APR 16 2010

Harvey Hopkins, Chairman
Dry Creek Rancheria Band of Pomo Indians
P.O. Box 607
Geyserville, CA 95441

Re: Dry Creek Rancheria Band of Pomo Indians Tribal gaming ordinance, Resolution 10-03-24-Gaming Ordinance-001

Dear Chairman Hopkins:

This is in response to your request for review and approval of an amendment to the Dry Creek Rancheria Band of Pomo Indians Tribal gaming ordinance enacted by Resolution No. 10-03-24-Gaming Ordinance-001 on March 24, 2010. The amendment changes the requirements for appointment to the gaming commission and updates the Privacy Act and false statement notices in license applications. The changes are consistent with the requirements of the Indian Gaming Regulatory Act (IGRA) and this agency's regulations and are therefore approved.

Thank you for submitting the amended ordinance for review and approval. The NIGC staff looks forward to working with you and the Tribe on future gaming issues. If you have any questions or require assistance, please contact Dorinda Strmiska, Staff Attorney, at (202) 632-7003

Sincerely,

George Skibine
Acting Chairman

DRY CREEK RANCHERIA
BAND OF POMO INDIANS

MAR 29 2010

BOARD OF DIRECTORS RESOLUTION
APPROVING ORDINANCE NO. 97-08-04, AS AMENDED,
AN ORDINANCE OF THE DRY CREEK RANCHERIA BAND OF POMO INDIANS
AUTHORIZING AND REGULATING GAMING

RESOLUTION No. 10-03-24–Gaming Ordinance-001

WHEREAS, the Dry Creek Rancheria Band of Pomo Indians ("Tribe") is a federally recognized Indian tribe organized under Articles of Association adopted on September 13, 1972, approved by the Deputy Assistant Secretary of the Interior on April 16, 1973, and amended effective September 22, 1979, by virtue of the powers inherent in tribal sovereignty and those delegated by the United States of America; and

WHEREAS, pursuant to Article IV of the Articles, all powers and responsibilities of the Tribe are vested in the Tribal Council, which may delegate powers to the Tribal Board of Directors ("Board"); and

WHEREAS, pursuant to Article VII of the Articles, the Board shall take such actions as are necessary to carry into effect the ordinances, resolutions, or other directions of the Tribal Council and represent the community in all negotiations with local, state, and federal governments; and

WHEREAS, on March 20, 2010, at a duly called meeting of the Tribal Council, the Tribal Council on motion duly made, seconded and adopted, directed the Board to submit certain amendments to Ordinance No. 97-08-04, an Ordinance of the Dry Creek Rancheria Band of Pomo Indians Authorizing and Regulating Gaming, to the National Indian Gaming Commission, ("NIGC"), as set forth in Exhibit A hereto, for approval in accordance with the Indian Gaming Regulatory Act; and

WHEREAS, in accordance with the powers delegated to the Board and the directions of the Tribal Council, the Board has reviewed the amendments, and such other technical changes, such as to the definition of "Net Win" and the Privacy Notice, as are now required in order to obtain approval, and has determined that it is accordance with such Tribal Council directions and technical requirements:

Mailing Address: P.O BOX 607, Geyserville, CA 95441
Office Address: 3250 Highway 128 East, Geyserville, CA 95441
Phone/Fax: 707-735-2000

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves Ordinance No. 97-08-04 as amended and attached hereto as Exhibit A and directs the Tribal Chairman to submit it to the National Indian Gaming Commission to secure approval in accordance with the Indian Gaming Regulatory Act.

CERTIFICATION

The foregoing Resolution was presented at a Special Meeting of the Board of Directors held on March 24, 2010, with a quorum present, and approved by a vote of _5_ "for," _0_ "against," and _0_ "abstentions," and such Resolution has not been rescinded or amended in any way.

Harvey Hopkins
Chairman

3/24/10
Date

Gus Pina
Vice Chairman

3/24/10
Date

EXHIBIT A

ORDINANCE NO. 97-08-04
As Amended March 20, 2010 and Approved by the Chairman of the National Indian Gaming Commission on _____

AN ORDINANCE OF THE DRY CREEK RANCHERIA BAND OF POMO INDIANS AUTHORIZING AND REGULATING GAMING

The Dry Creek Rancheria Band of Pomo Indians, a federally recognized Indian Tribe ("Tribe"), and acting through its Tribal Council in the exercise of its inherent sovereign power to enact ordinances and otherwise safeguard and provide for the health, safety and welfare of the members of the Tribe, hereby enacts this ordinance pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. §2701 et seq. ("IGRA"), as a restatement and amendment to the gaming ordinance in effect prior to its effective date, following which this restated and amended ordinance shall be cited as the Dry Creek Gaming Ordinance of 1996 ("Ordinance").

Section 1. <u>Findings and Policy.</u>

a. This Ordinance is adopted by the Tribal Council, pursuant to its authority granted under the Tribe's Articles of Association, for the purpose of establishing the terms for gaming on the Tribe's Indian Lands (as defined herein) for Tribal governmental and charitable purposes and to develop, operate, and regulate such gaming, consistent with the findings herein and in conformity with IGRA and any regulations promulgated thereunder.

b. The Tribe finds that:

1. Gaming on the Tribe's Indian Lands is a valuable means of generating revenues that are needed for economic development, to promote tribal self-sufficiency, employment, job training, and a strong tribal government, and to fund and ensure essential social programs and services;

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 Indian Lands, the health, security and general welfare of the Tribe, the players, and the community; and

3. The Tribe desires to own all gaming on its Indian 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. Ownership of Gaming.

