

SAUK-SUIATTLE

SAUK SUIATTLE INDIAN TRIBE
5318 Chief Brown Lane
Darrington, WA 98241



"The Root-Digging
People"

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RESOLUTION 11/29a/99
BE IT RESOLVED BY THE SAUK TRIBAL COUNCIL
OF THE SAUK-SUIATTLE INDIAN TRIBE OF THE STATE OF WASHINGTON

WHEREAS, the Sauk-Suiattle Tribal Council is the governing body of the Sauk-Suiattle Indian Tribe by the authority of its Constitution and By-Laws as approved by the Secretary of the Interior on September 17, 1975; and with the Indian Reorganization Act of June 18, 1934; and

WHEREAS, the Sauk-Suiattle Council is a duly elected governing body of the Sauk-Suiattle Indian Tribe; and

WHEREAS, the Sauk-Suiattle Tribal Council is charged with the responsibility for the protection of the health, safety, and welfare of the members of the Sauk-Suiattle Indian Tribe; and

WHEREAS, the Sauk Suiattle Tribal Council, at a duly constituted meeting held on November 19, 1999, considered the attached Sauk-Suiattle Gaming Act prepared in compliance with the Indian Gaming Regulatory Act of 1998; and

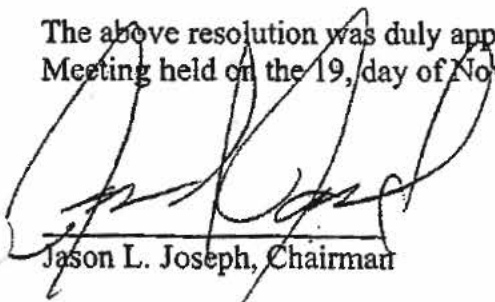
WHEREAS, the Tribal Council has determined that the best interest and welfare of the Tribe would be served by adopting the said Gaming Act and hereby approves its adoption.

NOW THEREFORE BE IT RESOLVED, that the Sauk-Suiattle Tribal Council hereby adopts the Sauk-Suiattle Gaming Act and directs the Tribe's Gaming Commission to seek approval for such from the National Indian Gaming Commission.

BE IT FURTHER RESOLVED, that the Sauk Suiattle Tribal Council authorizes the Tribal Council to sign all documents on behalf of the Sauk-Suiattle Indian Tribe and in his absence, the Vice-Chairperson of the Sauk-Suiattle Tribal Council is authorized to sign all documents.

CERTIFICATION

The above resolution was duly approved by the Sauk-Suiattle Tribal Council at a Special Meeting held on the 19, day of November 1999.


Jason L. Joseph, Chairman

ATTESTED: 
Tribal Council Member

SAUK-SUIATTLE INDIAN TRIBE

SAUK-SUIATTLE GAMING ACT

The Sauk-Suiattle Indian Tribe, a federally recognized Indian Tribe ("Tribe"), hereby enacts the following Ordinance to govern gaming activities on Sauk-Suiattle Tribal Lands. The Ordinance shall be known as the Sauk-Suiattle Gaming Act ("Gaming Act"). This Gaming Act and any regulations promulgated thereunder shall constitute the entire gaming regulations for the Tribe.

Section 1. Findings and Policy.

This Gaming Act is adopted by the Sauk-Suiattle Tribal Council, pursuant to its authority under the Tribe's Constitution and By-Laws, for the purpose of establishing the terms for gaming on Sauk-Suiattle Tribal Lands for tribal governmental and charitable purposes, and to develop and operate such gaming consistent with the findings herein and in conformity with the federal Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.* ("IGRA")) and regulations promulgated thereunder, as well as other applicable laws.

The Tribe finds that:

1.1 Gaming on its Tribal Lands is a valuable means of generating revenues that are needed for economic development, to promote Tribal self-sufficiency, economic development, employment, job training, and a strong tribal government, and to fund and ensure essential social programs and services;

1.2 The Tribe desires to conduct certain forms of gaming to provide needed revenues to the Tribe, and to regulate and control such gaming in a manner that will protect the environment, the Tribe's reservation, the health, security and general welfare of the Tribe, the players, and the community; and

1.3 The Tribe desires to own all gaming on Tribal Lands, and to manage and regulate such gaming in a manner that will adequately address such special interests and needs of the Tribe.

Section 2. Definitions.

Unless specified otherwise, terms used herein shall have the same meaning as in IGRA, including but not limited to references to "Net Revenues," "Class I", "Class II", and "Class III"

gaming, except for references to "Commissioners", "Commission", or "Gaming Commission", which shall mean the Sauk-Suiattle Gaming Commission or its Commissioners, established and described herein.

