

**NATIONAL
INDIAN
GAMING
COMMISSION**

DEC 13 1995

Stan Rice, President
Yavapai-Prescott Board of Directors
530 East Merritt St.
Prescott, Arizona 86301-2038

Dear President Rice:


This letter responds to your request to review and approve the Ordinance No. 13 (1995 Revision) of the Yavapai-Prescott Tribe of Yavapai-County, Arizona adopted by Amended Resolution No. 13 of the Governing Body of the Yavapai-Prescott Indian Tribe on August 15, 1995. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Such approval does not constitute approval of specific games. Also, 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 ordinance of the Yavapai-Prescott Indian Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,


Harold A. Monteau
Chairman

SEP 15 1995

AMENDED RESOLUTION NO. 13
OF THE GOVERNING BODY OF THE
YAVAPAI-PRESCOTT INDIAN TRIBE

WHEREAS, the Yavapai-Prescott Tribe of Yavapai County, Arizona (the "Tribe") (1) enacted a Gaming Ordinance dated June 18, 1992 ("Ordinance No. 13"), as set forth in Tribal Resolution 92-24, which was approved by the United States Department of the Interior, Bureau of Indian Affairs, to conduct lawful gaming pursuant to Public Law 10-497, known as the Indian Gaming Regulatory Act of 1988, 25 U.S.C sec. 2702, et seq. (the "Act"), and the regulations promulgated thereunder and (2) executed the Tribal-State Gaming Compact of 1992 with the State of Arizona, to conduct "Class II Gaming" activities, as defined in the Act, in accordance with the Act and resolutions promulgated thereunder;

WHEREAS, the Tribal-State Gaming Compact of 1992, was subsequently superseded by the Tribal-State Gaming Compact of 1993, which was approved by the National Indian Gaming Commission (the "NIGC") in accordance with the Act;

WHEREAS, pursuant to 25 C.F.R. part 522, tribes are required to submit gaming ordinances to the NIGC for approval and the Tribe submitted Ordinance No. 13 to the NIGC for approval;

WHEREAS, the NIGC notified the Tribe that Ordinance 13 does not meet the requirements of 25 C.F.R. part 522;

WHEREAS, the Tribe wishes to amend Ordinance No. 13 to comply with the requirements of 25 C.F.R. part 522, and to submit such amended Gaming Ordinance to the NIGC for approval; and

WHEREAS, the Tribe's Board of Directors has reviewed the proposed amendments to Ordinance No. 13 in the form of Ordinance No. 13 (1995 Revision) attached hereto.

BE IT RESOLVED by the Board of Directors of the Yavapai-Prescott Tribe of Yavapai County, Arizona that it hereby amends and supersedes Ordinance No. 13 in the form attached hereto and designated as Ordinance No 13 (1995 Revision).

CERTIFICATION

I, the undersigned as President of the Board of Directors for the Yavapai-Prescott Indian Tribe, hereby certify that the Board is composed of (5) members of whom four (4) members constituting a quorum, were present at a Regular Board meeting this 15th day of August, 1995 and that the foregoing Amended Resolution was adopted by a vote of 3 for, and 0 against under the Articles of Association, Article, I, Section 1 (b).

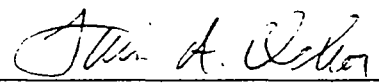


PRESIDENT, BOARD OF DIRECTORS
YAVAPAI-PRESCOTT INDIAN TRIBE

ATTEST:

ATTEST:



SECRETARY, BOARD OF DIRECTORS
YAVAPAI-PRESCOTT INDIAN TRIBE

LUIS OCHOA
ATTORNEY

**ORDINANCE NO. 13 (1995 REVISION)
OF THE YAVAPAI-PRESCOTT TRIBE
OF YAVAPAI-COUNTY, ARIZONA**

GAMING ORDINANCE

AN ORDINANCE GOVERNING, REGULATING, LICENSING AND PERMITTING GAMING ON THE YAVAPAI-PRESCOTT TRIBAL RESERVATION IN YAVAPAI COUNTY, ARIZONA, UNDER CERTAIN TERMS AND CONDITIONS.