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation facilities and/or enterprise(s) authorized by this Ordinance.

Section 3. Definitions.

Unless specified otherwise, the 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, and except for references to "Commissioners," "Commission," and "Gaming Commission," which shall mean the Dry Creek Gaming Commission or its Commissioners, as established and described herein.

a. "Articles of Association" shall mean the Tribe's constitutional governing document, including any successor thereto.

b. "Closely Associated Independent Contractor" shall mean any contractor that shares common ownership, officers or directors with any management principal or person related thereto.

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

d. "Gaming Commission" shall mean the Dry Creek Gaming Commission, as established herein to monitor Gaming Activities, investigate wrongdoing, conduct background investigations, issue licenses, and perform other duties as required for the regulation of gaming on the Tribe's Indian Lands.

e. "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 Gaming Enterprise.

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

g. "Indian Lands" shall mean all lands that are consistent with the definition of Indian Lands under IGRA.

h. "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 (4) most highly compensated persons in the Gaming Enterprise are included in the definition of key employee. At the discretion of the Gaming Commission, other positions or persons may be included under and subject to the requirements for key employees.

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

j. "Net Revenues" shall mean gross gaming revenues from all Gaming Activities of a Gaming Enterprise, less amounts paid out as, or paid for, prizes and less total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses and nonoperating expenses consistent with professional accounting pronouncements, excluding management fees.

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

l. "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; or the 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.

m. "Related to" shall refer to persons who are related as a father, mother, sister or brother.

n. "State" shall mean the State of California.

o. "Tribal Council" shall mean the governing body of the Tribe, as set forth in the Tribe's Articles of Association.

p. "Tribal Court" shall mean any court established by the Tribe to hear disputes or, if there is none that can exercise jurisdiction, then the Tribal Board of Directors.

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

Section 4. Gaming Commission.

a. Establishment of Gaming Commission. There is established by the Tribe a Commission, acting under the authority of the Tribe, to be known as the Dry Creek Gaming Commission. The Gaming Commission shall be comprised of three (3) persons, to serve terms in accordance with Section 4(c), who would themselves qualify for licensing under this Ordinance. As further requirements for their election, candidates for the office of Gaming Commissioner must agree to comply with the Dry Creek Gaming Commission Conflict of Interest Code set forth in Appendix A and shall meet, or agree to meet while serving as a Gaming Commissioner, the qualifications for the position of Gaming Commissioner set forth in Appendix B of this Ordinance.

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

1. Employees of any Gaming Enterprise established by the Tribe on the Tribe's Indian Lands;

2. Any Gaming Contractor or any person who is related to any Gaming Contractor (including any principal thereof or Closely Associated Independent Contractor);

3. Persons who would not be eligible to be officers of the Tribe pursuant to the Tribe's Articles of Association;

4. Persons under the age of 25; and

5. Members of the Board of Directors.

c. Terms of Office.

1. Nomination and Election of Commissioners.

(a) The Tribal Council shall elect the three (3) members of the Tribal Gaming Commission to the terms of office described below, which are intended to expire on a staggered basis. Commissioners may serve successive terms unless terminated or removed.

(b) Nominations for the first terms under this Ordinance as amended by the Tribal Council on March 20, 2010, shall be held at the General Meeting of the Tribal Council

to be held in April, 2010, with an election to follow within 30 days following approval of this amended Ordinance in accordance with the Indian Gaming Regulatory Act and subparagraph (4) below. Elections shall be conducted under the supervision of the Tribal Election Committee.

(c) Nominations shall be for Gaming Commission positions entitled Gaming Commission Office No.1, Gaming Commission Office No. 2, and Gaming Commission Office No. 3. Each Gaming Commission Office shall maintain its Office Number designation and the term that is associated with it for future vacancies and elections in accordance with subsections 2 and 3 below. Elections shall be for those specific Offices and their associated terms, to serve either a full term, one that has expired, or the remainder of a term that has become vacant.

2. New Terms under this Ordinance. Notwithstanding any other provision of Tribal law or this Ordinance, the beginning of the first Gaming Commission terms of office under this Ordinance as amended ("New Terms") shall terminate the Gaming Commission terms presently being served. Existing Commissioners may be nominated and elected to serve New Terms. The New Terms shall commence on the first (1st) day of the month following the month in which the election for the New Terms has been held, and shall end on the last day of the month prior to the commencement date of the New Term, after the number of years designated below for the respective office has expired. For example, if the election for New Terms is held on July 20, 2010, the New Term for Office No. 2 will commence on August 1, 2010 and shall expire on July 31, 2012. In the event a person is elected but for any reason cannot be seated on the date indicated, the persons elected to the other Commission positions shall be seated as indicated. When the remaining Commissioner(s) is seated, it shall be for the remainder of the term that would have commenced had there been no delay. Each New Term shall be for the period indicated below:

(a) The New Term for Gaming Commission Office No. 1 shall be for one (1) year.

(b) The New Term for Gaming Commission Office No. 2 shall be for two (2) years.

(c) The New Term for Gaming Commission Office No. 3 shall be for three (3) years.

