



FEB 26 2008

Amy Pivetta Hoffman
Tribal Attorney
Skokomish Indian Tribe
N. 80 Tribal Center Road
Skokomish Nation, WA 98584

RE: Revised and Restated Gaming Ordinance Amendment

Dear Ms. Pivetta Hoffman:

This letter responds to your request on behalf of the Skokomish Indian Tribe for the Chairman of the National Indian Gaming Commission (NIGC) to review and approve the Tribe's revised and restated gaming ordinance. The revised and restated gaming ordinance was adopted by the Skokomish Tribal Council via Resolution No. 08-004, adopted January 14, 2008.

This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*, of the Skokomish Gaming Code submitted to the NIGC on January 14, 2008.

Thank you for submitting the ordinance for review and approval. If you have any questions, please contact Staff Attorney Jennifer Ward at (202) 418-9814.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "PHOGEN".

Philip N. Hogen
Chairman



Skokomish Indian Tribe

Tribal Center (360) 426-4232

N. 80 Tribal Center Road

FAX (360) 877-5943

Skokomish Nation, WA 98584

SKOKOMISH TRIBAL COUNCIL
RESOLUTION NO. 08-004

JAN 16 2008

A RESOLUTION TO SUPPLEMENT THE APPROVED 'REVISED AND RESTATED SKOKOMISH GAMING CODE', BY RESOLUTION NO. 07-144 AND 07-153 WITH ADDITIONAL PROVISIONS REQUIRED BY THE NATIONAL INDIAN GAMING COMMISSION

WHEREAS, the Skokomish Indian Tribe is a federally recognized Indian tribe organized under its Constitution and by-laws first adopted on April 2, 1938 and approved by the Secretary of the Interior May 3, 1938, amended January 15, 1980 as approved by the Secretary of the Interior March 17, 1980; and

WHEREAS, pursuant to Article IV, Section 1 and Article V, Section(s) 1(e), (f), (j), (m), (q) and (t) of the Constitution, the Skokomish Tribal Council is the governing body of the Skokomish Indian tribe and has the authority to license and regulate the conduct of business activities within the tribe's jurisdiction; establish business enterprises as branches or agencies of the Skokomish tribal government; enact laws and ordinances; consult, negotiate, and contract with agencies and officers of Federal, state, local and tribal governments; and delegate this authority; and

WHEREAS, the Skokomish Tribal Council enacted the Gaming Code of the Skokomish Indian Tribe of Washington State (S.T.C. 4.02), approved by the National Indian Gaming Commission on April 30, 1996, and amended by Resolutions 00-51, dated May 18, 2000; 01-63, dated May 16, 2001; 01-64, dated May 16, 2001; 01-132, dated October 18, 2001; 02-153, dated December 11, 2002; 04-96 dated July 28, 2004; 05-20, dated February 16, 2005; and 06-63, dated June 7, 2006, which amendments have also been approved by the National Indian Gaming Commission; and; 07-144, dated October 31, 2007, 07-153 dated November 7, 2007, yet to be approved by same; and

WHEREAS, the Skokomish Tribal Council authorized by consensus, a complete revision of the Gaming Code to be performed by the Tribal Attorney pursuant to an investigation and recommendations made by Kyme McGaw, Contract Gaming Counsel, to address issues of due process; this revision has been completed; and

WHEREAS, the Skokomish Tribal Council has reviewed the draft 'Revised and Restated Skokomish Gaming Code' on October 31, 2007 and adopted Resolution No. 07-144; and again on November 7, 2007 and adopted Resolution No. 07-153; and

WHEREAS, the National Indian Gaming Commission requires approval of all revisions and amendments to existing tribal gaming ordinances, pursuant to 25 U.S.C. §2710 (1988); and

WHEREAS, the NIGC has since notified Amy Pivetta Hoffman, Tribal Attorney, that supplemental provisions will be required in order to obtain approval of the 'Revised and Restated Skokomish Gaming Code'; and

WHEREAS, the Skokomish Tribal Council has reviewed the supplemental provisions to the 'Revised and Restated Skokomish Gaming Code'.

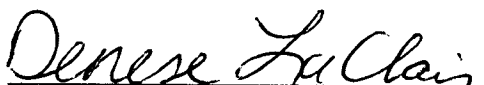
IT IS HEREBY RESOLVED, the Skokomish Tribal Council approves the supplemental provisions 'Revised and Restated Skokomish Gaming Code' as presented to the Council on January 14, 2008, and authorizes its submission to the National Indian Gaming Commission for approval; and

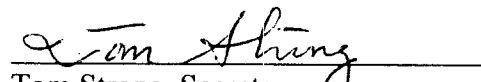
BE IT FURTHER RESOLVED, the Skokomish Tribal Council authorizes Amy Pivetta Hoffman, Skokomish Tribal Attorney, or her designee, to sign any and all letters, reports, amendments or other documents necessary to the approval, enactment and implementation of this 'Revised and Restated Skokomish Gaming Code'.

***** CERTIFICATION*****

I, Denese LaClair , chairman of the Skokomish Tribal Council, hereby certify that the above foregoing Resolution No. 08-004 was adopted ^{by a phone poll} ~~at a regular meeting~~ of the Skokomish Tribal Council held on Jan 14, 2008, at which a quorum was present by a vote of 3 FOR, 0 AGAINST, 0 ABSTAINING.

ATTEST:


Denese LaClair, Chairman
Skokomish Tribal Council


Tom Strong, Secretary
Skokomish Tribal Council

SKOKOMISH GAMING CODE

A law to authorize, license and regulate Gaming within the jurisdiction of the Skokomish Indian Tribe of Washington.

