING

21-10 LEGISLATIVE FINDINGS AND PURPOSE

21-10-10 Gaming Authority

The Washoe Tribal Council is the recognized governing body of the Washoe Tribe of Nevada and California with the responsibility to exercise the privileges and powers of self-government, to conserve and develop our resources, and to secure the social and economic well-being of our Tribe. This Title is enacted on the basis of inherent sovereign tribal powers delegated to the Tribal Council under Article VI of the Tribe's Constitution and Bylaws, and the Indian Gaming Regulatory Act, Pub. L. 100-497, 25 U.S.C. §§ 2701 et seq.

[Adopted 7/11/97; No. 97-WTC-44]

21-10-20 Findings

The Tribal Council of the Washoe Tribe of Nevada and California finds that:

1. The Washoe Tribe of Nevada and California has the sovereign authority to operate, license and regulate gaming activities on Indian lands;
2. The United States Congress has provided a statutory basis for the operation of gaming by Indian Tribes and on Indian lands as a means of promoting Tribal economic development, self-sufficiency, and strong Tribal government; and
3. Nevada law is not directly applicable on Washoe Indian lands, but federal law depends on the policy underlying state gaming laws. In Nevada, gaming is not only lawful; it is the State's principal economic

activity. Similar gaming operations operated by the Tribe would not conflict with federal law.

4. In order to safeguard the political integrity, economic security and general welfare of the Washoe Tribe of Nevada and California, as well as the health and safety of visitors to Washoe Tribal lands, it is necessary for the Tribe to promulgate standards and regulations to govern the conduct of gaming activities on Washoe Tribal lands.

[Adopted 7/11/97; No. 97-WTC-44]

**21-10-30 Purpose**

The purpose of this Title is to provide for the sound regulation of all gaming activities within the Tribe's jurisdiction, to prevent improper or unlawful conduct in the course of such activities, and to promote tribal economic development, self-sufficiency, and strong tribal government.

[Adopted 7/11/97; No. 97-WTC-44]

**21-20 GENERAL PROVISIONS**

**21-20-10 Title**

This Title is known and may be cited as the Washoe Gaming Code. It shall be codified at Title 21 of the Washoe Law and Order Code.

[Adopted 7/11/97; No. 97-WTC-44]

**21-20-20 Definitions**

For the purposes of this Title, the following definitions apply:

1. Act - means the Indian Gaming Regulatory Act, Pub. L. 100-497, 25 U.S.C. §§ 2701 *et seq.*

2. Agency - means the Washoe Tribal Gaming Agency established by this Title.

3. Class I gaming - has the meaning set forth in the Act at 25 U.S.C. §2703(6) and 25 C.F.R. §502.2. It means social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, Tribal ceremonies or celebrations.

4. Class II gaming - means all forms of gaming which are defined as "Class II Gaming" in the Act at 25 U.S.C. §2703(7) and 25 C.F.R. §502.3, including

a) Bingo or lotto (whether or not electronic, computer, or other technologic aids are used) when players:

- i. Play for prizes with cards bearing numbers or other designations;
- ii. Cover numbers or designations when object, similarly numbered or designated, are drawn or electronically determined; and
- iii. Win the game by being the first person to cover a designated pattern on such cards;

b) If played in the same location as bingo or lotto, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo;

c) Nonbanking card games that:

- i. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
- ii. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.

5. Class III gaming - means all forms of gaming which are defined as "Class III Gaming" in the Act at 25 U.S.C. §2703(8) and 25 C.F.R. §502.4, including all forms of gaming that are not Class I gaming or Class II gaming, including but not limited to:

a) Any house banking game, including but not limited to -

- i. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house banking games);
- ii. Casino games such as roulette, craps,

- and keno;
  - b) Any slot machines as defined in 15 U.S.C. 1171(a)(1) and electronic or electromechanical facsimiles of any game of chance;
  - c) Any sports betting and parimutuel wagering including but not limited to wagering on horse racing, dog racing or jai alai; or
  - d) Lotteries.
6. Commission - means the National Indian Gaming Commission established by the Act at 25 U.S.C. §2704.
7. Compact - means any gaming compact as described in the Act at 25 U.S.C. §2710(d) between the Tribe and the State which has been fully approved under the Act.
8. Council - means the Washoe Tribal Council.
9. Gaming employee - means key employee, primary management official, or other person who the Council or Agency deems a gaming employee because of that person's involvement in gaming within Washoe Tribal lands.
10. Gaming location, gaming facility or gaming operation - means any location where Class II or Class III gaming is conducted.
11. Key Employee - means:
- a) A person who performs one or more of the following functions:
    - i. Bingo caller;
    - ii. Counting room supervisor;
    - iii. Chief of security;
    - iv. Custodian of gaming supplies or cash;
    - v. Floor manager;
    - vi. Pit boss;
    - vii. Dealer;
    - viii. Croupier;
    - ix. Approver of credit; or
    - x. 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 per year; or

c) If not otherwise included, the four most highly compensated persons in the gaming operation.

12. Net Revenues - means gross gaming revenues of gaming operation less:

a) amounts paid out as, or paid for, prizes; and

b) total gaming-related operating expenses, excluding management fees.

13. Primary management official - means:

a) The person having management responsibility for a management contract;

b) Any person who has authority to  
i. hire and fire employees; and  
ii. set up working policies for the gaming operation;

or

c) The chief financial officer or other person who has financial management responsibility.

14. State - means the State of Nevada, its authorized officials, agents and representatives.

15. Tribal lands - means that area within the exterior boundaries of the Tribal lands of the Washoe Tribe of Nevada and California.

16. Tribe - means the Washoe Tribe of Nevada and California and its authorized officials, agents, and representatives.

[Adopted 7/11/97; No. 97-WTC-44]

**21-30 AUTHORIZATION OF TRIBAL GAMING**

**21-30-10 Tribal Gaming Authorized**

1. Class I gaming is authorized on Tribal lands, and may be conducted by any person. Class I gaming shall not be regulated by this Title.

2. Class II gaming and Class III gaming are authorized on Tribal lands. Class II gaming and Class III gaming shall be regulated by the Agency and shall only be operated consistent with the provisions of this Title and 25 U.S.C. 2710.

[Adopted 7/11/97; No. 97-WTC-44]

**21-30-20 Separate License for Each Location**

The Agency shall issue a separate license to each place, facility, or location where Class II or Class III gaming will be allowed.