BE IT ORDAINED BY THE YAVAPAI-PRESCOTT TRIBE AS FOLLOWS:

STATEMENT OF PURPOSE: An ordinance to govern and regulate the operation, conduct and playing of (1) "Class II Gaming," as defined by the Indian Gaming Regulatory Act of 1988, P.L. 100-447, 25 U.S.C. § 2701, et seq., as amended (the "Act"), and the regulations promulgated by the National Indian Gaming Commission, including games of Bingo, and (2) "Class III Gaming," as defined by the Act and the regulations promulgated by the National Indian Gaming Commission, and as authorized by and pursuant to the provisions of a Tribal-State Compact entered into between the Yavapai-Prescott Tribe and the State of Arizona under the provisions of the Act, so that revenue may be produced for the support of Tribal government programs which promote economic development and the health, education and welfare of the Tribe and its members;

Section 1. Short Title.

This ordinance may be cited as the Gaming Ordinance of the Yavapai-Prescott Tribe of Yavapai County, Arizona.

Section 2. Interpretation.

This ordinance shall be deemed an exercise of the sovereign power of the Yavapai-Prescott Tribe of Yavapai County, Arizona and all provisions of this ordinance shall be liberally construed for the accomplishment of the Statement of Purpose.

Section 3. Policy.

A. The Yavapai-Prescott of Yavapai County, Arizona shall have the sole proprietary interest, authority and responsibility for the conduct of any Class II Gaming and Class III Gaming, as defined by the Act, conducted on the Reservation.

B. The Net Revenues, as defined in Section 4 hereof, from any Tribal Class II Gaming and Class III Gaming shall be used only for the following purposes:

- (1) To fund Tribal governmental operations or programs;
- (2) To provide for the general welfare of the Tribe and its members;
- (3) To promote Tribal economic development;
- (4) To donate to charitable organizations; or
- (5) To help fund local Tribal and community governmental operations.

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

D. Annual outside independent certified audits of Class II Gaming and Class III Gaming conducted by the Tribe pursuant to the provisions of this ordinance and the Tribal-State Compact shall be caused to be produced and the Tribe shall submit the resulting audit reports to the National Indian Gaming Commission.

E. All contracts for supplies, services or concessions for a contract amount in excess of \$25,000.00 annually, except contracts for professional legal or accounting services, relating to such gaming shall be specifically included within the scope of the audit that is described in subsection D. above.

F. The construction and maintenance of gaming facilities and the operation of Class II Gaming and Class III Gaming shall be conducted by the Tribe in a manner which adequately protects the environment and the public health and safety and, as to Class III Gaming activities, shall be conducted in accordance with the provisions of the Tribal-State Compact.

G. Tribal officials may cooperate with law enforcement officials of the State of Arizona, the Bureau of Indian Affairs, the Federal Bureau of Investigation, and other law enforcement agencies, when it is deemed to be in the best interest of the Tribe to assure that fair, honest and efficient gaming activities are operated by the Tribe and, as to Class III Gaming, such law enforcement activities and responsibilities shall be consistent and in accordance with the provisions of the Tribal-State Compact.

Section 4. Definitions.

In this ordinance, unless the context otherwise requires:

A. "Class II Gaming" means Class II gaming as defined by the Act and regulations promulgated by the National Indian Gaming Commission and conducted by the Tribe in accordance with the Act, such regulations and the provisions of this ordinance.

B. "Class III Gaming" means Class III gaming as defined by the Act and regulations promulgated by the National Indian Gaming Commission and as limited, authorized and conducted by the Tribe in accordance with the Act, such regulations, the provisions of the Tribal-State Compact and this ordinance.

C. "Contractor" shall mean and refer to any management contractor who operates for the Tribe, Tribal premises used for Class II Gaming or Class III Gaming or operates as lessee under a lease with the Tribe and any lessor of gaming equipment or supplier of gaming services to the Tribe.

D. "Gaming Enterprise" shall mean the Class II and Class III gaming operations and activities owned and operated by the Tribe and conducted on Indian Lands of the Tribe.

E. "Indian Lands" means lands as defined in 25 U.S.C. § 2703(4)(A) and (B), subject to the provisions of 25 U.S.C. § 2719.

F. "Key Employee" means:

(a) a person who performs one or more of the following functions:

(1) Bingo caller;

- (2) Cashier;
- (3) Change persons;
- (4) Counting room supervisor;
- (5) Chief of Security;
- (6) Custodian of Gaming Supplies or Cash;
- (7) Floor manager;
- (8) Pit Boss;
- (9) Dealer;
- (10) Croupier;
- (11) Approver of Credit;
- (12) Manager of the Tribe's Gaming Enterprise; or
- (13) Custodian of gambling devices including persons with access to

cash and accounting records within such devices;

(b) if not otherwise included, any other person whose total cash compensation from the Tribe's Gaming Enterprise is in excess of \$50,000.00 per year; or

(c) if not otherwise included, the four (4) most highly compensated persons in the Tribe's Gaming Enterprise.