Adopted by Resolution No. 95-103 (October 18, 1995)
Amended by Resolution No. 96-12 (February 28, 1996)
Amended by Resolution No. 00-51 (May 18, 2000)
Amended by Resolution No. 01-63 (May 16, 2001)
Amended by Resolution No. 01-64 (May 16, 2001)
Amended by Resolution No. 01-132 (October 18, 2001)
Amended by Resolution No. 02-153 (December 11, 2002)
Amended by Resolution No. 04-96 (July 28, 2004)
Amended by Resolution No. 05-20 (February 16, 2005)
Amended by Resolution No. 06-63 (June 7, 2006)
Revised and Restated by Resolution No. 07-144 (October 31, 2007)
Amended by Resolution No. 07-153 (November 7, 2007)
Revised and Restated by Resolution No. 08-004 (January 14, 2008)

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FINDINGS, PURPOSES AND POLICY

4.02.001 Findings

The Skokomish Tribal Council on behalf of the Skokomish Tribe finds that:

- (a) Tribal regulation and control of Gaming Activity within the jurisdiction of the Skokomish Indian Tribe is essential for the protection of public health and welfare, and the interests of the Tribe and the residents of and visitors to the tribal community.
- (b) The Tribe has the legal authority to license and regulate all Gaming Activity, not specifically prohibited by federal law, within the jurisdiction of the Tribe.
- (c) Properly licensed and regulated Gaming Activities conform to announced federal policy promoting Indian self-government and Indian tribal economic self-sufficiency.
- (d) It is essential that the Tribe, through its Tribal Council, regulate Gaming in a manner commensurate with applicable federal and tribal law and policy.
- (e) The present needs of the Tribe include increased employment, job and skills training, housing, quality health care, improved nutrition, educational opportunities, social services, law and order, public safety and judiciary, and community and economic development; needs that are not adequately addressed by present tribal, federal and state programs.
- (f) Tribal operation and licensing of Gaming Activities on the Reservation are appropriate means of generating revenue to address the needs of the Tribe.

- (g) The Tribe is vigorously pursuing its goal of self-sufficiency and self-determination through the development of tribal businesses and enterprises. Because the Skokomish Reservation lacks income-generating natural resources and because the Tribe's tax base is almost non-existent, the Tribe must rely on tribal business development to raise the funds necessary to expand its social, health, and education programs, increase employment and improve its on-reservation economy. This effort has recently become increasingly important as a result of cutbacks in federal and state funding and the increased costs of self-government. It is therefore essential that the Tribe develop new and expanded sources of revenue to support its ever-increasing governmental needs and to provide much needed employment and training for tribal members.
- (h) As a result, the following new and expanded Gaming law is in the best interest of the Skokomish Indian Tribe.

4.02.002 Purposes

The purposes of this Code are to:

- (a) Regulate, control, and license the operation of all Gaming within the jurisdiction of the Tribe.
- (b) Make clear and explicit that a tribal license to operate a Gaming Activity is a revocable privilege, not a right or property interest.
- (c) Ensure that the operation of tribally regulated Gaming will continue as a means of generating tribal revenue.
- (d) Ensure that tribally regulated Gaming is conducted fairly and honestly by both Gaming Operators and players and that it remain free from corrupt, incompetent, unconscionable and dishonest persons and practices.
- (e) Promote and strengthen tribal economic development and self-determination and enhance employment opportunities for its members.
- (f) Generate revenue to strengthen and improve tribal self-government and the provision of tribal governmental services.
- (g) Ensure that all Gaming revenue is used for the benefit of the Tribe and the Reservation community.
- (h) Ensure that tribal Gaming laws are strictly and fairly enforced against all persons involved in Gaming Activities within the jurisdiction of the Tribe.
- (i) Ensure that the Tribe provides a fair and impartial forum for the resolution of Gaming disputes.

4.02.003 Tribal Policy of Self-Government

The Tribe is firmly committed to the principle of tribal self-government. Consistent with federal policy, tribal government provides a wide range of public services on the Reservation, including general governmental services, maintenance of peace and good order, establishment of educational systems and programs, and promotion and regulation of economic activities within the sovereign jurisdiction of the Tribe.

4.02.004 Tribal Gaming Policy

The establishment, promotion, and operation of Gaming is necessary and desirable, provided that such Gaming is regulated and controlled by the Tribe pursuant to tribal and federal law and any tribal-state Gaming Compact entered into pursuant to the Indian Gaming Regulatory Act, and that all proceeds of such Gaming are used for the benefit of the Tribe as required by the Indian Gaming Regulatory Act and tribal law. When operated in accordance with the provisions of this Code, such Gaming will be conducive to the general welfare of all residents of the Reservation.

4.02.005 Definitions

Under this Code, except where otherwise specifically provided or where the context otherwise requires, the following terms and expressions shall have the following meanings:

- (a) "Adoption" means the date listed on the rulemaking order of Adoption.
- (b) "Adjusted Gross Proceeds" means gross proceeds less all cash prizes or the aggregate price of merchandise prizes, except in the case of the games of draw poker and stud poker. Regarding games of draw poker and stud poker, "Adjusted Gross Proceeds" means the time buy-ins or tournament fees collected by the Gaming Operator.
- (c) "Amendment" means an action that changes the language of an existing rule.
- (d) "Charitable Gaming Ticket" means any game piece used in the play of a paper pull-tab game, or jar ticket game, or raffle.
- (e) "Cheating" means operating or playing in any game in a manner in violation of the written or commonly understood rules of the game, with the intent to create for oneself or someone in privity with one an advantage over and above the chance of the game.
- (f) "Code" means this Code, the Skokomish Gaming Code, as now or hereafter amended.
- (g) "Compact" means the Class III Gaming Compact between the Tribe and the State of Washington, entered into May 25, 1995 as authorized by the Indian Gaming Regulatory Act (IGRA), and its amendments.
- (h) "Compensation" means all wages, salaries, bonuses, and all other forms of remuneration for services rendered.
- (i) "Continuance" means an extension of a hearing date or a rule's Adoption date.
- (j) "Council" or "Tribal Council" means the governing body of the Skokomish Indian Tribe.