3. Successive Terms. Following expiration of the New Terms, all Gaming Commissioner Terms shall be for three (3) years, commencing on the day following the expiration of the preceding term and expiring three (3) years from the preceding expiration date. In the event a person is elected but for any reason cannot be seated on the date indicated, when a Commissioner(s) is finally seated for that office, it shall be for the remainder of the term that would have commenced had there been no delay

4. NIGC Approval. This amended Ordinance shall be submitted by the Board of Directors to the Chairman of the National Indian Gaming Commission on or before March 26, 2010 for approval under the Indian Gaming Regulatory Act.

d. Removal from Office. A Commissioner may only be removed from office before the expiration of his or her term by the Tribal Council for neglect of duty, misconduct, malfeasance, or other acts that would render such persons unqualified for such duties or for licensure hereunder. Commissioners may not be removed for exercising his or her discretion or judgment or for how they voted on a particular issue. A Commissioner can only be removed from office by the Tribal Council in accordance with the procedures established in the Tribe's Articles of Association for removing a member of the Tribal Board of Directors from office. At the request of the member whose removal is at issue, the hearing may be held in executive session. The Tribal Council may elect to receive in executive session any evidence the public disclosure of which might compromise any on-going law enforcement or regulatory investigation, land acquisition for the Tribe, or negotiations by the Tribe with a third party.

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

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

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

h. Meetings. Meetings shall be held at least once per month, as the Commission shall determine in accordance with this Ordinance, which requirement may be met by holding a meeting one hour prior to a scheduled monthly meeting of the Tribal Board of Directors. 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 five (5) business days prior to such meeting. Meetings may be called at any time, by any means, with unanimous consent of the Commissioners.

i. Compensation for Serving. The Tribal Board of Directors shall determine and authorize the compensation to be paid to Commissioners by adoption from time to time of a

resolution based on a determination of the time required to be expended upon Commission duties and the qualifications of the appointed Commissioners.

j. Powers and Duties. The Gaming Commission shall have the power and duty to:

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

2. Investigate any suspicion of wrongdoing in connection with any Gaming Activities;

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

4. Conduct, or cause to 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;

5. Hold such hearings, sit and act at such times and places, summon persons on the Tribe's Indian 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;

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

7. Implement and administer a system for investigating, licensing and monitoring employees and others connected with Gaming Activities, as described below, including the issuance of licenses to gaming facilities, individuals and entities as required under this Ordinance and IGRA;

8. Hear patron complaints against the gaming establishment, in accordance with the procedures established in this Ordinance and consistent with the Tribal-State Gaming Compact and procedures established therein;

9. Subject to the appropriation of funds by the Tribal Council consistent with adopted salary schedules, adopt a budget to finance the operations of the Gaming Commission, including but not limited to the employment of such staff and support services as reasonably required to

fulfill its responsibilities under this Ordinance. Compensation shall be comparable to that paid to persons performing similar duties in other governmental gaming regulatory agencies;

10. To the extent required, comply with any reporting requirements established under a tribal-state compact to which the Tribe is a party and other applicable law, including the IGRA;

11. Promulgate and issue such regulations as it deems appropriate, in order to implement and enforce the provisions of this Ordinance including, but not limited to, adopting rules of procedure governing how its meetings will be conducted;

12. Promulgate regulations establishing minimum standards for the operation of any Gaming Activities conducted on the Tribe's Indian Lands, including but not limited to auditing, internal fiscal controls, technical standards for electronic gaming and describing and establishing rules for each Class II or Class III game authorized to be conducted, and no form of such gaming may be conducted without the prior approval of the Gaming Commission;

13. Carry out such other duties with respect to Gaming Activities on the Tribe's Indian Lands as the Tribal Council shall direct from time to time by amendment to this Ordinance or adoption of a written policy resolution;

14. Levy a tax or fee on Gaming Activities and applicants for gaming licenses to cover the cost of conducting background investigations, issuing gaming licenses to the persons engaged or wishing to engage in Gaming Activities on the Tribe's Indian Lands, and funding the operation of the Commission; and

15. Levy fines for violations of this Ordinance or the Gaming Commission regulations.

k. <u>Annual Reports.</u> On or before April 30th 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 31st, and accounting for all receipts and disbursements. The Tribal Council shall cause copies of the Annual Report to be made available to Tribal Members within thirty (30) days after receipt.

l. <u>Other Reporting Requirements.</u> As required, the Gaming Commission shall comply with any reporting requirements established under a tribal-state compact to which the Tribe is a party, and other applicable law, including the IGRA and regulations promulgated thereunder.

Section 5. Permitted Gaming Activities.

a. Unauthorized Gaming is Prohibited. All Gaming Activities on the Tribe's Indian Lands (whether Class I, II or III) are prohibited except as expressly authorized under this Ordinance.

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 that is claimed to be Class I gaming if the Tribal Council finds that such conduct is not in accordance with tribal customs or practices or violates IGRA or any other law.

2. Class II and Class III Gaming. Class II and Class III gaming on the Tribe's Indian 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 provide consulting or other technical assistance or to assist the Tribe in the management of Gaming Activities pursuant to a management agreement entered into under the provisions of IGRA. Class III gaming shall be conducted in accordance with any tribal-state compact between the Tribe and the State, or any alternative thereto as provided by IGRA.