2.1 "Applicant" means an individual or entity that applies for a tribal license or certification.

2.2 "Closely associated independent contractor" shall mean any contractor that shares common ownership, officers or directors with any management principal or person related thereto.

2.3 "Gaming" shall mean an activity in which a person stakes or risks something of value on the outcome of a contest of chance or a future contingent event, not under his or her control or influence, upon an agreement or understanding that the person, or someone else, will receive something of value in the event of a certain outcome, but shall not include bona fide business transactions.

2.4 "Gaming Activities" shall mean any class I, class II, or class III gaming activity conducted by or under the jurisdiction of the Tribe.

2.5 "Gaming Commission" or "Tribal Gaming Agency" shall mean the Sauk-Suiattle Gaming Commission as established herein under tribal law and designated responsibility for carrying out the Tribe's regulatory responsibilities under IGRA, this Gaming Act, and the Gaming Compact.

2.6 "Gaming Compact" or "Compact" shall mean a class III tribal-state gaming compact adopted by the Tribe to govern the conduct of certain Gaming Activities on its Tribal Lands.

2.7 "Gaming Contractor" shall mean any person or entity that supplies gaming devices or other gaming equipment, personnel, or services (including gaming management or consulting services) to any gaming activity or enterprise.

2.8 "Gaming Enterprise" shall mean any gaming business, event, enterprise or activity conducted by or under the jurisdiction of the Tribe.

2.9 "Immediate Family" or "Related to" shall mean persons who are the subject individual's spouse, parents, siblings, and children (either adopted or biological).

2.10 "Key Employee" shall mean a person who performs one or more of the following functions: bingo caller, counting room supervisor, chief of security, custodian of gaming supplies or cash, floor manager, pit boss, dealer, croupier, approver of credit, or custodian of

gaming devices including those persons with access to cash and accounting records within such devices. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year, and the four most highly compensated persons in the gaming enterprise are included in the definition of key employees. At the discretion of the Gaming Commission, other positions or persons may be included under and subject to the requirements for key employees.

2.11 "National Indian Gaming Commission" ("NIGC") shall mean the commission established under IGRA.

2.12 "Person" shall mean any natural person or entity, including but not limited to corporations, partnerships and trusts.

2.13 "Primary Management Official" shall mean the person who has management responsibility for a management contract; any person who has authority to hire and fire employees or to set up working policy for the gaming enterprise; any chief financial officer or other person who has financial management responsibility. At the discretion of the Gaming Commission, other positions or persons may be included under and subject to the requirements for primary management officials.

2.14 "State" shall mean the State of Washington.

2.15 "State Gaming Agency" shall mean the person, agency, board, or commission, or official which the State has duly authorized to fulfill the functions assigned to it under an applicable Gaming Compact.

2.16 "Tribal Chairperson" shall mean the person duly elected or selected under the Tribe's organic documents, customs, or traditions to serve as the primary spokesperson for the Tribe.

2.17 "Tribal Council" shall mean the governing body of the Tribe, as set forth in the Tribe's Constitution and Bylaws.

2.18 "Tribal Court" shall mean any court established by the Tribe to hear disputes or, if there is none, the Tribal Council.

2.19 "Tribal Lands" shall mean those lands on which the Tribe is authorized under IGRA to conduct gaming.

2.20 "Tribal Member" shall mean any duly enrolled member of the Tribe.

Section 3. Ownership of Gaming.

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Gaming Act, except to the extent the Tribe may contract with and license a person or entity to own, operate or manage the enterprise pursuant to the provisions of IGRA or as otherwise permitted by law.

Section 4. Gaming Commission.

4.1 Establishment of Gaming Commission. There is established by the Tribe hereby a Commission, acting under the authority of the Tribe, to be known as the Sauk-Suiattle Gaming Commission. The Gaming Commission shall be composed of three (3) members of the Tribe, all of whom shall be elected by the Tribe. Gaming Commissioners must meet the qualifications established under this Gaming Act and any Gaming Compact adopted by the Tribe.

4.2 Disqualifications for Office. The following persons may not serve as Commissioners:

4.2.1 Persons employed in or in connection with the management, supervision, or conduct of any Gaming Activity on Tribal Lands;

4.2.2 Persons related to any gaming contractor (including any principal thereof or closely associated independent contractor);

4.2.3 Persons who would not be eligible to be officers of the Tribe pursuant to the Tribe's Articles and By-Laws;

4.2.4 Unless specifically provided herein, officers of the Tribe pursuant to the Tribe's Articles and By-laws are not eligible to serve on the Gaming Commission during their term.