- (k) "Days" means calendar days.
- (l) "Director" means the Director of the Tribal Gaming Agency.
- (m) "Educational, charitable, patriotic, veteran's, fraternal, religious, civic, or public-spirited uses" are:
 - (i) Uses benefiting an indefinite number of people by bringing them under the influence of educational or cultural programs.
 - (ii) Uses otherwise lessening the burden of tribal government.
 - (iii) Uses benefiting one or more persons suffering from a seriously disabling disease or injury causing severe loss of income or incurring extraordinary medical expense that is uncompensated by insurance.
 - (iv) Uses for community service projects that promote the common good, enhance the social and economic welfare of the community, and benefit an indefinite number of people.
- (n) "Effective date" means the date a rule goes into operation.
- (o) "Electronic Games of Chance" means electronic games featuring coin drop and payout as well as printed tabulations, whereby the software of the device predetermined the presence or lack of a winning combination and payout. Electronic Games of Chance are microprocessor controlled electronic devices which allow a player to play games of chance, which may be affected by an element of skill, activated by the insertion of a coin or currency, or by the use of a credit, and awards game credits, cash, tokens, or replays, or a written statement of the player's accumulated credits, which written statements are redeemable for cash.
- (p) "Eligible organization" means any nonprofit organization operated for educational, charitable, patriotic, veterans, fraternal, religious, civic, or public-spirited uses, or for the relief of poverty, distress, or other condition on the Skokomish Reservation.
- (q) "Emergency rule" means a rule passed in an expedited manner in accordance with this Code.
- (r) "Equipment for games of chance." See "Gaming Apparatus."
- (s) "Filing" means the process of submitting documents to the Skokomish Tribal Gaming Commission.
- (t) "Final rule" means the final version of a Rule crafted after a Public hearing and consideration of all submitted comments.
- (u) "Game" or "game of chance" means any activity which falls within the broad definition of Gaming or Gaming Activity.

- (v) "Gaming Employee" means any natural person employed in the operation or management of each Gaming Activity or Operation, whether employed by or contracted to the Tribe or by any person or enterprise providing on or off-site services to the Tribe within or without the Gaming Facility regarding any Gaming Activity or Operation, including, but not limited to, Gaming Operation managers and assistant managers; accounting personnel; cashier supervisors; dealers or croupiers; box men; floormen; pit bosses; shift bosses; cage personnel; collection personnel; Gaming consultants, management companies and their principals; and any other natural person whose employment duties require or authorize access to restricted areas of each Gaming Activity or Operation not otherwise open to the public.
- (w) "Gaming" or "Gaming Activity" means any activity, operation or game in which valuable consideration is wagered upon the outcome determined in whole or in part by chance, skill, speed, strength, or endurance or any combination of strength or endurance, and in which something of value is awarded to a person or persons so wagering, and any activity in furtherance thereof, including owning, financing, managing, participating in, conducting, or assisting in any way in any such activity at the site at which it is being conducted, directly or indirectly, whether at the site in person or off the Reservation.
- (x) "Gaming Apparatus" or "Equipment" means any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any Gaming Activity, whether or not specifically designed for the purpose, but excluding tables and chairs normally used in the occupancy of any Gaming Facility.
- (y) "Gaming Facility" means any location or structure, stationary or movable, where Gaming is permitted, promoted, performed, conducted, or operated. Gaming Facility does not include the site of a fair, carnival, exposition, or similar occasion.
- (z) "Gaming Operator" means a person who has obtained a Gaming License under this Code or who is otherwise permitted by this Code to perform, promote, conduct, or operate any Gaming Activity on Indian Lands.
- (aa) "Gross proceeds" means any money collected or received from any Gaming Activity.
- (bb) "Housekeeping rule" means a rule that corrects typographical, grammatical, gender, or spelling errors, or changes the format of a rule.
- (cc) "Indian Gaming Regulatory Act" or "IGRA" means Public Law 100-497, 102 Stat. 2426, 25 U.S.C. §§2701, et. seq. (1988), as amended.
- (dd) "Immediate Family" means, with respect to the person under consideration, a spouse, father, mother, son, daughter, brother, or sister.
- (ee) "Indian Lands" means lands as defined by 25 U.S.C. §2703(4) "Skokomish Tribal Lands" has the same meaning as Indian Lands under this Code.
- (ff) "IRS" means the United States Internal Revenue Service.

- (gg) "Key employee" means a person who performs one or more of the following functions:
- (i) Bingo caller;
 - (ii) Counting room supervisor;
 - (iii) Chief of security;
 - (iv) Custodian of Gaming supplies or cash;
 - (v) Floor manager;
 - (vi) Pit boss;
 - (vii) Dealer;
 - (viii) Croupier;
 - (ix) Approver of credit;
 - (x) Custodian of Gaming Apparatus or Equipment including persons with access to cash and accounting records within such devices;

If not otherwise included, any other person whose total cash compensation derived from Gaming subject to this Code is in excess of \$50,000 per year; or, If not otherwise included, the four most highly compensated persons in the Gaming Operation.