[Adopted 7/11/97; No. 97-WTC-44]

**21-30-30 Negotiation of Compact Authorized**

The Chairperson of the Council is directed to pursue negotiation of a Class III compact with the State. No such compact shall be in effect until it is specifically approved by the Council.

[Adopted 7/11/97; No. 97-WTC-44]

**21-30-40 Compliance with Law; Inclusion of Compact**

1. Applicable law. All Class II and Class III gaming operations on Tribal lands shall be conducted in accordance with the Act, the Commission's regulations, other federal law, Tribal law (including this Title and all regulations and orders of the Agency), and any approved compact. This Title shall be construed in a manner which conforms to applicable law.

2. Incorporation of compact. Upon approval of any compact, such compact shall be incorporated into this Title. In the event any inconsistencies between the compact and any other provision of this Title, the compact shall govern.

[Adopted 7/11/97; No. 97-WTC-44]

**21-30-50 Repeal of Prior Ordinances**

All ordinances, regulations and codes heretofore enacted by and for the Tribe for the purpose of

regulating gaming are hereby repealed.  
[Adopted 7/11/97; No. 97-WTC-44]

**21-40 WASHOE TRIBAL GAMING AGENCY**

**21-40-10 Agency Established**

The Council hereby establishes a Tribal Agency to be know as the Washoe Tribal Gaming Agency, which shall be responsible for the safe, lawful, and honest operation of Class II and Class III gaming operations on Tribal land.

[Adopted 7/11/97; No. 97-WTC-44]

**21-40-20 Structure of Agency**

1. Number. The Agency shall consist of five members, one of whom shall be designated by the Council as Chairman.
2. Appointment. The five members of the Agency shall be appointed by the Council.
3. Qualifications.
  - a) At least three of the members shall be Washoe Tribal members. Members of the Council may serve as members of the Agency.
  - b) At least one member must be selected with special reference to training and experience in the fields of investigation, law enforcement, or law. At least one member of the agency shall be chosen with special reference to training and experience in the fields of accounting, finance, economics, or commercial gaming. At least one member of the agency shall be chosen with special reference to training or experience in public or business administration.
  - c) No person shall be appointed to the Agency unless the Tribal Council is satisfied that the person has no interest in any private gaming activity on Washoe Tribal lands or any activity which may have interests in conflict with the

lawful and effective regulation of gaming operations on Washoe Tribal lands.

4. Term. Initial appointments to the Agency shall be for the following terms:

- a) Chairman and one member - three years;
- b) two members - two years;
- c) one member - one year;

Thereafter, all appointments shall be for three year terms, provided that if a vacancy occurs for any reason, the Council shall appoint a replacement for the remainder of the replaced person's term.

5. Removal or Suspension. Agency members may only be suspended or removed by a vote of at least seven members of the Council (with the Chairman of the Council entitled to vote), for good cause, including but not limited to misfeasance, malfeasance, or non-feasance in office. Removal may be made after the member has been served with a copy of the charges against him or her, and a public hearing before the Tribal Council is held on the charges, if requested by the member charged. The request for a public hearing must be made within 10 days after service upon such member of the charges. A record of the proceedings at the public hearing must be filed with the Washoe Tribe Secretary-Treasurer.

6. Registered Agent. The Chairman of the Agency shall be the agent for service of process pursuant to 25 C.F.R. §519.1. Until a Chairman is appointed, the Chairperson of the Council shall serve as agent.

7. Gaming Manager. The Council shall also appoint a gaming manager, who shall report to the Agency and the Council, and shall have the powers and duties described in Section 21-40-50 and elsewhere in this Title. The gaming manager shall be a salaried employee whose salary shall not be dependent on a percentage of gaming revenues. The gaming manager shall serve at the pleasure of the Council.

[Adopted 7/11/97; No. 97-WTC-44]



**21-40-30 Powers and Duties of Agency**

The Agency shall administer the provisions of this Title and shall have all powers necessary therefor, including the following powers and duties:

1. Oversight. The Agency shall have primary responsibility for oversight of the Class II and Class III gaming operations. The Agency shall supervise the gaming manager and any contract manager, and shall report to the Council.

2. Inspection. The Agency may employ inspectors (all of whom shall be licensed as gaming employees under this Title) who may be present at any gaming facility during any hours of operation, and who shall be under the sole supervision of the Agency and not under the supervision of a contract manager. Such inspectors shall have unfettered access to all areas of the gaming facilities at all times, including locked or secured areas. Personnel employed by the gaming operation or a contract manager shall provide such inspectors immediate access to all such areas on request at any time. Such inspectors shall report to the Agency regarding any failure by the gaming operation to comply with any applicable law, including this Title or any compact.

3. Required plans and approvals. The Agency shall assure that the construction, maintenance, and operation of any tribal Class II or Class III gaming facility shall at all times be conducted in a manner which adequately protects public health, safety, and the environment, and complies with all applicable federal and tribal laws. In particular, the Agency shall:

- a) Prepare a plan for the protection of public safety and the physical security of patrons in each of its gaming facilities, setting forth the respective responsibilities of the Agency, and if appropriate, any federal, state, or local police agency;
- b) Review and approve floor plans and

surveillance systems for each gaming facility and may confer with other governmental or private parties regarding the adequacy of such plans and systems;

c) Enforce the health and safety standards applicable to the gaming facilities in accordance with this Title; and

d) Require that prior to the opening of any gaming facility, a gaming operation shall obtain a Certificate Of Compliance from the Agency, which shall be issued upon a determination that the gaming facility complies with such standards.

4. Resolution of complaints. All written complaints from any person regarding any aspect of gaming operations shall be reviewed by the Agency and retained for at least five (5) years. The Agency, including on-site inspectors, may assist in seeking voluntary resolution of any complaints. The Agency may receive any complaint from an employee of the gaming operation or any member of the public who claims to be adversely affected by an act or omission of the gaming operation or any person associated with it which is alleged to be unlawful or improper and may require such remedial action as it deems appropriate to bring the gaming operation into compliance. The Agency may for this purpose in its sole discretion, conduct a hearing and receive evidence with regard to such complaint if it deems an evidentiary proceeding useful to resolve such complaint. Notwithstanding the above, licensing disputes, patron disputes regarding particular wagers, and disputes regarding the imposition of penalties, shall be resolved as set forth in Chapter 8 of this Title (Section 21-80).