G. "Net Revenues" means gross gaming revenues of the Tribe's Gaming Enterprise less --

(a) Amounts paid out as, or paid for, prizes; and

(b) Total gaming related operating expenses, excluding management fees, if any.

H. "Person" means a natural person, firm, association, corporation or other legal entity.

I. "Primary Management Official" means:

(a) the person having management responsibility for a Gaming Enterprise management contract, if any;

(b) any person who has authority:

(1) to hire and fire Gaming Enterprise employees; or

(2) to set up working policy for the Tribe's Gaming Enterprise; or

(3) the chief financial officer or other person who has financial management responsibility of the Tribe's Gaming Enterprise.

J. "Player" shall mean any person paying some amount of U.S. currency to the Tribe or the contractor or the agent, servant or employee of the Tribe or such contractor for admission to, or participation in Class II Gaming or Class III Gaming and who has some reasonable expectation of receiving a prize as a result of participating, playing or wagering on such Class II Gaming or Class III Gaming.

K. "Prizes" shall mean and refer to any United States currency, cash or other property or thing of value awarded to a Player of Class II Gaming or Class III Gaming.

L. "Tribal-State Compact" means the Yavapai-Prescott Indian Tribe/State of Arizona Gaming Compact entered into pursuant to the authority of the Act between the Tribe and the State of Arizona authorizing the Tribe to conduct certain limited forms of Class III Gaming, the terms of which are incorporated herein by this reference upon the effective date of such Tribal-State Compact.

M. "Tribe" shall mean and refer to the Yavapai-Prescott Tribe of Yavapai County, Arizona.

Some words or phrases in this ordinance with initial capital letters are defined in the Tribal-State Compact. Unless otherwise defined herein, the terms in this ordinance shall have the same meaning as in the Tribal-State Compact, which definitions are incorporated herein by this reference.

Section 5. General.

No Person may perform, supervise, hold, operate or conduct any Class II Gaming or Class III Gaming on or within the Indian Lands of the Tribes; except such Class II Gaming or Class III Gaming conducted, operated or licensed by the Tribe in accordance with the provisions of this ordinance and, as to Class III Gaming, conducted, operated or licensed in accordance with the provisions of the Tribal-State Compact.

Section 6. Gaming Activities.

A. The Tribe is authorized to perform, supervise, hold, operate and conduct Class II Gaming and Class III Gaming on Indian Lands of the Tribe in accordance with the provisions of this ordinance and, as to Class III Gaming, in accordance with the provisions of the Tribal-State Compact.

B. The Tribe's Board of Directors shall (1) supervise the administration of this Section and may adopt, amend and repeal rules and regulations governing the holding, operating and conducting of Class II Gaming and Class III Gaming on Indian Lands of the Tribe which shall be in accordance with, and shall not violate the provisions of this ordinance and, in the case of Class III Gaming, the Tribal-State Compact; (2) may provide for the rental of the premises and equipment required for the operation of such Class II Gaming and Class III Gaming and (3) shall provide that such gaming activities shall be held, operated and conducted in conformity with the provisions of this ordinance and, in the case of Class III Gaming, the Tribal-State Compact.

C. The Tribe's Board of Directors shall have the authority to enter into a management agreement to operate the Tribe's Gaming Enterprise or Gaming Locations on Indian Lands of the Tribe or lease for the rental of property or gaming equipment provided that said management agreements or leases are in conformity with the Act and any Federal laws, rules and/or regulations then in effect.

D. The Tribe hereby creates and designates the Yavapai Gaming Agency (the "YGA") as the Tribal entity which shall exercise the civil regulatory authority of the Tribe over Class II Gaming and Class III Gaming on Indian Lands of the Tribe and the Tribe hereby delegates such authority to the YGA. The YGA shall be responsible for the regulation of all gaming activities on Indian Lands of the Tribe pursuant to this ordinance and for the enforcement of the Tribal-State Compact on behalf of the Tribe, including, but not limited to the issuance of Tribal gaming licenses required by this ordinance or the Tribal-State Compact. The YGA may enact rules and regulations governing Class II Gaming and Class III Gaming which shall be consistent with the provisions of this ordinance and the provisions and appendices of the Tribal-State Compact. The Tribe shall have the sole authority to determine the composition of the YGA and shall designate an Executive Director of the YGA who shall have overall responsibility for the administrative functions of the YGA.