- (hh) "Law" or "Statute" means a statement by a legislative body or court that must be obeyed and followed, specifically the laws of the Tribe and, only to the extent they are binding and applicable, the laws of the State of Washington and the United States.
- (ii) "License" means any official, legal, and revocable permission granted by the Commission pursuant to this Code to an applicant to conduct any Gaming Activity on Indian Lands.
- (jj) "Licensee" means the holder of, or applicant for, a License.
- (kk) "Lotto" means a form of Gaming in which all or a part of the proceeds derived from the sale of tickets or chances are pooled and such proceeds are allotted by chance to one or more chance takers or ticket purchasers. The amount of cash prizes or winnings is determined by the Gaming Operator conducting the "lottery" and a progressive pool is permitted.
- (ll) "NIGC" means the National Indian Gaming Commission.
- (mm) "Net revenues" means Gross Gaming Revenue of the tribal Gaming Operation less amounts paid out as, or paid for prizes and total Gaming related operating expenses, excluding management fees.

- (nn) "Notice of Proposed Rulemaking" means a published notice that informs the public of the specific purpose of the proposed rule, the language of the proposed rule, and notice of the public hearing and comment period.
- (oo) "Participate" in any Gaming Activity means to operate, direct, finance, or in any way assist in the establishment or operation of any class of Gaming or any site at which such Gaming is being conducted, directly or indirectly, whether at the site in person or off the Reservation.
- (pp) "Person" means any individual, partnership, joint venture, corporation, joint stock company, company, firm, association, trust, estate, club, business trust, municipal corporation, society, receiver, assignee, trustee in bankruptcy, political entity, and any owner, director, officer, or employee of any such entity, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, the government of the Tribe, any governmental entity of the Tribe, or any of the above listed forms of business entities that are wholly owned or operated by the Tribe; provided, however, that the term does not include the federal government and any agency thereof.
- (qq) "Petition" means the process that an interested party follows when requesting the Adoption, Amendment, or abrogation of a Rule.
- (rr) "Player" means a person participating in any game, but does not include a Gaming Operator.
- (ss) "Primary Management Official" means
 - (i) The person having management responsibility for a management contract approved by the National Indian Gaming Commission; or
 - (ii) Any person who has authority:
 - (1) To hire and fire Gaming Employees; or
 - (2) To set up working policy for a Gaming Operation; or
 - (iii) The chief financial officer or other person who has financial management responsibility for a Gaming Activity.
- (tt) "Principal" means with respect to any management contractor:
 - (i) each of its officers and directors;
 - (ii) each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, or general manager;
 - (iii) each of its owners or partners, if it is an unincorporated business;

- (iv) each of its shareholders who owns more than ten percent of the shares of the corporation, if a corporation; and
- (v) each person other than a banking institution who has provided financing for the enterprise constituting more than ten percent of the total financing of the enterprise.
- (uu) "Progressive Gaming" means any game in which a cash prize not being won by any player during any game is retained and further monetarily enhanced by the Gaming Operator or eligible organization and offered as a prize to players in the next game.
- (vv) "Public Hearing and Comment Period" means the time period during which the public may comment on the Proposed Rule, and participate in the Rulemaking process.
- (ww) "Publish" means posting the notice or other document at the offices of the Tribal Gaming Commission, and providing a copy of the notice or other document to the Office of the Tribal Attorney. An item shall not be considered published until it has been posted and received by the Office of the Tribal Attorney.
- (xx) "Rule" means an agency order, directive or regulation that: (1) imposes a penalty on those who violate the Rule; or (2) establishes or revokes requirements or standards relating to a matter under the Skokomish Tribal Gaming Commission's jurisdiction.
- (yy) "Rulemaking" means the process used to develop, adopt, amend, or repeal a rule.
- (zz) "Rulemaking Order of Adoption" means the notice that indicates the Skokomish Tribal Gaming Commission has Adopted a Rule, and provides the Rule's language.
- (aaa) "Skokomish Tribal Lands" *see* Indian Lands.
- (bbb) "Supplemental notice" means a notice that informs interested parties that significant changes are being made to a Proposed Rule. It reopens the Rulemaking proceedings for additional Public comment on the substantive changes.
- (ccc) "State" means the State of Washington.
- (ddd) "Commission" means the Skokomish Tribal Gaming Commission described in this Code.
- (eee) "Tribe" and "Tribal" refers to the Skokomish Indian Tribe of Washington, a federally recognized Indian tribe acting through the duly elected Tribal Council pursuant to the Tribal Constitution and Bylaws, unless the context clearly indicates a general meaning.

- (fff) "Vendor" means any Person or enterprise that sells goods or services under this Code, and the employees and agents of that Person or enterprise.
- (ggg) "Wager" means the bet made or consideration or value given by a player in any game.
- (hhh) "WSGC" means the Washington State Gambling Commission

GENERAL PROVISIONS

4.02.006 Authority and Sovereign Powers and Responsibilities

This Code is enacted pursuant to the inherent sovereign powers of the Tribe and the powers expressly delegated to the Tribal Council by Article V of the Tribal Constitution.

4.02.007 Application of Federal Policy

In 1970, President Nixon announced the policy of the United States government to promote self-determination for Indian tribes. At the heart of this policy is a commitment by the federal government to foster and encourage tribal self-government, economic development, and self-sufficiency. That commitment was signed into law in 1975 as the Indian Self-Determination and Education Assistance Act, Public Law 93-638, 88 Stat. 2203, 25 U.S.C. §§450-450n. In 1983 President Reagan reaffirmed that commitment in his Indian policy statement, encouraged tribes to reduce their dependence on federal funds by generating more of their own revenues, and pledged to assist tribes in that endeavor.

In 1988 the federal commitment to promote tribal economic development, tribal self-sufficiency, and strong tribal government was expressly legislated in the Indian Gaming Regulatory Act ("IGRA"), Public Law 100-497, 102 Stat. 2426, 25 U.S.C. §§ 2701, et seq. (1988), which recognized the inherent sovereign right of tribes to operate and regulate on Indian Lands Gaming which is not specifically prohibited by federal law and is conducted within a state which does not, as a matter of criminal law and public policy, prohibit such Gaming, and provided a federal statutory basis for operation and regulation of Indian Gaming.