5. Investigations. The Agency may on its own initiative investigate any aspect of the gaming operation to protect the public interest in the integrity of such gaming activities and to prevent or remedy improper or unlawful conduct in the course of such gaming activities. The Agency shall investigate any report of a failure of the gaming operation to comply with applicable law including the provisions of

any compact, and may require the gaming operation to take any corrective action the Agency may determine appropriate. The Agency may compel any licensee or person employed by or doing business with the gaming operation to appear before it and to provide such information, documents, or other materials as may be in their possession or control to assist in any such investigation.

6. Background investigations; gaming licenses. The Agency shall conduct, or have conducted, any background investigations required or permitted under applicable law, and shall issue, suspend, and revoke all licenses pertaining to Class II or Class III gaming.

7. Coordination with other agencies. The Agency shall coordinate its activities and cooperate with other relevant agencies, including the Commission and other federal agencies, and any agencies of the State with which the Tribe cooperates pursuant to a compact. The Agency may provide any information to such agencies which must or may be provided under applicable law.

8. Coordination with private entities. The Agency shall supervise, oversee, and, to the extent appropriate, coordinate its activities with, any contract manager, and any other contractors, vendors, suppliers, or other private entities with any involvement in any aspect of gaming operations.

9. Regulations. The Agency may promulgate, review, and revise as necessary regulations, rules, and procedures to govern and facilitate the operation and management of the gaming operation in accordance with applicable law. Such regulations, rules, and procedures shall be subject to rescission or amendment by the Council.

10. Compact. The Agency shall carry out each of the responsibilities and duties set forth for the Agency in a Compact.

11. Establishment of list of barred persons. The

Agency may bar any person from working or gaming at the Tribe's gaming facilities if in the view of the Agency, such person's history, associations, reputation, or habits poses a threat to the integrity of tribal gaming activities. This list may be shared with other public or private agencies under Subsection 7,8, and 10 above.

12. Technical standards. The Agency shall promulgate, review, and revise as necessary technical standards and rules of play for each Class II and Class III game permitted.

13. Penalties. The Agency may impose penalties for violations of this Title or any compact in accordance with Chapter 9 of this Title.

14. Legal remedies; sovereign immunity. The Agency may in its own name bring any civil action or criminal complaint in the courts of the Tribe, State or the United States to enforce the provisions of this Title, the Act or any compact, or to enjoin or otherwise prevent any violation of this Title, the Act, or compact occurring on the Reservation. However, the Tribe, including the Agency and any of its agents acting within their authority shall retain sovereign immunity from suit in any court or tribunal, including immunity from counterclaims, except as specifically provided otherwise in this Title.

15. Emergency action by Agency members. If emergency action is required to protect the public interest in the integrity of gaming operations, and there is insufficient time to convene a meeting of the Agency, the chairman of the Agency, or any other member of the Agency acting in the absence of the chairman, may issue in the name of the Agency any order which the Agency has the power to issue to any employee or contractor of the gaming operation or to any other person within the jurisdiction of the Tribe to take any action or cease and desist from any action as may be required to protect such interest. Any such emergency order must be reviewed by the Agency as its earliest opportunity, whereupon it may be confirmed or vacated by the Agency.

An unreviewed, or unconfirmed emergency order issued under this section will lapse within ten (10) days, and must so state.

[Adopted 7/11/97; No. 97-WTC-44]

**21-40-40 Agency Operations**

1. Quorum and voting. Three Agency members shall constitute a quorum. The Chairman may vote and shall preside over all meetings. Action by the Agency should be by consensus, but if consensus cannot be achieved, shall be by majority vote. Whenever Agency action is by majority vote, majority and minority views shall be in writing, shall be retained in the records of the Agency, and shall be reported to the Council.

2. Recusal. No member of the Agency shall participate in any decision directly involving the gaming license, employment, or the direct monetary interest of his or her spouse, child, parent, or sibling, by blood or adoption. A member of the Agency may voluntarily recuse himself and decline to participate in any Agency action or decisions when the member, in his own discretion, believes he could not act fairly or without bias, or that there would be an appearance that he could not so act.

3. Vice-chairman; alternative and temporary members. The Agency shall select one of its members to serve as vice-chairman. If the chairman is unavailable because of recusal or any other reason, the vice-chairman shall serve as acting chairman. If the vice-chairman is also unavailable, the third member of the Agency may serve as acting chairman.

4. Meetings.

a) Regular meetings of the Agency may be held upon such notice, or without notice, at such times and places as the Agency determines. Unless otherwise specified by the Agency, no notice of such regular meetings shall be necessary. Special meetings may be called by the Chairman or the Gaming Manager. Neither the business to be

transacted at, nor the purpose of any regular or special meeting need be specified in any notice of the meeting.

b) Any action required or permitted to be taken at a meeting of the Agency may be taken without a meeting if each member signs a written consent to the action. Such consents shall be filed with the minutes of the Agency.

c) Members of the Agency may participate in a meeting by conference telephone or similar communications equipment by which all persons participating in the meeting can hear each other.

[Adopted 7/11/97; No. 97-WTC-44]

#### **21-40-50 Powers and Duties of Gaming Manager**

The gaming manager shall have the following powers and duties:

1. The gaming manager shall manage the day-to-day activities of the Agency and Class II and Class III gaming operation in a manner which insures all aspects of Tribal gaming and agency operations comply with applicable law. If the Tribe hires a contract manager, the gaming manager shall be the Tribe's principal liaison with such contract manager.

2. The gaming manager shall have day-to-day responsibility for coordination of the functions of the Agency with those of the State under any compact, and with other agencies as necessary.

3. The gaming manager shall have initial responsibility for conducting or arranging for background investigations.

4. The gaming manager shall make recommendations to the Agency regarding the grant or denial of any license, the imposition of any penalty, the investigation of any complaint, or any other action within the jurisdiction of the Agency.

5. The gaming manager may be delegated the authority

by the Agency to conduct any hearing, investigation, or inquiry. In the course of such activities, the gaming manager shall have authority to compel the production of any information or documents, and otherwise exercise the investigatory powers of the Agency.

6. The gaming manager shall perform such tasks as assigned by the Agency or the Council, and shall report to the Agency and to the Council.