4.3 Terms of Office. The Commissioners shall serve for three (3) year terms, except that immediately after enactment of this Gaming Act two (2) of the Commissioners shall serve for three (3) years, and one (1) Commissioner shall serve for two (2) years. Commissioners may serve for more than one term.

4.4 Removal from Office. Commissioners may only be removed from office before the expiration of their terms by the Tribal Council for neglect of duty, malfeasance or other good cause shown. The procedure for removing a Commissioner shall be the same as for removing an officer of the Tribe.

4.5 Quorum. Two (2) members of the Gaming Commission shall constitute a quorum.

4.6 Officers and Duties. The Gaming Commission shall select, by majority vote, a Chairman, Vice-Chairman and Secretary. The Chairman shall preside over meetings of the Gaming Commission and the Vice-Chairman shall preside in absence of the Chairman. The Secretary shall record in writing the minutes of all Gaming Commission meetings and all official actions taken by the Gaming Commission.

4.7 Voting. All actions of the Gaming Commission shall be taken by majority vote. The Commission Chairperson may vote on any issue.

4.8 Meetings. Meetings shall be held at least once per month, on the second Monday of the month at 6:00 p.m. at the Tribe's primary meeting facility ("Scheduled Meetings"). Any tribal member may attend Scheduled Meetings. Scheduled Meetings may be changed at any time by the Gaming Commission, with notice of such change posted prominently at least five (5) business days in advance at the Office of the Gaming Commission. Additional meetings shall be held as called by the Chairman or by at least two (2) other Commissioners. Notice of meetings shall be given in writing to each Commissioner, served by first class mail or personal delivery at least three (3) business days prior to such meeting; however, meetings may be called at any time, by any means, with unanimous consent of the Commissioners. All Commission discussions, deliberations, and votes taken regarding specific license applications and related background investigations, or any other investigations, and any other matter the Commission deems must be kept confidential in order to preserve the integrity of the Gaming Enterprise or the Tribe or to protect the privacy of the applicant, shall be held in executive session.

4.9 Compensation for Serving; Fringe Benefits; Reimbursement of Expenses. Commissioners may be compensated for serving on the Commission at rates to be set by the Tribe. Such rates shall be approved by the Tribe or through the Gaming Commission budget process and shall be identical for all Commissioners. Step increases may be allowed based on length of service. Commissioners may be entitled, at the discretion of the Tribe, to receive fringe benefits which are available to other employees of the Tribe to the extent the provider of such benefits qualifies Gaming Commission positions for such benefits. Subject to approval by the Tribe and in accordance with its procedures, Commissioners shall be reimbursed for expenses incurred in connection with the performance of their Gaming Commission duties.

4.10 Powers and Duties.

The Gaming Commission shall have the power, duty, and primary responsibility to carry out the Tribe's regulatory responsibilities under federal or tribal law and the Compact; to enforce those requirements; and to protect the integrity of the gaming activities and the reputation of the Tribe and the gaming operation for honesty, fairness, and confidence of patrons, under provisions to include the following:

4.10.1 Inspect, examine and monitor Gaming Activities and gaming facilities, including the power to demand access to and inspect, examine, photocopy and audit all papers, books and records respecting such.

4.10.2 Investigate any suspicion of wrongdoing or violations in connection with any Gaming Activities, and require correction of violations at the Gaming Commission deemed necessary, including establishing and imposing fines or other sanctions against licensees or other persons who interfere with or violate the Tribe's gaming regulatory requirements under applicable federal or tribal law or the Compact.

4.10.3 Conduct, or cause to be conducted, such investigations in connection with any Gaming Activity as may be necessary to determine compliance with law, including this Gaming Act, or with any contracts, agreements, goods, services, events, incidents, or other matters related to the Gaming Activities.

4.10.4 Conduct, or cause to be conducted, background investigations regarding any person in any way connected with any Gaming Activities and issue licenses to, at minimum, all Key Employees and Primary Management Officials according to requirements at least as stringent as those in 25 C.F.R. parts 556 and 558, as well as any employees, investors, contractors, or others required to be licensed under standards established by the Gaming Act, IGRA, or the Compact.

4.10.5 Hold such hearings, sit and act at such times and places, summon persons on Tribal Lands to attend and testify at such hearings, take such testimony, and receive such evidence as the Gaming Commission deems relevant in fulfilling its duties.