4.02.008 Skokomish Tribal Policy of Self-Government

The Tribe is firmly committed to the principle of tribal self-government. Consistent with federal policy, tribal government provides a wide range of public services on the Reservation, including general governmental services, the maintenance of peace and good order, the establishment of educational systems and programs, and the promotion and regulation of economic activities within the sovereign jurisdiction of the Tribe.

4.02.009 Title, Repeal of Prior Laws, and Effect of Repeal

This Code may be cited as the Skokomish Gaming Code. The Code shall be appropriately inserted in the Skokomish Tribal Code.

All ordinances of the Tribe and all titles, chapters, and sections of the Tribal Code that pertain to Gaming and are in effect as of the effective date of this Code are hereby repealed, and all other tribal laws or parts thereof inconsistent with the provisions of this Code are hereby repealed.

Repeal of this Code or any portion thereof shall not have the effect of reviving any prior tribal law theretofore repealed or suspended.

4.02.010 Classes of Gaming

There are three classes of Gaming on Indian Lands under this Code:

- (a) "Class I Gaming" means social Gaming solely for prizes of minimal value or traditional forms of Indian Gaming engaged in by individuals as a part of or in connection with tribal ceremonies or celebration.
- (b) "Class II Gaming" means:
 - (i) The game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith), which is played for prizes, including monetary prizes, with cards bearing numbers or other designations, in which the holder of the card covers such numbers or designations when objects similarly numbered or designated are drawn or electronically determined, and in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played at the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo; and
 - (ii) All card games, including those pot and wager limits, operated by the Tribe prior to May 1, 1988; and
 - (iii) All non-banked card games explicitly authorized or not explicitly prohibited by the laws of the State and which are played at any location in the State, if played in conformity with State laws and regulations regarding hours or periods of operation of such card games or limitations on wagers or pot size in such card games.
- (c) "Class III Gaming" means all forms of Gaming that are not Class I or Class II Gaming.

4.02.011 Construction

In construing the provisions of this Code, unless the context otherwise requires, the following rules shall apply:

- (a) This Code shall be liberally construed to effect its purpose and to promote substantial justice.
- (b) Words in the present tense include the future and past tenses.
- (c) Words in the singular number include the plural, and words in the plural number include the singular.
- (d) Words of the masculine gender or neuter include masculine and feminine genders and the neuter.

4.02.012 Severability

In the event that any section or provision of this Code is held invalid, it is the intent of the Tribal Council that the remaining sections or provisions of this Code shall continue in full force and effect.

TRIBAL GAMING COMMISSION

4.02.013 Establishment

The Tribe hereby charters, creates and establishes the Skokomish Tribal Gaming Commission as a governmental subdivision of the Tribe.

4.02.014 Purpose

The purpose of the Tribal Gaming Commission is regulatory in nature. The Commission will conduct oversight to ensure compliance with applicable tribal, federal and state law and regulation. The Commission will serve as the licensing authority for all Gaming facilities and operations, individuals employed in Gaming and persons doing business with Gaming facilities and operations within the jurisdiction of the Tribe. The Commission will monitor compliance with Internal Controls for all Gaming operations and have enforcement authority for all licensing and compliance matters under the Commission's jurisdiction within this Code.

4.02.015 Location and Place of Business

The Commission shall be a resident of and maintain its headquarters, principal place of business, and offices on the Skokomish Reservation. The Commission may, however, establish other places of business in such other locations as the Commission may from time to time determine to be in the best interest of the Tribe.

4.02.016 Duration

The Commission shall have perpetual existence and succession in its own name, unless dissolved by the Tribe pursuant to Tribal law.

4.02.017 Attributes

As a governmental subdivision of the Tribe, the Commission has been delegated the right to exercise one or more of the substantial governmental functions of the Tribe, including regulation of tribal Gaming pursuant to the IGRA and tribal law. It is the purpose and intent of the Tribe in creating the Commission that the operations of the Commission be conducted on behalf of the Tribe for the sole benefit and interests of the Tribe, its members, and the residents of the Reservation. In carrying out its purposes under this Code, the Commission shall function as an arm of the Tribe. Notwithstanding any authority delegated to the Commission under this Code, the Tribe reserves to itself the right to bring suit against any person or entity in its own right, on behalf of the Tribe or on behalf of the Commission, whenever the Tribe deems it necessary to protect the sovereignty, rights, and interests of the Tribe or the Commission.

4.02.018 Recognition as a Political Subdivision of the Tribe

The Tribe, on behalf of the Commission, shall take all necessary steps to acquire recognition of the Commission as a political subdivision of the Tribe, recognized by all branches of the United States Government as having been delegated the right to exercise one or more substantial governmental functions of the Tribe.

4.02.019 Sovereign Immunity of the Commission

The Commission is hereby clothed with all the privileges and immunities of the Tribe, except as specifically limited by this Title or other tribal law, including sovereign immunity from suit in any tribal, federal, or state court. Except as provided in Section 4.02.021, nothing in this Code nor any action of the Tribe or the Commission shall be deemed or construed to be a waiver of sovereign immunity from suit of the Commission, or to be a consent of the Tribe or the Commission to the jurisdiction of the United States or of any state or any other tribe with regard to the business or affairs of the Tribe or the Commission to any cause of action, case, or controversy, or to the levy of any judgment, lien or attachment upon any property of the Tribe or the Commission, or to be a consent of the Tribe or the Commission to suit in respect to any Indian land, or to be a consent of the Tribe or the Commission to the alienation, attachment, or encumbrance of any such land.