7. If emergency action is required to protect the public interest in the integrity of gaming operations, and there is insufficient time to convene a meeting of the Agency, or to locate the chairman of the Agency, or any other member of the Agency, the gaming manager may issue in the name of the Agency any order which the Agency has the power to issue to any employee or contractor of the gaming operation or to any other person within the jurisdiction of the tribes to take any action or cease and desist from any action as may be required to protect such interest. Any such emergency order must be reviewed by the Agency at its earliest opportunity, whereupon it may be confirmed or vacated by the Agency. An unreviewed or unconfirmed emergency order issued under this section will lapse within ten (10) days, and must so state.

[Adopted 7/11/97; No. 97-WTC-44]

**21-50 FINANCIAL MATTERS**

**21-50-10 Application of Net Revenues**

Tribal revenue from any gaming activity are not to be used for any purpose other than:

1. To fund tribal government operations or programs;
2. To provide for the general welfare of the Tribe and its members;
3. To promote the Tribe's economic development;

4. To donate to charitable organizations;
5. To help fund operations of local government agencies; or
6. Other purposes permitted under the Act.  
[Adopted 7/11/97; No. 97-WTC-44]

**21-50-20 Budgets**

The Agency shall propose to the Council an annual operating budget, and may in accordance with the budget employ staff necessary to fulfill its responsibilities, and may retain legal counsel, consultants, and other professional services, including investigative services to assist it. Such expenses of the Agency shall be assessed against the gaming operation.  
[Adopted 7/11/97; No. 97-WTC-44]

**21-50-30 Audits**

The Agency and Council shall cause to be conducted independent audits of gaming operations at least annually, as required under 25 C.F.R. §522.4(b)(3) and §§571.12-14, and shall submit the results of those audits to the Commission. All gaming-related contracts that result in purchase of supplies, services, or concessions for \$25,000 in any year shall be specifically included within the scope of such audit. The Agency, Council, or Commission may call for special audits at any time.  
[Adopted 7/11/97; No. 97-WTC-44]

**21-60 BACKGROUND INVESTIGATIONS FOR PRIMARY MANAGEMENT OFFICIALS AND KEY EMPLOYEES**

**21-60-10 Required Background Investigations**

All primary management officials and key employees of any Class II or Class III gaming operation as well as employees of the Agency and the gaming manager shall be subject to background investigations required by the



Act, Commission regulations, this Title, and any approved compact. Background investigations shall be conducted at the outset of employment, and shall be ongoing. The Tribe may, pursuant to compact, accord responsibility to the State or other entity with respect to background investigations. Otherwise, the Agency shall be directly responsible for such investigations.

[Adopted 7/11/97; No. 97-WTC-44]

**21-60-20 Statement of Responsibilities**

The Tribe is responsible for the conduct of background investigations and suitability determinations. The Agency shall have primary responsibility for conducting and causing to be conducted the background investigations. Once a gaming manager has been fully investigated and approved, the Agency may delegate to the gaming manager the duty of conducting or causing to be conducted investigative work regarding other key employees and primary management officials, if any, subject to the review and approval of the Agency. Selection of the above approach is based on the necessity of assuring adequate oversight and investigation of all key employees and primary management officials.

[Adopted 7/11/97; No. 97-WTC-44]

**21-60-30 Notices to Applicants**

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. 2701 *et seq.* The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need

for the information in the performance of their official duties. The information may be disclosed to appropriate federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

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

2. 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 (18 U.S.C. §1001).

[Adopted 7/11/97; No. 97-WTC-44]

#### **21-60-40 Information from Applicants**

The Agency shall obtain from any candidate for primary management official or key employee at least the following information:

1. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

2. Currently and for the previous five (5) years: all business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
3. 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 subsection 2 above;
4. Current business and residence telephone numbers;
5. A description of any existing and previous business relationship with Indian tribes, including ownership interests in those businesses;
6. A description of any existing and previous business relationships within the gaming industry, including ownership interests in those businesses;
7. 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;
8. 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;
9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition;
10. For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to subsection 8 or 9 above, the criminal charge, the name and address of the court involved and the date and disposition;

11. 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;

12. A photograph;

13. Any other information the Agency or Council deems relevant; and

14. Fingerprints certified as adequate by a professional law enforcement agency. The Agency shall arrange for the obtaining and processing of fingerprints through the Tribe's Police Department.  
[Adopted 7/11/97; No. 97-WTC-44]

#### **21-60-50 Rules Regarding Background Investigations**

1. Confidentiality of third party sources. The Tribe, the Agency, and all affiliated agents and employees shall keep confidential the identity of each person interviewed in the course of a background investigation.

2. Retention of records. The Tribe shall retain applications for employment and report (if any) of the background investigations for at least three (3) years from the date of the date made or date of termination of employment. Such records shall be made available on request of the Council or Commission.

3. Conduct of investigation. Background investigations must be of sufficient quality to enable the Agency to make a determination under Section 21-60-60. The investigation shall include, at a minimum:

- a) Verification by oral or written communication of all relevant information in the application;
- b) Interviews of current and prior employers for the preceding five (5) years;
- c) Interviews of all personal references;
- d) A criminal history check, including a check of criminal history records information maintained by the Federal Bureau of Investigation;

- e) An interview with the applicant;
- f) A thorough inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations;
- g) Interviews with a sufficient number of knowledgeable people in order to provide a basis for the Tribe to make a finding concerning the eligibility for employment in a gaming operation.

The disposition of all potential problem areas noted and disqualifying information obtained must be thoroughly documented.

4. Content of investigation report. An investigative report shall be written for each investigation conducted. Each investigation report shall include;

- a) A statement of all steps taken in conducting the background investigation;
- b) A statement of the results obtained;
- c) A statement of the conclusions reached by the investigator; and
- d) The bases for those conclusions.

[Adopted 7/11/97; No. 97-WTC-44]

#### **21-60-60 Eligibility Determinations**

1. The Agency shall carefully 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 a primary management official for employment in a gaming operation. If the Agency in the course of this review determines that such employment may pose a threat to the public interest or to the effective regulation of gaming, or might create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, no management contractor or gaming operation on Washoe Tribal land shall employ that person in a primary management official or key employee position.

2. Gaming operations on Washoe Tribal land shall not employ in a key employee or primary management official position a person who has supplied materially false or

misleading information or who has omitted material information required by law.