E. The Tribe shall maintain a permanent record containing the name and address of each Player who receives a prize, if required by, and in accordance with the requirements of the Internal Revenue Code, any enactments of Congress or the Tribal-State Compact.

F. The Tribe shall maintain adequate written records of Class II Gaming and Class III Gaming in the Tribe's Gaming Facilities for a period of at least four (4) years. These records shall include:

- (1) Gross receipts;
- (2) All payout for prizes, whether in cash or merchandise;
- (3) Any and all operating expenses;
- (4) Net Revenues.

G. Any agreement with a Contractor shall state that no elected member of the Tribal government may be an employee of a Contractor or of the Tribe's Gaming Enterprise.

Section 7. Licenses for Key Employees and Primary Management Officials.

A. Every Key Employee and Primary Management Official shall be licensed by the YGA. The YGA shall be responsible for the issuance of Tribal gaming licenses to Key Employees and Primary Management Officials and shall adopt and implement policies and procedures for the issuance of such gaming licenses. The YGA shall ensure that the policies and procedures set out in this Section 7 are implemented with respect to Key Employees and, Primary Management Officials who are employed by the Tribe's Gaming Enterprise.

B. 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.

C. Existing Key Employees and Primary Management Officials shall be notified in writing that they shall either:

- (a) Complete a new application form that contains a Privacy Act notice; or
- (b) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

D. 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:

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work or provide services. Also, you may be punished by fine or imprisonment. U.S. Code, Title 18, Section 1001.

E. The Tribe shall notify in writing existing Key Employees and Primary Management Officials and Contractors that they shall either:

(a) Complete a new application form that contains a notice regarding false statements; or

(b) Sign a statement that contains the notice regarding false statements.

F. Background Investigations:

(a) The Tribe shall request from each Primary Management Official and from each Key Employee all of the following information:

(1) Full name, other names (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: Business and employment positions held, ownership interest in those businesses, business and residence addresses and drivers license numbers;

(3) The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (a)(2) of this section;

(4) Current business and residence telephone numbers;

(5) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

(6) A description of any existing and previous business relationships with the gaming industry generally, 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 was 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 paragraph (a)(8) or (a)(9) of this section, 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 current photograph;

(13) Any other information the Tribe deems relevant; and

(14) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h).

(b) The YGA shall conduct an investigation sufficient to make a determination under subsection G below. In conducting a background investigation the YGA or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

G. Eligibility Determination: The YGA shall review a person's prior activities, criminal record, if any, and reputation, habits, and associations to make a finding concerning

the eligibility of a Key Employee or Primary Management Official for employment in a gaming operation. If the YGA determines that the applicant poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct gaming, the Tribe's Gaming Enterprise shall not employ that person in a Key Employee or Primary Management Official position.

H. The following procedures shall apply for forwarding applications and reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission:

(a) When a Key Employee or Primary Management Official begins work at the Tribe's Gaming Enterprise authorized by this Ordinance, the YGA shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection G of this section.

(b) The YGA shall forward the report referred to in subsection I of this section to the National Indian Gaming Commission within sixty (60) days after an employee begins work or within sixty (60) days of the approval of this Ordinance by the Chairman of the National Indian Gaming Commission.

(c) The Gaming Enterprise shall not employ as a Key Employee or Primary Management Official a person who does not have a license after ninety (90) days.

I. The YGA shall report to the National Indian Gaming Commission as follows:

(a) Pursuant to the procedures set out in subsection H of this section, the YGA shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all the following:

- (1) Steps taken in conducting a background investigation;
- (2) Results obtained;
- (3) Conclusions reached; and

(4) The basis for those conclusions.

(b) The YGA shall submit, with the report, a copy of the eligibility determination made under subsection G of this section.

(c) If a license is not issued to an applicant, the YGA:

(1) Shall notify the National Indian Gaming Commission; and

(2) May forward of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

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

J. The YGA shall grant gaming licenses to Key Employees and Primary Management Officials in accordance with the following:

(a) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribe that it has no objection to the issuance of a license pursuant to a license application filed a Key Employee or a Primary Management Official for whom the YGA has provided an application and investigative report to the National Indian Gaming Commission, the YGA may issue a license to such applicant.