4.10.6 Administer oaths or affirmations to witnesses appearing before the Gaming Commission.

4.10.7 Implement and administer a system for investigating, licensing, monitoring, reviewing, and license renewal for the gaming facility, employees, gaming contractors and vendors, suppliers, investors, and others connected with Gaming Activities, as described below, including the issuance of licenses to gaming facilities, individuals and entities as required under this Gaming Act, IGRA, or the Compact;

4.10.8 Hear disputes against the gaming establishment, in accordance with the procedures established in this Gaming Act or the Compact.

4.10.9 Hire such staff and support services as deemed necessary, subject to a budget approved by the Tribe.

4.10.10 To the extent required, comply with any reporting requirements established under this Gaming Act, a Compact to which the Tribe is a party, or other applicable law, including IGRA and regulations promulgated thereunder.

4.10.11 Issue such regulations as it deems appropriate in order to implement the provisions of this Gaming Act, IGRA, or the Compact, and to promulgate rules and regulations for operation and management and ensure their effective enforcement in areas including: enforcement of relevant laws and rules; conduct of hearings and investigations; physical safety of patrons, employees, and other persons in the gaming facility; physical safeguarding of assets; prevention of illegal activity within the facility or in respect to the gaming operation including employee procedures and surveillance systems; detention of persons who may be involved in illegal acts for notification of law enforcement authorities; recording of any and all occurrences within the gaming facility; detection of employee theft, cheating or fraud; listing of persons barred from the gaming facility; conduct of audits; submission, approval, and maintenance of class III game rules; maintenance and approval of surveillance system consistent with industry standards; cashier's cage maintenance consistent with industry standards; staffing and supervisory requirements; and technical standards for operation of gaming terminals and other games consistent with gaming testing laboratory standards.

4.10.12 Establish and impose license fees, sanctions, fines, and conditions, and renew licenses; deny, suspend or revoke licenses; and issue temporary or conditional licenses as appropriate under the provisions of this Gaming Act, IGRA, or the Compact.

4.10.13 Investigate and report violations and compliance failures as required under this Gaming Act, IGRA, or Compact.

4.10.14 Investigate and assure compliance with any requirements for tribal ownership, management, and control of the gaming facility and gaming operation, including use of gaming revenues, as set forth in tribal or federal law or the Compact.

4.10.15 Investigate and assure compliance with age restrictions for patrons including provisions prohibiting minors in the gaming facility and age limits on service of alcoholic beverages as provided under applicable law.

4.10.16 Issue identification cards or badges to those persons required to be licensed and require such cards or badges to be worn at all times while in the gaming facility.

4.10.17 Review and monitor gaming facilities on Tribal Lands, issue certifications, and assure gaming facility compliance with any inspection and licensing requirements under federal or tribal law, and the Compact.

4.10.18 Carry out any requirements under tribal or federal law or the Compact for the protection of the health and safety of gaming facility patrons, guests, and employees, including requirements that gaming facilities meet building and safety codes duly adopted by the Tribe.

4.10.19 Carry out such other duties with respect to Gaming Activities on Tribal Lands as this Gaming Act, IGRA, or the Compact shall direct.

4.11 Annual Reports. On or before February 15 of each year, the Gaming Commission shall provide to the Tribal Council an Annual Report summarizing its activities during the prior twelve (12) month period ending on December 31, and accounting for revenues, receipts and disbursements. The Tribal Council shall cause copies of the Annual Report to be made available to the tribal membership within thirty (30) days after receipt.

Section 5. Permitted Gaming Activities.

5.1 Unauthorized Gaming Prohibited. All gaming activities on Tribal Lands (whether class I, II or III) are prohibited except as expressly authorized under this Gaming Act.

5.1.1 Class I Gaming. Class I gaming activities are hereby permitted to the extent consistent with tribal custom and practice. The Gaming Commission may prohibit and prevent any conduct which is claimed to be class I gaming if the Tribe finds that such conduct is not in accordance with tribal customs or practices or violates IGRA or other applicable law.

5.1.2 Class II and Class III Gaming. Class II and class III gaming on Tribal Lands is hereby authorized, provided the Tribe has the sole proprietary interest in and responsibility for the conduct of any gaming enterprise, or to the extent the Tribe may contract with and license a person or entity to own, operate or manage the enterprise pursuant to the provisions of IGRA or as otherwise permitted by law. Nothing herein shall prohibit the Tribe from engaging the services of non-tribal persons as employees thereof or engaging any person or entity to assist the Tribe in the management of a gaming activity pursuant to a management agreement entered into under the provisions of IGRA. Class III gaming shall be conducted in accordance with the Compact, or any alternative thereto as provided by IGRA.