4.02.020 Sovereign Immunity of the Tribe

All inherent sovereign rights of the Tribe as a federally recognized Indian tribe with respect to the existence and activities of the Commission are hereby expressly reserved, including sovereign immunity from suit in any tribal, federal or state court. Except as provided in Section 4.02.021, nothing in this Code nor any action of the Commission shall be deemed or construed to be a waiver of sovereign immunity from suit of the Tribe, or to be a consent of the Tribe to the jurisdiction of the United States or of any state or of any other tribe with regard to the business or affairs of the Commission or the Tribe, or to be a consent of the Tribe to any cause of action, case, or controversy, or to the levy of any judgment, lien, or attachment upon any property of the Tribe, or to be a consent to suit in respect to any Indian land, or to be a consent to the alienation, attachment, or encumbrance of any such land.

4.02.021 Waiver of Sovereign Immunity of the Commission

Sovereign immunity of the Commission may be waived only by express resolutions of both the Commission and the Tribal Council after consultation with the Tribe's attorneys. All waivers of sovereign immunity must be preserved by resolution of the Commission and the Tribal Council of continuing force and effect. Waivers of sovereign immunity are disfavored and shall be granted only when necessary to secure a substantial advantage or benefit to the Commission. Waivers of sovereign immunity shall not be general but shall be specific and limited as to duration, grantee, transaction, property, or funds, if any, of the Commission subject thereto, court having jurisdiction pursuant thereto, and law applicable thereto. Neither the power to sue and be sued provided in nor any express waiver of sovereign immunity by resolution of the Commission shall be deemed a consent to the levy of any judgment, lien, or attachment upon property of the Commission other than property specifically pledged or assigned, or a consent to suit in respect of any land within the exterior boundaries of the Reservation or a consent to the alienation, attachment, or encumbrance of any such land.

4.02.022 Credit of the Tribe or Commission

Nothing in this Code or any activity of the Commission shall implicate or any way involves the credit of the Tribe or the Commission.

4.02.023 **Assets of the Commission**

The Commission shall have only those assets specifically assigned to it by the Council or acquired in its name by the Tribe or by the Commission on its own behalf. No activity of the Commission or any indebtedness incurred by it shall implicate or in any way involve or affect any assets of tribal members or the Tribe not assigned in writing to the Commission.

4.02.024 **Membership**

(a) Number of Commissioners

The Commission shall be comprised of five Commissioners, who shall be appointed by the Tribal Council.

(b) Qualification of Commissioners

The majority of the Commissioners must be members of the Skokomish Indian Tribe. Commissioners must be over the age of 18.

(c) Background Check

Prior to the time that any Commission member takes office on the Commission, the Tribe shall perform or arrange to have performed a background check on each prospective member, consistent with the policies of the Skokomish Tribal Government. No person shall serve as a Commissioner if:

- (i) His prior activities, criminal record, if any, or reputation, habits or associations:
 - (1) Pose a threat to the public interest; or
 - (2) Threaten the effective regulation and control of Gaming; or
 - (3) Enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of Gaming; or
- (ii) He has been convicted of or entered a plea of *nolo contendere* to a felony or any Gaming offense in any jurisdiction or to a misdemeanor involving dishonesty or moral turpitude; or
- (iv) He or any member of his immediate family has a financial interest in any Gaming activity or Facility; or
- (v) A member of his immediate family is employed as a Primary Management Official or Key Employee of a Gaming Facility located on Skokomish Tribal Lands.

(d) Appointment of Commission

The Tribal Council shall appoint members to the Commission during the first regular Tribal Council meeting in November. The Council's appointment of any Commission member shall be by resolution

4.02.025 Commissioner Prohibitions

- (a) No member of the Tribal Council may serve on the Commission.
- (b) Commissioners are prohibited from Gaming at any Gaming Facility under the jurisdiction of the Tribe.
- (c) Commissioners are prohibited from accepting complimentary items from the Gaming Operation.

4.02.026 Commissioner Required to Display Badge

Upon being appointed to the Commission and successful performance of a background check, a Commissioner shall be issued a badge which must be displayed on the Commissioner's person at all times when on Commission business or in the "back of the house" at the Gaming Facility. The Commissioner Badge shall display the Commissioner's name, term of Gaming Commission membership and clear indication that badge holder is a Commissioner.

4.02.027 Term of Office

- (a) Each Commissioner shall serve a four year term, provided the first rotation shall have one appointed Commissioner with a two year term, two appointed Commissioners with three year terms and two appointed Commissioners with four year terms.
- (b) The term of office of the Commission shall begin during the first official Commission meeting after the first regular Tribal Council meeting in November.
- (c) No member of the Commission shall serve more than five terms

4.02.028 Meetings

- (a) Regular Meetings. The Commission shall hold at least one regular monthly meeting.
- (b) Special Meetings. Special meetings may be called at the request of the Tribal Council, the Chairman of the Commission or 3 or more members of the Commission.
- (c) Compensation of Commissioners. An honorarium may be paid for attendance at each meeting.
- (d) Quorum. A quorum for all meetings shall consist of two members and the Chairman or Acting Chairman.
- (e) Voting. All questions arising in connection with the action of the Commission shall be decided by majority vote. The Chairman of the Commission shall only be entitled to vote to break a tie.

4.02.029 Organization

The Commission shall develop its own operating procedures and shall elect from within itself a Chairman to direct meetings, a reporter to be responsible for keeping Commission minutes and transmitting to the Tribal Council a copy of those minutes, handling correspondence and reporting Commission decisions, and such other officers as the Commission deems advisable.