[Adopted 7/11/97; No. 97-WTC-44]

**21-60-70 Reporting to the Commission; Agency Action on Commission Recommendations**

1. This section adopts as Tribal law the Commission's requirements for Tribal licensing and background investigations. This section shall be interpreted and applied in a manner which conforms to 25 C.F.R. Parts 556 and 558.

2. Notification regarding background investigations and eligibility determinations. The Agency shall forward to the Commission the following records with respect to all persons investigated as candidates for a position as a primary management official or key employee:

- a) All application information described in Section 21-60-40 above;
- b) The investigative report described in Section 21-60-50 above;
- c) The Agency's eligibility determination described in Section 21-60-60 above;
- d) A notification of the Agency's hiring decision.

3. Procedure following decision to hire key employee or primary management official.

- a) When a key employee or a primary management official begins work at a gaming operation, the Agency shall:
  - i. Forward to the Commission a complete application for employment that contains the notices and information listed in 25 C.F.R. §§556.2 (privacy notice), 556.3 (notice regarding false statements), and 556.4 (background investigations - required information); and
  - ii. Conduct a background investigation under 25 C.F.R. part 556, and Sections 21-60-40 through 21-60-60 of this Title to determine

the eligibility of the key employee or primary management official for employment in a gaming operation.

b) Upon completion of a background investigation and a determination of eligibility for employment in a gaming operation under Sections 21-60-50 and 21-60-60 of this Title, the Agency shall forward a report, as required by 25 C.F.R. §556.5(b) and Section 21-60-70(2)(b) of this Title, to the Commission within sixty (60) days after an employee begins work or within sixty (60) days of the approval of this Title by the Chairman of the Commission. A gaming operation shall not employ a key employee or primary management official who does not have a gaming license after ninety (90) days of applying for such license.

c) During a thirty-day period beginning when the Commission receives a report submitted under Subsection 21-60-70(2)(b) of this Title, the Chairman of the Commission may request additional information from the Tribe concerning a key employee or a primary management official who is the subject of such report. Such a request shall suspend the thirty-day period until the Chairman receives the additional information.

d) If, within the thirty-day period described in Subsection 21-60-70(3)(c) above, the Commission notifies the Tribe that it has no objection to the issuance of a license pursuant to an application filed by a key employee or a primary management official for whom the Tribe has provided the required application and investigative report to the Commission, the Agency may issue a license to such applicant.

e) If, within the thirty-day period described in Subsection 21-60-70(3)(c) above, the Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided the required application and investigative report to the Commission, the Tribe shall reconsider the application, taking into account the objections

itemized by the Commission. The Tribe shall make the final decision whether to issue a license to such application.

f) Suspension of License by Commission. If, after the issuance of a gaming license, the Commission notifies the Tribe that it has received reliable information indicating that a key employee or primary management official is ineligible for employment under applicable law, the Tribe shall suspend the license of such person and notify in writing the licensee of the suspension and the proposed revocation. The Tribe shall notify the licensee of the time and place for a hearing on the proposed revocation of a license. After a revocation hearing, the Tribe shall decide whether to revoke or to reinstate a gaming license. The Tribe shall notify the Commission of its decision.

[Adopted 7/11/97; No. 97-WTC-44]

**21-70 LICENSES**

**21-70-10 License Required for Each Gaming Location**

A license issued by the Agency is required for each facility, operation, or location where Class II or Class III gaming occurs. The license required by this section is a prerequisite to any Certificate Of Compliance issued by the Agency pursuant to 21-40-30-3(d). Each gaming facility, operation, place and location shall be constructed and maintained in a manner which adequately protects the environment, public safety and welfare. Each gaming facility, operation, place and location shall comply with all applicable Tribal and federal laws, including but not limited to fire codes, safety codes and building codes.

**21-70-20 License Required for Each Gaming Employee; Standard for Gaming License**

1. All gaming employees shall be licensed by the



Agency. Prior to issuance of each license, the Agency shall conduct or cause to be conducted a background investigation of each applicant.

2. The Agency shall deny or revoke a gaming employee license for any employee whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming.

[Adopted 7/11/97; No. 97-WTC-44]

**21-70-30 Background Investigations**

Before issuing a license to a gaming employee, the Agency shall forward the results of any background investigation to the Commission.

[Adopted 7/11/97; No. 97-WTC-44]

**21-70-40 Licensing Decision; No Vested Right to License**

1. If the Agency determines, on the basis of a background investigation and such other information as it may obtain, that the applicant is qualified for a gaming employee license, the Agency may, but shall not be required to issue such license. The Agency, at its sole discretion, may impose any qualifications to such license it deems appropriate, or may refuse to issue such license despite an applicant's qualifications.

2. No applicant for any license or other affirmative Agency approval has any right to a license or the grant of approval sought. Any license issued or other Agency approval granted pursuant to the provisions of this Title is a revocable privilege, and no holder acquires any vested right therein or thereunder.

[Adopted 7/11/97; No. 97-WTC-44]

**21-70-50 Work Permits**

All persons who are not gaming employees but work at any facility where authorized gaming occurs or is

supervised or administered must obtain a non-gaming work permit. Such work permits shall be issued upon determining that the employee is not a threat to the effective regulation of gaming and creates no risk or enhances no danger of unfair or illegal practices, methods or activities in the conduct of gaming on the Reservation.

[Adopted 7/11/97; No. 97-WTC-44]

**21-70-60 Licensing of Vendors, etc.**

Any person or entity proposing to sell, lease, or otherwise provide electronic games of chance, other gaming devices, or gaming services to the Tribe are required to obtain a license from the Tribe. The standards with respect to such licenses are the same as those applicable to gaming employees, except that if applicant is a corporation, trust, or partnership, applications must be made by any person or entity holding 10% or more of any beneficial or legal interest in such entity.

[Adopted 7/11/97; No. 97-WTC-44]

**21-80 HEARINGS AND APPEALS**

**21-80-10 Licensing Decisions**

1. The Agency shall promptly notify in writing any licensee or applicant whose license or application for a license has been or will be denied, suspended, or revoked. Said notice shall include:

- a) The effective date of Agency action, and
- b) The right of person to appeal the Agency action.

2. Any person whose application for a gaming-related license is denied, or whose license has been suspended or revoked, may request a hearing before the Agency by written request submitted within fifteen (15) days following receipt of notice of the action of the Agency. The Agency shall hold a hearing within thirty (30) days of the filing of the request.