Section 6. Gaming Revenues.

a. 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 Activities are the property of the Tribe. Any profits or net revenues from Gaming Activities shall be deposited into the Tribe's general treasury or such other tribal account as the Tribe shall determine. 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 Tribal Council 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) and has been approved to the extent required thereunder. Payments from the general treasury funds to Tribal Members under other tribal programs, including those related to health, welfare, elderly care, and housing, shall not be deemed to be per capita payments.

b. Use of Net Revenues. Net Revenues from Gaming Activities shall not be used for purposes other than as provided in Section 6a. above and as set forth in this subsection b.

1. To fund tribal government 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 operations of local government agencies.

Section 7. Operation of Gaming Establishments.

a. 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 Ordinance. Such activities shall be conducted in accordance with the terms and conditions of any license issued by the Tribe or Gaming Commission for such purposes as to each facility before any Gaming Activities may occur therein. Such licenses shall specify 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 or the Tribal Council may deem necessary to the conduct of Gaming Activities therein.

b. Protection of Environment and Public. Any construction or maintenance of any gaming facility, and the operation of gaming therein, shall be in accordance with the Uniform Building Codes and conducted in a manner that adequately protects the environment and the public health and safety.

c. 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 or within such time periods as the Commission shall establish by regulation. Patron

claims shall be limited to the terms of the Dry Creek Gaming Commission Procedures for Processing Tort Claims.

Section 8. Annual Audits.

a. The Tribe shall cause an annual outside independent audit of gaming operations to be conducted, and shall submit the resulting auditing reports to the NIGC.

b. All contracts relating to Gaming Activities that result in the purchase of supplies, services, or concessions in excess of $25,000 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection a. above.

Section 9. Contracts.

a. Bidding. Contracts relating to Gaming Activities in the amount of $25,000 or more annually, or for a term of more than five (5) years (except contracts for professional legal or accounting services) shall be subject to a formal, sealed bidding process prior to submission to the Tribal Board of Directors for approval. All reasonable attempts shall be made to obtain and consider at least three (3) responsible bids; provided, the Tribal Board of Directors or the Gaming Commission may waive the requirement for three bids upon good cause shown.

b. 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 the Tribe's Class II or Class III gaming shall be subject to independent audits, and such contracts shall so specify.

c. Registration. All contracts subject to this Section shall be filed with the Commission within two (2) business days of their execution or effective date, whichever first occurs, and in accordance with any regulations and forms issued by the Commission for such purposes.

Section 10. Licenses.

a. 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 the Tribe's Indian 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 the Tribe's Indian Lands without an appropriate and valid Class II or Class III license approved and issued by the Gaming Commission. Any gaming license that is

issued, or finding of suitability or approval made by the Gaming Commission, shall be deemed a privilege subject to suspension or revocation for any reason. No license shall be issued that would place the Tribe in violation of the IGRA or regulations promulgated thereunder and, as applicable, provisions of a tribal-state compact, or of any applicable law. The Gaming Commission shall promulgate regulations establishing minimum standards for the issuance of all gaming licenses required under this Ordinance.

b. 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.

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

d. Types of Licenses. Three classes of licenses (Class A, Class B, and Class C) shall be issued to persons and entities associated with Gaming Activities.

1. Class A Licenses. Before permitting any person to become permanently associated with the Gaming Activities as an investor, management entity, or other person owning or controlling ten percent (10%) or more of any interest in any management entity, or as a 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 as a Class II or III gaming employee, supplier, manufacturer or distributor, such person shall obtain a Class A license, and the Gaming Commission shall conduct or cause to be conducted a background investigation to determine if such person has:

(a) 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.

(b) 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.

2. Class B Licenses. Persons who are not among those identified in subsection 1. above, but are to be employed at a gaming facility on the Tribe's Indian Lands in some other capacity, such as in non-gaming related 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 that 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, any gaming employee or patron, or the public.

3. Class C Licenses. Minors (persons under 18 years of age) employed at a gaming facility on the Tribe's Indian Lands may be issued a Class C license, which will entitle them to work in any position for which a Class B license is required for adults and are not otherwise prohibited by law, provided such minors are not deemed by the Gaming Commission to pose any threat to the safety or integrity of the Gaming Activities or the safety or property of the Tribe, any Tribal Member, any gaming employee or patron, or the public. The Class C license shall be valid for no more than six (6) months before renewal, and shall be revoked upon the minor's reaching the age of 18, at which time a Class A or B license, as may be appropriate, will be required. Minors shall not be employed as dealers or otherwise to operate or supervise the operations of games, or to serve liquor.

e. License Renewal. Class A and Class B licenses shall be subject to renewal at least every two (2) years, and 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.

f. 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, unless they are renewed or extended by the Commission, shall expire ninety (90) days from date of issuance, upon issuance of a regular license, or until an earlier specified expiration date, whichever occurs first.

g. License Investigations. The Gaming Commission may employ all reasonable means, including the engagement of outside services and investigators and the holding of hearings, to acquire the information necessary to determine whether or not a license should be issued. Applicants shall also agree to release the information necessary in order for the Gaming Commission to achieve its goals under this Section and to furnish such information to the Bureau of Indian Affairs, the NIGC, or such other agency as may be required by law.

h. License Fees. Unless specifically waived by the Gaming Commission, all license applicants 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 upon reasonable

request. Payment for all reasonable fees and costs must be received by the Gaming Commission prior to issuance of the license.