4.02.030 Removal of Members or Vacancies

- (a) **Removal.** A Commissioner may be removed by the Council for serious inefficiency, neglect of duty, malfeasance, misfeasance, nonfeasance, misconduct in office, or for any conduct which threatens the honesty or integrity of the Commission or otherwise violates the letter or intent of this Code. Except as provided below, no Commissioner may be removed without notice and an opportunity for a hearing before the Council, and then only after the Commissioner has been given written notice of the specific charges at least ten days prior to such hearing. At any such hearing, the Commissioner shall have the opportunity to be heard in person or by counsel and to present witnesses on his behalf. If the Council determines that immediate removal of a Commissioner is necessary to protect the interests of the Tribe, the Council may immediately remove the Commissioner temporarily, and the question of permanent removal shall be determined thereafter pursuant to Commission hearing procedures. A written record of all removal proceedings together with the charges and findings thereon shall be kept by the Tribal Secretary. The decision of the Council upon the removal of a Commissioner shall be final.

- (b) **Vacancies.** If any Commissioner shall die, resign, be removed, or for any reason be unable to serve as a Commissioner, the Council shall declare his position vacant and shall appoint another person to fill the position. The terms of office of each person appointed to replace an initial Commissioner shall be for the balance of any unexpired term for such position, provided, however, that any prospective appointee must meet the qualifications established by this Code.

4.02.031 Ethics

The Tribe recognizes that the duties of the Commission include making important decisions on highly sensitive issues. As such, the Tribe has determined that Commissioners shall be held to extremely high ethical standards. Prior to taking their positions on the Commission, Commissioners shall agree to be bound by the following principles:

- (a) Commissioners shall not hold financial interests that conflict with the conscientious performance of their duties as regulators.

- (b) Commissioners shall not engage in financial transactions using nonpublic information or allow the improper use of such information by others on their behalf to further any private interest.

- (c) Commissioners shall not solicit or accept any gift or other item of monetary value, including complimentary items or services from any person or entity seeking official action or inaction from, doing business with, or conducting activities regulated by the

Commissioner's organization, or whose interests may be substantially affected by the performance or nonperformance of the Commissioners' duties.

- (d) Commissioners shall make no unauthorized commitments or promises of any kind purporting to bind the Tribe.
- (e) Commissioners shall not use their positions for private gain.
- (f) Commissioners shall act impartially, in accordance with all relevant and applicable Tribal, Federal and State laws, and shall not give preferential treatment to any private organization or individual, including any persons related to Commissioners.
- (g) Commissioners shall ensure that Tribal property and Gaming assets shall be properly segregated and safeguarded, and that such property and assets shall not be used for unauthorized activities.
- (h) Commissioners shall not engage in outside employment or activities which conflict with their official duties and responsibilities.
- (i) Commissioners shall disclose waste, fraud, abuse and corruption to appropriate authorities.
- (j) Commissioners shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards listed herein.
- (k) Commissioners shall disclose any real or apparent financial or personal conflicts. If there is a real conflict or the appearance of one, the member shall not take part in any decision related to the conflict.

4.02.032 Powers of the Commission

In furtherance, but not in limitation, of the Commission's purposes and responsibilities, and subject to any restrictions contained in this Code or other applicable law, the Commission shall have and is authorized to exercise by majority vote and through an issued resolution the following powers in addition to all powers already conferred by this Code:

- (a) To regulate and inspect all Gaming activities, regulate and protect all Gaming assets within the jurisdiction of the Tribe.
- (b) To promote the full and proper enforcement of this Code and other applicable law regarding Gaming Activities within the jurisdiction of the Tribe.
- (c) To enact and enforce such rules and regulations regarding its activities and governing Commission internal affairs as the Commission may deem necessary and proper to effectuate the powers granted by this Code and the powers granted and duties imposed by applicable law.
- (d) To publish and distribute copies of this Code and Commission Rules and any Council, Commission, or Tribal Court decisions, including resolutions, regarding Gaming matters.

- (e) To prepare and submit for Council approval proposals, including budget and monetary proposals, which could enable the Tribe to better carry forth the policies and intent of this Code.
- (f) To work with the staff of any tribal department, program, project, or operation and to cooperate with the Tribal Council or any Council Committee in regard to Gaming issues.
- (g) To make or cause to be made by its agents or employees, an examination or investigation of the place of business, equipment, facilities, tangible personal property of any Gaming Activity or Facility operating, or suspected of operating, within the jurisdiction of the Tribe. In undertaking such examination or investigation, the Commission may request the assistance of Commission staff, federal and local law enforcement officials, legal counsel, and other third parties.
- (h) To make or cause to be made by its agents or employees, quarterly examination of the books, records, papers, vouchers, accounts, documents, and financial statements, including all expenses and revenues of any Gaming Activity or Facility operating within the jurisdiction of the Tribe, for the purpose of monitoring budget compliance. The Commission shall then report its quarterly findings, in writing, only to the Council. In undertaking such examination, the Commission may request the assistance of Commission staff and other third parties.
- (i) To maintain and keep current a record of new developments in the area of Indian Gaming.
- (j) To request the assistance of the Tribal Court or Tribal Appellate Court in conducting Gaming hearings, defining terms used in this Code or other tribal laws, or in any other matter in which the Commission deems such assistance to be necessary or proper.
- (k) To consider any Gaming regulatory matter brought before it by any person, organization or business, and all regulatory matters referred to it by the Tribal Council.
- (l) To obtain and publish a summary of federal revenue laws relating to Gaming and to insure compliance with the same.
- (m) To arrange for training of Commission members, tribal employees and others in areas relating to the regulation of Gaming.
- (n) Upon prior explicit written approval of the Council, to employ such advisors as it may deem necessary. Advisors may include, but shall not be limited to, law enforcement specialists and Gaming professionals, the Tribe's general or special counsel, and the Tribe's accountants.
- (o) To promulgate rules and regulations to implement and further the provisions of this Code.