[Adopted 7/11/97; No. 97-WTC-44]

**21-80-20 Patron Disputes Regarding Particular Wagers**

Any complaint by a patron regarding a particular wager must be brought to the attention of the gaming manager by the patron immediately, or such complaint is deemed waived. If the gaming manager cannot promptly resolve the dispute, the gaming manager shall take witness statements and reasonable steps to secure physical evidence if any. The patron may request a hearing before the Agency by written request submitted within 72 hours from the events complained of, stating the relevant facts and circumstances in detail. The Agency shall hold a hearing within thirty (30) days of the filing of the request.

[Adopted 7/11/97; No. 97-WTC-44]

**21-80-30 Appeal to Council**

Any rulings of the Agency under Sections 21-80-10 or 21-80-20 above, or assessment by the Agency of a penalty under Chapter 9 (Section 21-90), may be appealed within fifteen (15) days of the Agency's decision to Council. The Council shall give appropriate deference to the expertise of the Agency. Review of Agency action shall be limited to and proceed on the Agency's administrative record. The Council shall either affirm the Agency's decision, or:

- a) In a licensing dispute, award or reinstate a license;
- b) In a patron dispute regarding a particular wager, order that a patron is entitled to a jackpot or payoff, or to return of the wagered amount; or
- c) Regarding assessment of penalties, reverse, abate, reduce, or enhance a penalty assessed by the Agency.

The Council may impose conditions on the above awards of relief. In no event may the Council assess prejudgment interest, costs, or attorney's fees against the Tribe, the Agency or any tribal employee, agent, or instrumentality. All determinations of the Council under this section are final, and subject to no further appeal.

[Adopted 7/11/97; No. 97-WTC-44]

**21-80-40 Confidential Information**

Where Agency action is based upon confidential information, which may not as a matter of law or policy be disclosed to the aggrieved person, such circumstances shall not be grounds for reversal of the Agency's decision, and the aggrieved person shall have no right to such confidential information in proceedings before either the Agency, Council, or any other forum.

[Adopted 7/11/97; No. 97-WTC-44]

**21-80-50 Hearing Procedures; Burden of Proof**

1 The Agency or Council may adopt such additional procedures and rules for the conduct of hearings as either deems necessary or convenient so long as they are consistent with this Title and other provisions of applicable law.

2. The public interest in the integrity of gaming is such that the burdens of proof and persuasion with respect to gaming issues, especially regarding fitness for licensing, shall be upon the individual.

[Adopted 7/11/97; No. 97-WTC-44]

**21-90 PROHIBITED ACTS AND PENALTIES**

**21-90-10 Prohibited Acts**

It shall be a violation of this Title for any person to:

1. Conduct or participate in any Class II or Class III gaming operation on the Tribal land other than at licensed gaming facilities.

2. Receive, distribute, apply, or divert any property, funds, proceeds, or other assets of the gaming operation to the benefit of any person except as

authorized by this Title, a compact or the Act.

3. Tamper with any equipment used in the conduct of gaming operations, or do any other act in connection with gaming operations, with the intent to cause any person to win or lose any wager other than in accordance with the publicly announced rules of such gaming operation.

4. Alter or misrepresent the outcome or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.

5. Place, increase, or decrease a bet or to determine the course of play after acquiring knowledge not available to all players of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet, or to aid anyone in acquiring such knowledge.

6. Claim, collect, or take, or attempt to claim, collect or take, money or anything of value in or from a gaming device, with intent to defraud, without having made a wager, or to claim, collect or take an amount greater than the amount won.

7. Place, increase, or reduce a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting, pressing, and pinching bets.

8. Manipulate, with the intent to cheat, any component of an electronic game of chance or gaming device in a manner contrary to the designed and normal operational purpose for the component.

9. Use other than coins or tokens approved by the Agency or other lawful legal tender, or use a coin not of the same denomination as the coin is intended to be used in the gaming device.

10. Possess or use any device or means to cheat while at the gaming facility.

11. Engage in Class II or Class III gaming if under the age of 21, or assist, permit, or facilitate gaming by such person.

12. Engage in Class II or Class III gaming while employed by and on duty at a gaming facility.

[Adopted 7/11/97; No. 97-WTC-44]

## **21-90-20 Penalties**

Any person who violates any provision of this Title, Agency regulations promulgated thereunder, or the provisions of a compact, shall be subject to civil penalties including exclusion from employment or other involvement with any gaming operation on Tribal lands, denial or revocation of a Tribal gaming license, exclusion from attendance at any gaming facility on Tribal lands, possible exclusion from Washoe Tribal lands if a non-member of the Tribe, or, with respect to any person subject to the jurisdiction of the Tribe to impose such fines, a fine of not more than \$5,000 for each such violation. The Agency shall have the jurisdiction to impose any such penalties on any person, except with respect to exclusion from Washoe Tribal lands, which the Agency may recommend for action by the Council.

[Adopted 7/11/97; No. 97-WTC-44]

## **21-100 CLASS II GAMING**

### **21-100-10 Definitions**

1. Bingo - means the game of chance (whether or not electronic, computer or other technological aids are used in connection therewith) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations; in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and in which the game is won by the first person covering a designated arrangement or pattern of numbers or designations on such cards.

"Bingo" includes, if played at the same location, pull tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo.

2. Bingo Occasion - means a single session or gathering at which a series of successive bingo games are played.

3. Card Games - means non-banking card games played in conformity with Nevada state law, as applicable, regulating hours, wagers and pot limitations.

4. Game Card and Bingo Game Card - mean a regular or special bingo card.

5. Lotto - means a game of chance with cards bearing numbers or other designations, in rows of 9, in which the player holding the card covers such numbers or designations when objects similarly numbered or designated are drawn or otherwise randomly determined, in which the game is won by the first player to cover a predesignated arrangement on the card.

6. Pull Tabs - means a game of chance in which players purchase a card containing predetermined numbers, colors, symbols or other designations which when revealed may result in the award of a prize on the basis of a designated winning number, color, symbol or other designation or combination thereof, whether or not electronic, computer, or other technological aids, to the extent permitted by law, are used in connection therewith.

7. Punch Board - means a small board that has many holes, each filled with a rolled up printed slip to be punched out upon payment of a player fee, in an effort to obtain a slip that entitles the player to a designated prize.