i. Appeals. All decisions of the Gaming Commission regarding the issuance or revocation of licenses shall be effective when issued. An applicant or licensee whose license is denied, revoked or suspended may, within thirty (30) days after the date of receipt of a written decision of the Gaming Commission, file a petition with the Gaming Commission requesting a hearing to reconsider the decision, and shall have the right to appeal such decision to the Tribal Court in accordance with such rules and regulations as may be promulgated by the Tribal Court for that purpose. Any Tribal Member who is denied a license by the Gaming Commission may, within sixty (60) days of written notice of such denial, appeal the denial to the Gaming Commission, which shall have the power to reverse its prior decision and order that such license be issued, and shall have the right to appeal such decision to the Tribal Court, provided that no such license shall be issued for more than one (1) year, subject to the renewal procedures set forth herein, and provided further that no order of the Gaming Commission or Tribal Court that a license be issued shall be valid if such issuance would place the Tribe in violation of any tribal-state compact to which the Tribe is a party, or of any applicable law. The standard of review by the Trial Court of all Gaming Commission decisions shall be "clearly contrary to the law" or "abuse of discretion."

j. Background Investigations.

1. The Gaming Commission shall request from each Primary Management Official and each Key Employee all of the information specified in subsections (a) through (n) below. Further, each other applicant for a Class A license, except as provided otherwise by the Gaming Commission, shall also submit the information specified in (a) through (n) below. The Gaming Commission reserves the right, at any time, to request additional information either prior to, during, or subsequent to any background investigation. Gaming Commission licensing staff must be trained to take fingerprints of all applicants. The Gaming Commission is responsible for ensuring that all appropriate licensing staff are trained and that the system for fingerprinting is secure. The appropriate licensing staff shall ensure that fingerprints are forwarded promptly to the NIGC for processing. All reports and responses from the NIGC shall be forwarded to the appropriate licensing staff. All Gaming Commission background investigations and the issuance of licenses shall be under requirements at least as stringent as 25 CFR Parts 556 and 558.

(a) 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);

(b) Currently and for at least the previous ten (10) years: business and employment positions held, ownership interests in those businesses, business and residence

addresses and drivers license number(s);

(c) 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 (b) above;

(d) Current business and residence telephone numbers;

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

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

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

(h) 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;

(i) 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;

(j) 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 (h) or (i) above: the criminal charge, the name and address of the court involved and the date and disposition, if any, of the case;

(k) 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;

(l) A photograph;

(m) Any other information the Tribe or Gaming Commission deems relevant; and

(n) Fingerprints shall be taken and processed by trained Gaming Commission staff consistent with procedures adopted by the Gaming Commission according to 25 C.F.R. § 522.2 (h).

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

3. The Gaming Commission licensing staff, shall, consistent with procedures adopted by the Gaming Commission, take applicant fingerprints as required. Fingerprints shall be forwarded by the Gaming Commission to the NIGC and to the State Gaming Agency, if applicable, consistent with the Compact and other applicable laws. Fingerprints shall be processed through the FBI under NIGC and Compact requirements, in order to determine the applicant's criminal history, if any. Such investigation shall include contacting each reference provided in the application and taking all appropriate steps necessary to verify the accuracy of the information contained in the application. The appropriate Gaming Commission licensing staff shall assure that a written investigation report of the findings and conclusions of each investigation is prepared and maintained at the Gaming Commission offices in secure files. The investigative report shall include the following information:

(a) The steps taken in conducting a background investigation;

(b) The results obtained;

(c) The conclusions reached; and

(d) The basis for the conclusions.

4. The Gaming Commission shall review the findings and conclusions of the report as part of making a determination whether to grant or deny the license applied for.

k. <u>Eligibility Determination.</u> 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, the Gaming Enterprise shall not employ that person in a Key Employee or

Primary Management Official position or in any other position for which a Class A license is required, except as specifically established by the Gaming Commission.

l. Forwarding Licensing Applications and Reports to the NIGC.

1. On or before the date a Key Employee or Primary Management Official is employed by a Gaming Enterprise authorized under this Ordinance, the Gaming Commission, acting on behalf of the Tribe, shall forward to the NIGC the person's completed licensing suitability application containing the information required above under Section 10. of this Ordinance.

2. Prior to issuing a license to a Primary Management Official or Key Employee, the Gaming Commission, acting on behalf of the Tribe, shall forward to the NIGC, together with a copy of the eligibility determination made under Section 10. 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 Ordinance 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.

3. The investigative report shall include the following information:

(a) Steps taken in conducting a background investigation;

(b) Results obtained;

(c) Conclusions reached; and

(d) The bases for those conclusions

4. The Gaming Commission, acting on behalf of the Tribe, shall provide to the NIGC or other agency, 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.

5. 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.

m. Granting a Gaming License.

1. If, within a thirty (30) day period after the NIGC receives a report as required under subsection 10.1. 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 Gaming Commission has provided an application and investigative report, the Gaming Commission may issue the license.

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 this subsection until the NIGC receives the additional information.

3. If, within the thirty (30) day period established under this subsection, 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.

n. License Suspension.

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.