Section 6. Gaming Revenues.

6.1 Tribal Property. Except as provided for under the terms of an agreement pursuant to the provisions of IGRA or as otherwise permitted by law, all revenues generated from any class II or class III gaming activity are the property of the Tribe. Any profits or net revenues from gaming activities shall be deposited into the Tribe's general treasury. Once becoming part

of the treasury such funds shall lose any identity as gaming revenues except to the extent necessary to identify them as such in order to comply with applicable law. No tribal member shall be deemed to have any interest in such profits or net revenues, provided that the Tribe may adopt rules for distributing gaming proceeds to tribal members on a per capita basis provided such plan meets the requirements of IGRA, 25 U.S.C. § 2710 (b) (3). Payments from the general treasury funds to tribal members under other tribal programs, including those related to health, welfare, education, elderly care, and housing, shall not be deemed to be "per capita" payments.

6.2 Use of Net Revenues. Net revenues from gaming activities shall not be used for purposes other than:

- 6.2.1 To fund Tribal government operations or programs;
- 6.2.2 To provide for the general welfare of the Tribe and its Members;
- 6.2.3 To promote economic development for the Tribe;
- 6.2.4 To donate to charitable organizations; or
- 6.2.5 To help fund operations of local government agencies.

Section 7. Operation of Gaming Establishments.

7.1 Gaming Permitted as Licensed. Except to the extent authorized by an agreement pursuant to the provisions of IGRA or as otherwise permitted by law, Gaming Activities shall only be conducted in tribally owned, operated and licensed facilities pursuant to the provisions of this Gaming Act. Such activities shall be conducted in accordance with the terms and conditions of any license issued by the Gaming Commission for such purpose as to each facility before any Gaming Activities may occur therein. Such license investigation shall include the hours of operation, type and scope of gaming activities allowed therein, permitted uses of the facility for other activities, rules of conduct for employees and patrons, regulation of alcoholic beverages, food handling and entertainment, and such other matters as the Gaming Commission may deem necessary to the conduct of Gaming Activities therein.

7.2 Protection of Environment and Public. Construction or maintenance of any gaming facility, and the operation of gaming therein, shall be conducted in a manner which adequately protects the environment and the public health and safety.

7.3 Dispute Resolution. Patrons who have complaints against the gaming establishment shall have as their sole remedy the right to file a petition for relief with the Gaming Commission. For such purposes, disputes with any management contractor or its employees

shall be made to the Gaming Commission, and such shall be the exclusive remedy for patron complaints. Complaints shall be submitted in writing and, at the discretion of the Gaming Commission, the petitioner may be allowed to present evidence. The Gaming Commission will render a decision in a timely fashion and all such decisions will be final when issued. Any patron having a claim against the gaming establishment or a management contractor or its employees must submit such claim to the Gaming Commission within thirty (30) days of its occurrence. All claims by patrons shall be limited to a maximum recovery of \$10,000 per occurrence, and a cumulative limit of \$20,000 per patron in any twelve (12) month period.

Section 8. Audits.

Annual Audits. Annual outside auditing by a recognized independent accounting firm shall be conducted of each gaming activity and the results thereof reported to the Tribal Members and, to the extent required by law, the Bureau of Indian Affairs and the National Indian Gaming Commission ("NIGC") or another entity.

Section 9. Audit Requirements.

All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to class II or class III gaming on Tribal Lands shall be subject to independent audits, and such contracts shall so specify.

Section 10. Licenses.

10.1 Licensing Requirements. It is the declared policy of the Tribe that all gaming activities be licensed and controlled so as to protect the morals, good order and welfare of tribal members and other persons on Tribal Lands and to preserve the honesty, fairness and integrity of such gaming activities. Accordingly, no person shall engage in any class II or class III Gaming Activities on Tribal Lands without an appropriate and valid independent class II or class III license which meets the standards set forth in this Gaming Act, IGRA, and those established under the Compact, and which license is issued by the Gaming Commission. Any gaming license, or finding of suitability or approval, which is issued by the Gaming Commission, shall be deemed a privilege subject to suspension or revocation. No license shall be issued that would place the Tribe in violation of an applicable law or the Compact.

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

10.3 Applicant Claim of Privilege. An applicant may claim any privilege afforded by law in connection with a gaming license application or investigation, but a claim of privilege with respect to any testimony or evidence pertaining thereto may constitute sufficient grounds for denial, suspension or revocation.