8. Regular Bingo Card - means a board card issued to a person upon payment of an admission fee which affords a person the opportunity to participate in all regular bingo games played at a bingo occasion.

9. Special Bingo Game - means any bingo game which is not a regular bingo game and which is played with special bingo cards for special prizes.

10. Tip Jars - means a game of chance, wherein a person upon payment of a fee, is permitted to reach into, or tip a jar containing printed slips, and extract one slip in an effort to obtain a slip that entitles the player to a designated prize.

[Adopted 7/11/97; No. 97-WTC-44]

#### **21-100-20 Persons Authorized to Conduct Class II Gaming**

1. All Class II gaming conducted on Washoe Tribal lands shall be conducted in compliance with the applicable Compact, applicable state law, federal law, tribal law, and applicable rules and regulations of any governmental authority with jurisdiction. In the event of a conflict between the provisions of 21-100-10 through 21-100-90 of this Title and an applicable Compact, the Compact shall control.

2. No person or entity shall operate or conduct a Class II gaming activity on Tribal lands unless that person or entity has first received a license to conduct a Class II gaming activity from the Agency.

[Adopted 7/11/97; No. 97-WTC-44]

#### **21-100-30 Ownership of Class II Gaming Activity**

1. No person or entity shall own an interest in any Class II gaming location, facility or operation on Washoe Tribal lands unless that person or entity has:

- a. received from the Agency all necessary licenses required to conduct a Class II gaming activity; and
- b. been authorized by contractual or other duly executed authorization of the Tribal Council.

2. Any person or entity who owns an interest in Class II gaming enterprise shall apply to the Agency for an owner and/or operator license for a Class II gaming facility, as is appropriate, on a form prescribed by



the Agency. A separate application and license shall be required for each place, facility, or location on Tribal lands at which Class II gaming will be conducted.

3. Preference shall be given to permitting Class II gaming activities in which the Tribe has the sole proprietary interest.

4. Notwithstanding subparagraph (3) above, the Agency may license a Class II gaming activity owned in whole or in part, by a person or entity other than the Tribe, provided that no license may be issued to such a person or entity unless the person or entity has first expressly agreed, and commemorated in writing on a form prescribed by the Agency, that:

- a) The gaming activity shall be subject to the regulations prescribed in this section;
- b) Not less than sixty percent (60%) of the Net Revenues from the gaming activity shall be income to the Tribe;
- c) The person(s) who own the gaming activity or entity:
  - i. is (are) eligible to receive a license from the State of Nevada to conduct the same gaming activity on lands subject to the applicable state's jurisdiction; and
  - ii. shall pay an appropriate assessment to the National Indian Gaming Commission for the regulation of the gaming activity, as required by 25 U.S.C. §2717(a)(1).

5. a) A license to own or operate a Class II gaming establishment shall not be granted unless the applicant has satisfied the Agency that:

- i. He or she has adequate business probity and experience in gaming;
- ii. The proposed financing of the operation is adequate for the nature of the proposed operation and from a suitable source. Any lender or other source of money or credit which the Agency finds does not meet the standards set forth in Section 21-70-20 may

be deemed unsuitable.

b) The Gaming Commission may in its sole discretion grant a license to a corporation which has complied with the provisions of this Title.

c) The Gaming Commission may in its sole discretion grant a license to a limited partnership which has complied with the provisions of this Title.

d) No person or limited partnership, except one whose sole limited partner is a publicly traded corporation which has registered with the Agency, or business trust organization or other association of a quasi corporate character is eligible to receive or hold any license, or be a licensee or operator under this Title unless all persons having any direct or indirect interests therein of any nature whatsoever, whether financial, administrative, policy making or supervisory, are individually qualified to be licensed under the provisions of this Title.

e) The Agency may limit the number of persons who may be financially interested in any corporation or other organization or association licensed under this Title, and consistent with 25 U.S.C. §2700 et seq. and establish such other qualifications for licenses as they may, in their discretion, deem to be in the public interest and consistent with the declared policy of the tribe.

[Adopted 7/11/97; No. 97-WTC-44]

#### **21-100-40 Management Contracts**

The Washoe Tribe may enter into a management contract for the operation and management of Class II gaming activities. Each such contract must comply with the provisions of this Title, other applicable provisions of tribal law and provisions of federal law (including, but not limited to 25 U.S.C. §2711).

[Adopted 7/11/97; No. 97-WTC-44]

#### **21-100-50 Games Permitted**

1. The Tribe and licensed Class II owners and

operators may conduct bingo, Class II card games or a combination of bingo and Class II card games.

2. A bingo facility at each bingo occasion shall conduct regular bingo games and may additionally conduct special bingo games, and such other Class II games permitted by the Gaming Commission as its operators or managers choose.

3. A schedule of the Class II games to be conducted must be conspicuously posted at each entrance to the bingo facility each week in which games will be conducted at least 24 hours prior to the start of the first game scheduled. The schedule must include a statement of the prizes offered for each game.

[Adopted 7/11/97; No. 97-WTC-44]

#### **21-100-60 Bingo Game Cards**

1. Each facility shall provide the game cards to be used for each bingo game conducted and each card shall be marked to indicate the issuing facility.

2. Special bingo cards must be issued separately from regular bingo cards, and must be specially marked to indicate the particular special bingo game, including date, and the facility of issuance. A special bingo card shall be valid only for the designated game.

[Adopted 7/11/97; No. 97-WTC-44]

#### **21-100-70 Player Limitation**

The number of persons permitted to play any Class II game shall be determined by the owner, operator or manager as is appropriate, except that:

1. The number of people permitted in the facility or in any room in the facility shall not exceed the limitation of the number permissible under the applicable fire, building or other safety codes or standards.

2. The number of people permitted to play any bingo

game shall not exceed the number of chairs available in the room(s) in which the game is being played.  
[Adopted 7/11/97; No. 97-WTC-44]

**21-100-80 Entry Prohibited**

No person may enter any room in which a bingo game is being played unless the person is a player, except facility employees and persons present by authority of the Agency, for purposes of inspection or regulatory duties.