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

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.

o. Facilities Licenses. A separate license shall be required for each place, facility, or location on any land where Class II and/or Class III gaming is to be conducted. Before Class II or Class III Gaming Activities can be conducted therein, the Gaming Commission shall inspect and license each such facility in accordance with this Ordinance, Tribal-State Gaming Compact

requirements, and requirements under IGRA. Class II and Class III gaming shall only be conducted on the Tribe's Indian Lands as defined under IGRA.

Section 11. Application Forms.

a. 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 1. and 2. below:

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 granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the 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 the 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 issuance, denial, 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 the Tribe's being unable to license you for a primary management official or key employee position, or other position as determined by the Tribe.

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. Notice Regarding False Statements.

A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, Section 1001).

b. Any existing Key Employee or Primary Management Official, or any other Class A licensee unless otherwise specifically exempted by the Gaming Commission, that has not completed an application form containing the language set forth in Section 11(a) 1. and 2. above, shall be notified that they must either:

1. Complete a new application form that contains the Privacy Act Notice and the Notice Regarding False Statements, or

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 Tribal-State Gaming Compacts.

In addition to the provisions set forth above, no Class III gaming shall be engaged in by the Tribe unless a tribal-state compact has first been obtained in accordance with IGRA. All negotiations for such compacts shall be conducted through the Tribal Board of Directors, with advice and suggestion of the Gaming Commission, and shall be finalized in accordance with Tribal law. The Tribe will comply with all applicable federal law, including the Bank Secrecy Act.

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 ten percent (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, at the primary Dry Creek Tribal governmental offices located at 190 Foss Creek Circle, Suite A, Healdsburg, California 95448, or such other primary governmental office as the Tribe may establish. The NIGC shall be informed of any change in the Tribe's primary governmental office address within ten (10) days of such change.

Section 15. Tribal Governmental Entities.

Nothing in this Ordinance shall prevent the Tribe, through its Tribal Council, from delegating the authority to conduct Gaming or to exercise the powers of the Board of Directors to one or more tribal corporations, agencies, authorities, or other tribal governmental entities so

long as the Tribal Gaming Enterprise to which such authority is delegated agree to meet all criteria and all requirements established under this Ordinance.

Section 16. Prior Gaming Ordinances Superseded; Effective Date.

This Ordinance and the regulations promulgated there under shall constitute the entire gaming regulations of the Tribe and upon its effective date shall supersede any prior gaming ordinances of the Tribe, provided that, except as expressly provided herein, this Ordinance shall not invalidate any lawful action taken pursuant to any such prior ordinance. This Ordinance shall become effective upon its approval by the NIGC.

Section 17. Severability.

If any provision or application of this Ordinance 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 Ordinance.

Section 18. Amendments.

All provisions of this Ordinance are subject to revision, repeal, or amendment by the Tribal Council at any time. Regulations promulgated by the Gaming Commission under this Ordinance are subject to revision, repeal or amendment by the Gaming Commission at any time. All Gaming Ordinance revisions must be approved by the NIGC.

CERTIFICATION

I, Margie Rojes, Secretary-Treasurer of the Dry Creek Rancheria Band of Pomo Indians ("Tribe"), certify that on March 20, 2010, at a meeting of the Tribe's Tribal Council duly called and held and at which a quorum was present, the foregoing Ordinance No. 97-08-04 As Amended March 20, 2010, was duly adopted by a majority vote of the Tribal Council.

Executed: _____

_____
MARGIE ROJES
Tribal Secretary-Treasurer

APPENDIX A

DRY CREEK GAMING COMMISSION
CONFLICT OF INTEREST CODE

Section 1.1 Title

This Code shall be known and cited as the "Dry Creek Band of Pomo Indians" Gaming Commission Conflict of Interest Code.

Section 1.2 Statement of Purpose

A. This Conflict of Interest Code is adopted by the "Dry Creek Band of Pomo Indians," a federally recognized Indian Tribe, in compliance with Section 8.2 of the Tribal-State Gaming Compact between the Tribe and the State of California, executed on or about September 10, 1999. The Dry Creek Gaming Commission is the regulatory agency established by the Tribe to oversee the regulation of gaming on lands of the tribe.

B. The work of the Commission is sensitive in nature and the members of the Commission must maintain high moral and ethical standards to minimize conflicts of interests, provide a high level of service, and maintain the trust and confidence of the tribal community and the public. This Conflict of Interest Code is adopted to assure that the members of the Tribe's Gaming Commission are free from corruption, undue influence, compromise and conflicting interests in the conduct of their duties under tribal and federal laws and the gaming compact.

Section 1.3 Applicability

The Conflict of Interest Code is applicable to all members of the Gaming Commission during the terms(s) of their service on the Gaming Commission.

Section 1.4 Commissioner Suitability

Prior to participating in any Gaming Commission matter, all prospective Gaming Commission members shall be investigated and deemed suitable under the Gaming Commission's requirements for obtaining a Class A gaming license. To determine their suitability, the Tribe shall require each prospective member to complete application forms, including executing all release forms and providing all other documentation requested. Based on the information submitted and other information obtained, the Tribe shall cause a background investigation to be completed on each such individual. The background investigation may be conducted through outside sources information obtained during the investigation shall be deemed confidential to the extent required under tribal and other applicable law. If it is determined that the prospective Gaming Commission member is not suitable under the above criteria the

candidate may withdraw their name from consideration. In the event the candidate does not withdraw, the Tribe shall remove the candidate from future consideration at that time.