10.4 Release of Information. All persons applying for a license shall agree to release all information necessary in order for the Gaming Commission to achieve its goals under this Gaming Act, and to furnish such information to the Bureau of Indian Affairs, the NIGC, or such other governmental agency as may be required by law or the Compact.

10.5 Types of Licenses. Two classes of licenses (Class A and Class B) shall be issued to persons associated with gaming activities, and a facility license shall be issued to any facility where gaming activities are conducted on Tribal Lands. All licenses issued must be in compliance with the requirements of this Gaming Act, IGRA, and any applicable Gaming Compact. The Gaming Commission, in its sole discretion, may also require and issue a license to any person or entity associated with other tribal businesses that are not part of the gaming facility and not operated in conjunction therewith.

10.5.1 Class A Licenses. Before permitting any person to become permanently associated with any Gaming Activity as an investor or other person owning or controlling 10% or more of any interest in any management entity, or any primary management official, key employee, closely associated independent contractor, or other individual or entity with influence over the management or operation of the gaming, or a class II or III gaming employee, supplier, manufacturer or distributor, such person shall obtain a class A license. The Gaming Commission, in its sole discretion, is authorized to require persons employed in any gaming related position to hold a valid class A license. The Gaming Commission shall conduct or cause to be conducted a background investigation to determine if such person has:

10.5.1.1 Any criminal record or any reputation, prior activities, habits or associations which might pose a threat to the public interest or to the effective regulation of gaming;

10.5.1.2 Anything else in their background which might create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming.

Persons who do not meet the above qualifications shall be denied a Class A license.

10.5.2 Class B Licenses. Persons who are not among those identified in subsection 10.5.1 above, but are to be employed at a gaming facility on Tribal Lands in other gaming related positions or in non-gaming activities, shall be required to obtain a Class B license from the Gaming Commission. Such persons must establish that they have not been convicted of

a crime, or engaged in any activity, which the Gaming Commission, in its sole discretion, deems would render such person a danger to the safety or integrity of the Gaming Activities or the safety or property of the Tribe, any tribal member, gaming employee, patron or the public.

10.5.3 Facility Licenses. Any tribal gaming facility shall be inspected, licensed, certified and monitored under the provisions of this Gaming Act, IGRA, and the Compact.

10.5.4 Vendor Licenses. Vendors, suppliers, and other entities doing business with the gaming enterprise shall be required to obtain a license from the Gaming Commission under the process established in the Sauk-Suiattle Gaming License Regulations and Background Investigation Procedures. Vendor licenses shall meet all requirements of tribal and federal laws and regulations and the Compact.

10.6 License Renewal. All Class A and Class B licenses shall be subject to renewal at least every two years, and more frequently if so required by the Gaming Commission, other applicable law, or the Compact. Such licenses may be revoked or suspended upon the occurrence of any act which, if known during the application process, would have tended to disqualify such person for such a license.

10.7 Temporary Licenses. Pending completion of an investigation for a license, temporary licenses of no more than ninety (90) days duration may be issued by the Gaming Commission if, in its sole discretion, it deems it appropriate to do so. Such licenses shall permit the licensee to engage in such activities and pursuant to such terms and conditions as may be specified by the Gaming Commission. Such temporary licenses shall expire ninety (90) days from date of issuance, upon issuance of a regular license, or until an established expiration date, whichever occurs first.

10.8 License Investigations. The Gaming Commission may employ all reasonable means, including engaging outside services and investigators, and convening hearings, to acquire the information necessary to determine whether or not a license should be issued. Applicants shall also agree to release all information necessary in order for the Gaming Commission to achieve its goals under this section and to furnish such information to the Gaming Commission, the NIGC or other federal agency, or such other agency as may be required by law or the Compact.

10.9 License Fees. Unless specifically waived in advance by the Gaming Commission, all persons applying for a class A or B license shall be required to pay all applicable license fees and costs when due, including a reasonable deposit for costs incurred in obtaining information in connection with the license application. Estimates of licensing costs shall be provided to applicants within a reasonable period of time after a request is made. Unless otherwise provided for in advance, all fees and costs must be received by the Gaming Commission prior to issuance of the license.

10.10 Standards. All persons engaged by or associated with any gaming activity on Tribal Lands shall conduct themselves with honesty, integrity, and with such decorum and manners as may be necessary to reflect positively on the Tribe, its members and the Gaming Activities. Any failure to abide by such standards, or any violation of any rule, ordinance, custom or tradition of the Tribe, the reservation, or the Gaming Activities, or the terms or conditions of the license, may be grounds for immediate suspension or revocation of any license issued hereunder.