(b) The YGA shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a Key Employee or a Primary Management Official who is the subject of a report. Such a request shall suspend the thirty (30) day period under paragraph J.(a) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

(c) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the YGA with a statement itemizing objections to the issuance of the license to a Key Employee or to a Primary Management Official or Contractor for whom the YGA has provided an application and investigative report to the National Indian Gaming Commission, the YGA shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The YGA shall make the final decision whether to issue a license to such applicant.

K. The YGA shall have the authority to suspend any gaming license issued to a Key Employee or Primary Management Official in accordance with the following:

(a) If, after the issuance of a gaming license, the YGA receives from the National Indian Gaming Commission reliable information indicating that a Key Employee or a Primary Management Official is not eligible for employment under subsection G above, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

(b) The YGA shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

(c) After a revocation hearing, the YGA shall decide to revoke or to reinstate a gaming license. The YGA shall notify the National Indian Gaming Commission of its decision.

Section 8. Licenses for Contractors and Other Persons Required to be Licensed Under Tribal-State Compact.

A. All Contractors and other Persons required to be licensed under the Tribal-State Compact shall be licensed by the YGA and, in the case of Class III Gaming, shall meet the requirements of the Tribal-State Compact. Background investigations shall be conducted of Contractors and such other Persons required to be licensed and an adequate system shall be in place to provide oversight of such Persons on an ongoing basis provided that any Person whose

prior activities, criminal record, if any, or reputation, or associations pose a threat to the public interest or to effective regulation of the Tribe's Gaming Enterprise or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of such gaming activities shall not be illegible to be licensed by the YGA as a Contractor or Person required to be licensed hereunder; further provided that the Bureau Indian Affairs or the National Indian Gaming Commission, established pursuant to the Act, as the case may be, shall be notified promptly by the YGA of the issuance of such licenses and the results of such background checks before the issuance of any such license to a Contractor or such a person.

B. All Contractors and Persons required to be licensed hereunder shall be of good moral character and shall not have been convicted of any felony or misdemeanor involving moral turpitude or gaming offense in any court of competent jurisdiction.

Section 9. License for Gaming Locations.

The YGA shall issue a separate license to each place, Gaming Facility or location on Indian lands of the Tribe where Class II Gaming or Class III Gaming is conducted under this ordinance.

Section 10. Operations.

A. The Tribe's Class II Gaming and Class III Gaming may be conducted each and every day of the week between the hours authorized by and consistent with the provisions of the Tribal-State Compact or, in the absence of a Tribal-State Compact, at such hours of the day or night as determined in the exercise of the Tribe's sole discretion, provided that such gaming activities shall be operated not less than three days (Friday, Saturday and Sunday) per week and there shall be no limit as to prize money for any single gaming activity, bingo game or session.

B. All persons involved in the conduct of Class II Gaming and Class III Gaming must be a bona fide employee of the Tribe or a Contractor.

C. No person under the age of eighteen (18) shall participate in any Class II Gaming or Class III Gaming. If liquor is served at any gaming facility, no person under the age of twenty-one (21) shall participate in any such Class II Gaming or Class III Gaming.

D. No person who holds, operates, conducts or assists in holding, operating or conducting Class II Gaming or Class III Gaming may play at the game at which such person is holding, operating, conducting or assisting.

Section 11. Name Tags.

All persons operating or assisting the operation or conduct of any Class II Gaming or Class III Gaming shall wear legible tags evidencing their names and the legend of the Tribe. Tags must be visible and worn or otherwise affixed to all persons operating or assisting in the operation of any Class II Gaming or Class III Gaming.

Section 12. Violation, Jurisdiction.

A. It shall be unlawful for any person to:

(1) 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.

(2) 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 for the purpose placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome.

(3) Claim, collect or take or attempt to claim, collect or take, money or anything of value in or from a gambling game, with intent to defraud, without having made a wager thereon, or to claim, collect or take an amount greater than the amount won.

(4) Knowingly to entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of the Tribal-

State Compact or this ordinance with the intent that the other person play or participate in that gambling game.

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

(6) Reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including pinching bets.

(7) Manipulate, with the intent to cheat, as defined below, any component of a slot machine or gaming device in a manner contrary to the design and normal operational purpose for the component, including, but not limited to, varying the pull of the handle of a slot machine or gaming device, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

(8) Knowingly to use other than coins or tokens approved by the Tribal Gaming Agency, established in accordance with the provisions of the Tribal-State Compact, or other lawful coin, legal tender of the United States of America, or to use coin not of the same denomination as the coin intended to be used in the gambling game.