Section 1.5 Gaming Commission Standards

Members of the Gaming Commission, the members of the tribal community, license applicants, employees, and the public, shall, in all matters within the scope of their responsibility on the Commission, act in a fair and impartial manner in all dealings with:

a. A gaming Commission shall not use their position to secure special privileges, advantages or exemptions for themselves, family members, acquaintances, or others, unless such are generally available to other members of the general public.

b. Commission members must use established administrative channels to resolve grievances and for other administrative matters.

Section 1.6 Limitations on Serving on the Commission

Employees of any gaming enterprise, member of the Tribe's Economic Development Committee who, directly or indirectly, have operational or management responsibilities related to any gaming enterprise, and others limited by the Tribe's Gaming Ordinance are precluded from serving on the Gaming Commission.

Section 1.7 Limitations on Commissioner Decision Making

Members of the Gaming Commission shall be removed from considering and voting on any regulatory, licensing, or dispute resolution matters in which there is, or it can be reasonably expected there may be, an actual or perceived conflict of interest, including when the actual or perceived conflict is based on the relationship of the Commissioner to the person or business regulated.

Section 1.8 Confidentiality Agreements

As a condition of their serving on the Gaming Commission, members of the Commission shall sign an oath of confidentiality and shall not disclose confidential or privileged information regarding the Gaming Commission, or information regarding licensing or regulatory matters that come before the Commission in the scope of its duties and responsibilities. No Commission member shall disclose confidential information gained by reason of their official position, nor otherwise use such, information for personal gain or benefit. Further, only the Chairperson of the Commission is authorized to speak to the press or media on behalf of the Commission, unless such authority is otherwise delegated by the Chair in writing.

Section 1.9 Special Privileges

No member of the Gaming Commission shall use their position to secure special privileges or exemptions for the Commission member, or for family members or others. Commission members must use proper administrative channels to resolve grievances or other administrative matters.

Section 1.10 Gifts and Benefits

No Gaming Commission member shall accept a gift from any person or business holding or seek to obtain a license, contract, or financial relationship with the gaming operation unless otherwise authorized in connection with or related to the discharge of their duties as a Commission member, unless the individual or business would also give the same to the general public or customers on the same basis. Commission members as tribal officials, are authorized to accept those benefits generally made available to other tribal officials such as Tribal Council members, with the exception of any benefit related to gaming. Permissible benefits may include traditional gifts or awards received as part of a traditional ceremony or custom, unsolicited advertising or promotional materials of nominal value, and food or refreshments in the ordinary course of a luncheon or dinner meeting or other occasion where the Commissioner is properly in attendance.

Section 1.11 Outside Interests

No Gaming Commission member shall transact any business in their official capacity with any business in which they are an officer or employee, or in which they have an ownership interest. Further, no Commission member shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur an obligation of any nature which is in, or may be perceived by a disinterested observer to be, in conflict with the proper discharge of duties of the commission. Further, no Commission member shall serve on a board, committee, or other association if such service conflicts with the performance of their regular duties on the Commission or raises a question of conflict of interest.

Section 1.12 Compliance with Policies and Regulations

Gaming Commission members shall comply with the policies and regulations adopted by the Commission, or by the Tribe as applicable to the Commission, including those which may be adopted in the future.

Section 1.13 Nepotism

Gaming Commission members shall not show favoritism to an immediate family member (parents, spouse, brother, sister, son or daughter, grandparent or grandchild or any member living in your household) while functioning in as official capacity with the Commission.

Section 1.14 Political Activities

Commission members shall not engage in political activities unless on their own time and at their own expense. Political activities must be conducted while off duty and away from Commission premises. No Commissioner shall use, at Commission expense, any Commission materials, facilities, equipment, phones, vehicles, or the like for political activities. Such political activities shall not cause interference with the performance of Commission duties and responsibilities.

Section 1.15 Participation in Gaming Activities

No Gaming Commission member shall participate in the gaming activities at any gaming facility under the regulation of the Commission, with the exception of activities offered as part of a special session conducted for tribal members or tribal employees only, and closed to the general public.

Section 1.16 Removal of Commission Member

Gaming Commission members who are alleged to have violated any provision of this Conflict of Interest Code may be recommended for removal or dismissal from the Commission. A Commission member recommended for removal or dismissal is entitled to a hearing before the Tribal Board of Directors and, as the Tribal Board of Directors deems appropriate, may be suspended and removed from the Commission offices pending the hearing and final determination. Any member found to have acted in a corrupt or compromised manner shall be removed promptly as a member of the Dry Creek Gaming Commission.

Section 1.17 Limitations on Future Gaming Employment

Gaming Commission members who leave or are removed from the Commission are precluded from employment or other service with the Tribe's gaming operations for a period of one year, unless specifically authorized in writing to do so by the remaining members of the Commission.

Section 1.18 Adoption and Amendments

This Conflict of Interest Code is adopted by the Dry Creek Gaming Commission and may be amended by the Commission from time to time as appropriate and consistent with requirements under applicable law.

APPENDIX B

GAMING COMMISSIONER

DEPARTMENT: **Administration**
STATUS: **Full-time/Exempt**
REPORTS TO: **DCRBPI Tribal Board**
SUPERVISES: **Internal Audit Manager, Investigations Supervisor, Surveillance & Regulatory Manager**

EQUAL OPPORTUNITY STATEMENT: The Dry Creek Gaming Commission does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability status in the employment or the provision of services.