[Adopted 7/11/97; No. 97-WTC-44]

**21-100-90 Hours of Operation; Notice to Commission**

1. Class II gaming may be conducted 24 hours a day, seven days a week, subject to approval by the Agency.

2. Prior to operation of Class II gaming or any change in hours of operation, the operator shall:

a) Notify the Agency of the proposed hours and days its facility will be open, and the hours and days gaming will be conducted.

b) The proposed schedule shall be approved unless the Agency notifies the owner or operator of its objection within fifteen (15) days of its receipt of the proposed schedule.

c) If the Agency makes objection, it shall state its reasons and the changes necessary, and the proposer may submit a revised proposal accommodating the Agency's objections, or may request an opportunity to rebut the objections.

i. Submission of a revised schedule, incorporating and accommodating the objections, shall be deemed approved upon its submission.

ii. If an opportunity to rebut is requested, a conference shall be set within fifteen (15) days. The Agency shall issue its decision, which shall be final and not subject to further appeal, within fifteen (15) days of the conference.

[Adopted 7/11/97; No. 97-WTC-44]

**21-110 CLASS III GAMING**

**21-110-10 Compliance with Compact and Laws Applicable**

All Class III gaming conducted on Tribal lands shall be conducted in compliance with the applicable Compact, federal law, Tribal law, and applicable rules and regulations of any governmental authority with jurisdiction.

[Adopted 7/11/97; No. 97-WTC-44]

**21-110-20 Persons Authorized to Conduct Class III Gaming**

1. All Class III gaming conducted on Washoe Tribal lands shall be conducted in compliance with the applicable Compact, federal law, tribal law, and applicable rules and regulations of any governmental authority with jurisdiction. In the event of a conflict between the provisions of 21-110-10 through 21-110-60 of this Title and an applicable Compact, the Compact shall control.

2. No person or entity shall operate or conduct a Class III gaming activity on Tribal lands unless that person or entity has first received a license to conduct a Class III gaming activity from the Agency.

[Adopted 7/11/97; No. 97-WTC-44]

**21-110-30 Ownership of Class III Gaming Activity**

1. No person or entity shall own an interest in any Class III gaming location, facility or operation on Washoe Tribal lands unless that person or entity has:

- a. received from the Agency all necessary licenses required to conduct a Class III gaming activity; and
- b. been authorized by contractual or other duly executed authorization of the Tribal Council.

2. Any person or entity who owns an interest in Class III gaming enterprise, location, facility, or operation shall apply to the Agency for an owner and/or operator

license for a Class III gaming facility, as is appropriate, on a form prescribed by the Agency. A separate application and license shall be required for each place, facility, or location on Tribal lands at which Class III gaming will be conducted.

3. Preference shall be given to permitting Class III gaming activities in which the Tribe has the sole proprietary interest.

4. Notwithstanding subparagraph (3) above, the Agency may license a Class III gaming activity owned in whole or in part, by a person or entity other than the Tribe, provided that no license may be issued to such a person or entity unless the person or entity has first expressly agreed, and commemorated in writing on a form prescribed by the Agency, that:

a) The gaming activity shall be subject to this Title and other applicable Tribal law and regulation;

b) Not less than sixty percent (60%) of the Net Revenues from the gaming activity shall be income to the Tribe;

c) The person(s) who own the gaming activity or entity:

i. is (are) eligible to receive a license from the State of Nevada to conduct the same gaming activity on lands subject to the applicable state's jurisdiction; and

ii. shall pay an appropriate assessment to the National Indian Gaming Commission for the regulation of the gaming activity, as required by 25 U.S.C. §2717(a)(1).

5. a) A license to own or operate a Class III gaming establishment shall not be granted unless the applicant has satisfied the Agency that:

i. He or she has adequate business probity and experience in gaming;

ii. The proposed financing of the operation is adequate for the nature of the proposed operation and from a suitable source. Any lender or other source of money or credit

which the Agency finds does not meet the standards set forth in Section 21-70-20 may be deemed unsuitable.

b) The Agency may in its sole discretion grant a license to a corporation which has complied with the provisions of this Title.

c) The Agency may in its sole discretion grant a license to a limited partnership which has complied with the provisions of this Title.

d) No person or limited partnership, except one whose sole limited partner is a publicly traded corporation which has registered with the Agency, or business trust organization or other association of a quasi corporate character is eligible to receive or hold any license, or be a licensee or operator under this Title unless all persons having any direct or indirect interests therein of any nature whatsoever, whether financial, administrative, policy making or supervisory, are individually qualified to be licensed under the provisions of this Title.

e) The Agency may limit the number of persons who may be financially interested in any corporation or other organization or association licensed under this Title, and consistent with 25 U.S.C. §2700 *et seq.* and establish such other qualifications for licenses as they may, in their discretion, deem to be in the public interest and consistent with the declared policy of the tribe.

[Adopted 7/11/97; No. 97-WTC-44]

#### **21-110-40 Hours of Operation**

1. Class III gaming may be conducted 24 hours a day, seven days a week, subject to approval by the Agency.

2. The Owner shall submit, and the Agency may approve, proposed hours of operation unless the proposed hours pose a risk to the health, welfare or safety of the public.

[Adopted 7/11/97; No. 97-WTC-44]

#### **21-110-50 Games Permitted**

1. Any Class III game or games permitted pursuant to the Compact may be conducted at a Class III gaming facility, subject to applicable laws, rules and regulations.

2. Any Class III game which is first legalized within the State of Nevada after the date of the Compact then in effect, or which heretofore becomes permitted on Indian lands under federal law, pursuant to the Compact or amendments thereto, may be conducted in a Class III gaming facility subject to applicable laws, rules or regulations.

[Adopted 7/11/97; No. 97-WTC-44]

#### **21-110-60 Management Contracts**

The Tribal Council may authorize and enter into a management contract on behalf of the Tribe for the operation and management of Class III gaming activities. Each such contract must comply with the provisions of this Title, the Compact, applicable tribal law and applicable federal law (including, but not limited to, 25 U.S.C. §2711).

[Adopted 7/11/97; No. 97-WTC-44]

#### **21-120 RECORDS AND AUDITS**

##### **21-120-10 Records and Maintenance**

1. Each gaming facility shall maintain accurate and up-to-date records for each gaming activity conducted. Records shall include records of:

- a) all financial transactions;
- b) all gaming machine testing, malfunctions, maintenance and repairs;
- c) personnel;
- d) complaints of patrons;
- e) facility in-house investigations of any kind;
- f) incidents and accidents;
- g) actions by facility against or in reprimand of employees; and
- h) any additional records required by the Agency



or other governmental authority with jurisdiction.  
[Adopted 7/11/97; No. 97-WTC-44]