(9) Possess, with the intent to use, any device to assist in projecting the outcome of the game, in keeping track of the cards played, and analyzing the probability of the occurrence of an event relating to the game, or in analyzing the strategy for playing or betting to be used in the game.

(10) Use any device or means to cheat, as defined below, or to possess any such device while at the Tribe's gaming facility.

For purposes of this Section, "cheat" shall mean to alter the selection of criteria which determines the result of a Class II Gaming or Class III Gaming activity, or the amount or frequency of payment in such gaming activities.

B. Any Person who willfully and knowingly violates any provision of this ordinance, or any rule or regulation authorized thereunder, shall be guilty of a criminal offense punishable by a fine not to exceed five hundred dollars (\$500.00) for each violation, or for each day the violation continues or by imprisonment for not more than six (6) months, or both.

C. Any Person who willfully and knowingly violates any provision of this ordinance, or any rule or regulation authorized thereunder, may have the equipment, material and supplies used in conducting the unlawful activity impounded.

D. The Tribal courts shall have jurisdiction over all violations of this ordinance and, with respect to Class III Gaming, such jurisdiction shall be determined by, pursuant to and consistent with the provisions of the Tribal-State Compact. Nothing, however, in this ordinance shall be construed to authorize or require the criminal trial and punishment by the Tribe of non-Indians except to the extent allowed or required by any applicable present or future Act of Congress or any applicable federal court decision.

E. The Tribe shall retain the right to revoke any license of any Contractor who engages in conduct other than as authorized by this ordinance, the Tribal-State Compact or the Contractor's agreement with the Tribe, which involves moral turpitude, dishonesty or any act which is punishable as a felony or misdemeanor involving moral turpitude under State or federal laws, or which involves a violation of the Yavapai-Prescott Tribal Code. With respect to Class III Gaming, in the event of such violation, such Contractor shall have such rights and be subject to such penalties and procedures as specified in the provisions of the Tribal-State Compact.

Section 13. Patron Disputes.

The provisions and mechanism for resolving patron or player disputes of Section 14 of the Tribal-State Compact shall apply to both Class II Gaming and Class III Gaming.

Section 14. Internal Revenue Service.

Provisions of the Internal Revenue Code of 1986, as amended, concerning the taxation and the reporting of withholding of taxes with respect to prizes or winnings from gaming or wagering pursuant to the operation of Class II Gaming or Class III Gaming operated on the Tribe's reservation shall apply to the Tribe's gaming enterprise.

Section 15. Ordinance Supersedes Former Ordinance No. 13.

The provisions of this ordinance amend, supersede and repeal all prior gaming ordinances, including the Tribe's Gaming Ordinance dated June 18, 1992 (Ordinance No. 13). This ordinance is effective as of the date and year written below.

Section 16. Severability Clause.

The provisions of this ordinance shall be severable and if any phrase, clause, sentence or provision of the ordinance is found to be contrary to the Tribe's Articles of Association, or declared to be in violation of applicable Federal law or is held to be invalid, the validity of the remainder of this ordinance shall not be affected and shall remain in full force and effect.


Section 17. Incorporation of Tribal-State Compact.

The Tribe incorporates herein by reference all of the provisions of the Tribal-State Compact in effect on the effective date of this ordinance as though fully set forth herein.

PASSED, APPROVED and ADOPTED by the Yavapai-Prescott Tribe of Yavapai County, Arizona on this 15 day of August, 1995.

CERTIFICATION

The foregoing ordinance was on 8/15, 1995, duly adopted by a vote of 3 in favor, 0 opposed, and 0 abstained by the Board of Directors of the Yavapai-Prescott Tribe of Yavapai County, Arizona pursuant to authority vested in it by Article VI, Section 1(a), (b), (c), (g), (h), (i) and (j) of the Articles of Association of the Yavapai-Prescott Tribe of Yavapai County, Arizona ratified by the Tribe and approved by the Commissioner of the Bureau of Indian Affairs, United States Department of the Interior, on December 5, 1962.



President, Yavapai-Prescott Tribe

ATTEST:



Secretary, Yavapai-Prescott Tribe

The foregoing ordinance is hereby approved by the National Indian Gaming Commission.

By: _____
Its: _____
Date: _____