TRIBAL AND INDIAN PREFERENCE: The Dry Creek Gaming Commission applies the policy of "TRIBAL AND INDIAN PREFERENCE" when filling vacancies, promotion, transfer, hire and re-hire. Primary consideration under the TRIBAL AND INDIAN PREFERENCE policy shall be given to qualified applicants who are enrolled members of the Dry Creek Band of Pomo Indians. Secondary consideration shall be given to lawful spouses or domestic partners of enrolled Tribal members, and tertiary consideration shall be given to those enrolled in other federally recognized tribes.

JOB SUMMARY: The Gaming Commissioner is elected by the DCRBPI Tribal Board to serve under provisions set forth in the Tribe's Gaming Ordinance. The position carries out all regulatory responsibilities under the Gaming Ordinance, federal gaming laws and regulations, and the Tribe's Gaming Compact. The Gaming Commissioner must understand and be knowledgeable of all regulations, internal controls, gaming equipment, audits, gaming license procedures, and any other areas which affect the integrity of the gaming facility operation.

JOB RESPONSIBILITIES:

1. Installs, implements and maintains all surveillance and any other regulatory equipment at the gaming facility in accordance with the Gaming Ordinance, IGRA and the Gaming Compact.
2. Prevents theft, cheating and fraud by implementing and administering policies, procedures and training programs through the auditing, surveillance and compliance functions.
3. Adopts regulations to assure that effective, high quality regulatory and internal control systems which meet or exceed all applicable legal requirements and standards are in effect at all times.
4. Issues rules, regulations and procedures as deemed appropriate to implement the provisions of the Gaming Ordinance and ensures effective enforcement.
5. Implements and administers systems for conducting investigations, licensing and monitoring of employees and others connected with gaming facility operations.
6. Enforces all relevant laws and rules with respect to the gaming facility and conducts investigations and hearings.
7. Ensures the physical safety of gaming patrons, employees and others in the gaming facility.

8. Ensures the physical safeguarding of assets transported to, within and from the gaming facility.
9. Works to prevent illegal activity in the gaming facility by enforcing employee conduct rules, maintaining detailed and permanent recordings of all occurrences and incidents, and establishing employee procedures to detect theft, cheating and fraud.
10. Oversees the compliance, surveillance and audit functions for the purposes of securing gaming facility assets and ensuring the safety of patrons, employees and others.
11. Conducts on-site gaming regulation and control, and inspects, examines and monitors gaming activities.
12. Oversees the background investigation process including the issuing of licenses and identification badges via *Pointguard 7.0 Badging Module, Proximity Card, Programmable HID and Livescan systems.*
13. Ensures confidentiality of all information, processed and reviewed, in the completion of duties.
14. Hear and resolve disputes against the gaming establishment, in accordance with the procedures in the Gaming Ordinance and Gaming Compact.
15. Establishes cooperative working relationships with federal, state and local jurisdictions, the Tribal Government and gaming facility to ensure the effective regulation of the Tribe's gaming operations.
16. Prepares the annual budget for each fiscal year and submits annua! reports summarizing all accounting activities of Gaming Commission operations.
17. Meets the attendance guidelines of the job and adheres to regulatory, departmental and Gaming Commission policies and procedures.
18. Attends all required meetings and training.
19. Performs other duties as assigned.

QUALIFICATIONS:

1. 4+ years of management experience required; Or equivalent combination of education and experience.
2. Ability to analyze numerical data, including statistical information.
3. High level of computer literacy with business applications such as word processing and spreadsheet software.
4. Working knowledge of NIGC regulations and the California State Tribal Compact required.
5. Ability to read, analyze and interpret various business communications (letters, memoranda, etc) and take appropriate action.
6. Must be able to read, interpret and understand laws, governmental regulations, procedures and other governmental communications and documents.
7. Ability to solve complex problems and deal with a variety of concrete and abstract variables in situations where only limited standardization exists.
8. Must have working knowledge of all types of games within the gaming facility operation.

9. Must be willing to work flexible schedules including weekends, holidays and nights; Must be will to work on-call.
10. Must have strong organizational, prioritizing and recordkeeping skills.
11. Must be able to manage a number of priorities simultaneously, establish and meet deadlines and supervise support staff. Must have excellent oral and written communication skills.

PHYSICAL, ENVIRONMENTAL AND INTELLECTUAL CONDITIONS:

1. Must be able to work independently.
2. Must be able to lift and carry the weight needed to perform the duties of the job,
3. Must be able to make reasonable, professional and sound judgments on appropriate and necessary required corrective action to regain compliance for violations.
4. Must be able to tolerate areas containing secondary smoke.
5. Must be able to get along with co-workers and work as a team member.
6. Must present a well-groomed appearance.

The Dry Creek Rancheria Band of Pomo Indians Board of Directors reserve the right to make changes to this job description.

MUST PASS A PRE-EMPLOYMENT DRUG TEST, FINGERPRINT AND BACKGROUND CHECK

I hereby acknowledge that I have read and reviewed this Job Description with my Supervisor/Manager. I also acknowledge that I have full and complete understanding of this Job Description and agree to the above noted Job Responsibilities/ Conditions, Furthermore, I agree to accept and accomplish any reasonable task assigned by my superiors.

Employee Signature: _____ Date_____

Supervisor Signature: _____ Date:_____

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