10.11 Appeals. All decisions of the Gaming Commission regarding the issuance of licenses shall be final and effective when issued; provided, within fifteen (15) days of the receipt of the written decision regarding denial of the license, the applicant may file a petition for reconsideration with the Gaming Commission. Any Tribal Member denied a license has thirty (30) days from receipt of the written decision to appeal the denial to the Gaming Commission. No license may be issued on appeal if such issuance would place the Tribe in violation of the Compact or other applicable law.

10.12 Background Investigations.

10.12.1 The Gaming Commission shall request from each primary management official, each key employee, and all other Class A license applicants, all of the information set forth in subsections 10.12.1.1 through 10.12.1.14 below, as well as any other information required on the gaming license application. The Gaming Commission reserves the right, at any time, to request additional information either prior to, during, or subsequent to the initial application or any background investigation.

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

10.12.1.2 Currently and for at least the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses and drivers license number(s);

10.12.1.3 Names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the applicant during each period of residence as listed under subsection 10.12.1.2 above;

10.12.1.4 Current business and residence telephone numbers;

10.12.1.5 Description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

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

10.12.1.7 Name and address of any licensing or regulatory agency with which the person has ever filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

10.12.1.8 For each felony for which there is an on-going prosecution or a conviction: the charge, the name and address of the court involved, and the date and disposition, if any, of the case;

10.12.1.9 For each misdemeanor conviction or on-going 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, if any, of the case;

10.12.1.10 For each criminal charge (excluding minor traffic charges), whether or not there is or was a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed above pursuant to subsections 10.12.1.8 or 10.12.1.9 above: the criminal charge, the name and address of the court involved and the date and disposition, if any, of the case;

10.12.1.11 Name and address of any licensing or regulatory agency (federal, tribal, state, local or foreign) with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

10.12.1.12 Current photograph;

10.12.1.13 Any other information the Tribe or Gaming Commission deems relevant; and

10.12.1.14 Fingerprints consistent with procedures adopted by the Gaming Commission according to 25 C.F.R. § 522.2(h).

10.12.2 The Gaming Commission shall conduct or cause to be conducted an investigation sufficient to make a determination of eligibility as required under this Gaming Act. In conducting the background investigation, the Gaming Commission and its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

10.13 Eligibility Determination. The Gaming Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding

concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Gaming Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, that person shall not be employed by the gaming facility in a key employee or primary management official position or in any other position for which a class A license is required, unless otherwise specifically approved by the Gaming Commission.

10.14 Forwarding Licensing Applications and Reports to NIGC.

10.14.1 Unless otherwise provided by the NIGC, on or before the date any key employee or primary management official is employed by a Gaming Enterprise authorized under this Gaming Act, the Gaming Commission shall forward to the NIGC the person's completed application for employment containing the information required above under section 10.12.1 of this Gaming Act.

10.14.2 Prior to issuing a license to a primary management official or key employee, the Gaming Commission shall forward to the NIGC, together with a copy of the eligibility determination made under subsection 10.13 above, an investigative report on each background investigation. The investigative report on each background investigation shall be forwarded to the NIGC within sixty (60) days after the employee begins work, or within sixty (60) days of the approval of this Gaming Act by the NIGC. The Gaming Enterprise shall not employ or continue to employ any person as a key employee or primary management official who does not have a license within ninety (90) days of beginning work.

The investigative report shall include the following information:

- 10.14.2.1 Steps taken in conducting a background investigation;
- 10.14.2.2 Results obtained;
- 10.14.2.3 Conclusions reached; and
- 10.14.2.4 The bases for those conclusions.

10.14.3 The Tribe shall provide to the NIGC or other agency as required, any other reports and information required by IGRA and regulations promulgated thereunder. Further, with respect to key employees and primary management officials, the Gaming Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the NIGC for no less than three (3) years from the date of termination of employment.

10.14.4 If a license is not issued to an applicant, the Gaming Commission shall notify the NIGC and may forward copies of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System.

10.15 Granting a Gaming License.

10.15.1 If, within a thirty (30) day period after the NIGC receives a report as required under subsection 10.14 above, the NIGC notifies the Tribe that it has no objection to the issuance of a license pursuant to the license application filed for a key employee or primary management official for whom the Tribe has provided an application and investigative report, the Gaming Commission may issue the license.

10.15.2 The Gaming Commission shall provide any additional information requested by the NIGC concerning a key employee or primary management official who is the subject of a report as required under this subsection. An NIGC request for additional information shall suspend the thirty (30) day period established under subsection 10.15.1 above until the NIGC receives the additional information.

10.15.3 If, within the thirty (30) day period established under subsection 10.15.1 above, the NIGC provides a statement itemizing objections to issuance of a license to a key employee or primary management official, the Gaming Commission shall reconsider the application, taking into account such objections. The Gaming Commission retains the right to make the final determination whether to issue the license to such applicant.

10.16 License Suspension.

10.16.1 If, after issuance of a gaming license, the Tribe receives reliable information from the NIGC or other reliable source indicating that a key employee or a primary management official is not eligible for employment under the eligibility criteria established in section 10 above, the Gaming Commission shall suspend the license and shall notify the licensee in writing of the license suspension and proposed revocation.

10.16.2 The Gaming Commission shall notify the licensee of a time and place for a hearing on the proposed revocation of a license.

10.16.3 After the revocation hearing, the Gaming Commission shall determine whether to revoke or to reinstate the gaming license. For actions taken in response to information provided by the NIGC, the Gaming Commission shall notify the NIGC of its decision.

10.17 Facilities Licenses. Before gaming activities can be conducted therein, the Gaming Commission shall inspect and license each such facility in compliance with the requirements of this Gaming Act, IGRA, and the Compact.

Section 11. Application Forms.

11.1 Each application form for a key employee or a primary management official, as well as for all other Class A license applicants unless otherwise specifically exempted by the Gaming Commission, shall contain the notices set forth in subsections 11.1.1 and 11.1.2 below:

11.1.1 Privacy Act Notice:

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.

11.1.2 Notice Regarding False Statements.

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

11.2 Any existing key employee or primary management official, or other class A licensee unless otherwise specifically exempted by the Gaming Commission, shall be notified that they shall either:

11.2.1 Complete a new application form that contains the Privacy Act notice and the notice regarding false statements; or

11.2.2 Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice, and sign a statement that contains the notice regarding false statements.

Section 12. Class III Gaming: Tribal-State Compacts.

In addition to the provisions set forth above, no class III gaming shall be engaged in on Tribal Lands unless a Gaming Compact has first been obtained in accordance with the IGRA. All negotiations for such compacts shall be conducted through the Chairperson of the Tribe, with the advice and suggestion of the Gaming Commission, and shall be finalized only upon the majority vote of the tribal membership after consideration of the terms of such Gaming Compact. In the event the Tribe approves a Gaming Compact, the provisions of such Gaming Compact, once approved under IGRA, shall govern over the provisions herein, to the extent the Gaming Compact is inconsistent herewith.

Section 13. Interest in Management Contracts by Tribal Officials.

No elected official of the Tribe, including the Gaming Commission or any other committee or agency of the Tribe, shall have a financial interest in or management responsibility for, any management agreement entered into pursuant to IGRA, nor shall such elected official serve on the board of directors or hold (directly or indirectly) ten percent (10%) or more of the issued and outstanding stock of any corporation, or 10% or more of the beneficial interest in any partnership, trust, or other entity, in any such corporation, partnership, trust or other entity, having a financial interest in, or management responsibility for, such contract.

Section 14. Service of Process.

The Tribe designates as its agent for the service of any official determination, order, or notice of violation, the Chairperson of the Tribe.

Section 15. Tribal Gaming Corporation.

Nothing in this Gaming Act shall prevent the Tribe from delegating the authority to conduct gaming to one or more tribal corporations, so long as the tribal gaming enterprises to which such authority is delegated agree to meet all requirements established under this Gaming Act.

Section 16. Repeal of Prior Gaming Ordinances; Effective Date.

This Gaming Act and regulations promulgated thereunder shall constitute the entire gaming regulations of the Tribe. All prior gaming ordinances and regulations of the Tribe are repealed, and this Gaming Act shall become effective upon its adoption.

Section 17. Severability.

If any provision or application of this Gaming Act is determined by review to be invalid, such determination shall not be held to render such provision inapplicable to other persons or circumstances, nor shall such determination render invalid any other provision of this Gaming Act.

Section 18. Amendments.

All provisions of this Gaming Act are subject to amendment by the Tribal Council. Regulations promulgated by the Gaming Commission under this Gaming Act are subject to amendment by the Gaming Commission.

Section 19. Sovereign Immunity Preserved.

Nothing in this Gaming Act is intended or shall be construed as a waiver of the sovereign immunity of the Tribe, and no manager, officer, or employee of the Gaming Commission or the Tribe or the gaming facility shall be authorized, nor shall they attempt, to waive the immunity of the Tribe.