- (p) To grant, revoke, suspend, restrict, expand, and approve or disapprove any application for any license under this Code..
- (q) To consult with and make recommendations to the Tribal Council regarding changes in tribal Gaming laws and policies.
- (r) To examine under oath, either orally or in writing, in hearings or otherwise, any person or agent, officer or employee of any person, or any other witness, with respect to any matters related to this Code, including enforcement of tribal Gaming laws, regulations, and policies, and to compel by subpoena the attendance of witnesses and the production of any books, records, and papers with respect thereto.
- (s) When necessary or appropriate, to request the assistance and utilize the services of the courts, law enforcement and government officials and agencies, and private parties in exercising its powers and carrying out its responsibilities.
- (t) To delegate to an individual member or members of the Commission or Commission staff, such of its functions as may be necessary to administer this Code efficiently; provided that the Commission may not re-delegate its power to exercise any substantial governmental function of the Tribe or its power to promulgate rules and regulations; and provided further that the Commission may not delegate to anyone the power to permanently revoke a tribal Gaming license.
- (u) To permanently close, after notice and hearing, any game or games which are operating in violation of tribal law.
- (v) To sue or be sued in courts of competent jurisdiction within the United States, subject to the provisions of this Code and other tribal laws relating to sovereign immunity; provided that no suit shall be brought by the Commission without the prior explicit written approval of the Tribal Council.
- (w) To use the seal of the Tribe with the approval of the Tribal Council.
- (x) To sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or any part of its personal property and assets. Real property is expressly excluded from this authority.
- (y) With the prior permission of the Tribal Council, to borrow money and to make, accept, endorse, execute and issue bonds, debentures, promissory notes, guarantees, and other obligations of the Commission for moneys borrowed, or in payment for property acquired or for any of the purposes of the Commission and to secure payment of any obligations by secured interest, mortgage, pledge, deed, indenture, agreement, or other instrument of trust or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights, or privileges of the Commission.
- (z) To arbitrate, compromise, negotiate, or settle any dispute to which it is a party relating to the Commission's authorized activities.
- (aa) To enter into, make, perform, and carry out any agreement, partnership, joint venture

contract, or other undertaking with any federal, state, or local governmental agency, tribe, person, partnership, corporation, or other association or entity for any lawful purpose pertaining to the business of the Commission or which is necessary or incidental to the accomplishment of the purposes of the Commission.

- (bb) To exercise the tribal power to tax authorized by the Skokomish Tribal Constitution in accordance with a Tribal Council resolution delegating such power to the Commission and in accordance with this Code and other applicable law.
- (cc) To purchase insurance from any stock or mutual company for any property, or against any risk or hazard.
- (dd) To engage in any and all activities which directly or indirectly carry out the purposes of the Tribe as set forth in this Code.
- (ee) With prior approval of the Tribal Council, to make application and accept grants and other awards from private and governmental sources in carrying out or furthering the purposes of the Commission or the Tribe.
- (ff) To exercise all authority delegated to it or conferred upon it by law and to take all action which shall be reasonably necessary and proper for carrying into execution the foregoing powers and all of the powers vested in this Code as permitted by the purposes and powers herein stated and which are deemed to be in the best interests of the Tribe, exercising prudent management and good business judgment, all in compliance with applicable law.
- (gg) To establish and maintain such bank accounts as may be necessary or convenient.
- (hh) To require by regulation the filing of any records, forms, and reports and all other information desired by the Council for implementation of this Code relating to any Gaming Activity or operation or any investigation as required by tribal law and the IGRA.
- (ii) To provide for an internal system of recordkeeping with adequate safeguards for preserving confidentiality as deemed necessary by the Commission. All applications, background investigations and Commission decisions shall be retained in Commission files for a period of at least 10 years.
- (jj) To adopt a schedule of fees to be charged for licenses issued pursuant to this Code.
- (kk) To adopt a schedule of fees and charges for services rendered relating to transcripts and the furnishing or certifying of copies of proceedings, files, and records.
- (ll) To conduct background investigations of all persons who propose to participate in any Gaming Activity.
- (mm) To compel obedience of its lawful orders by proceedings of mandamus or injunction or other proper proceedings in the name of the Tribe in Tribal Court or in any other court having jurisdiction of the parties and of the subject matter; provided that no suit shall be brought by the Commission without the prior explicit written approval of the

Tribal Council after consultation with the Tribal attorneys.

- (nn) To discipline any licensee, or other person participating in any Gaming Activity, by ordering immediate compliance with this Code or Commission regulations, and/or issuing disciplinary action as authorized by this Code, whenever the Commission is notified of a violation by any such person of this Code or any other applicable law.
- (oo) To issue an order of temporary closure of any Gaming Activity in the event the Commission determines that immediate closure is necessary to protect assets or interests of the Tribe, pursuant to Commission regulations, or whenever the Commission shall receive information from the NIGC that a Primary Management Official or Key Employee of a Facility does not meet the standards for being licensed under the IGRA. Immediately upon temporary closure, a hearing will be scheduled to determine the necessity of continued closure.
- (pp) To hire and advise a Tribal Gaming Agency Director, who shall have authority as delegated by the Commission and as delegated in this Code.

4.02.033 Tribal Gaming Agency Director

The Tribal Gaming Agency Director ('Director') shall be hired by the Tribal Manager in consultation with the Commission. The Director shall report to the Commission on all regulatory matters, under the proper jurisdiction of the Commission. The Director shall report to the Tribal Council on all administrative matters including, but not limited to Commission personnel and budget matters. Director shall be licensed as a Class II & III Gaming Licensee. The TGA Director shall be responsible for:

- (a) Carrying out the daily duties of the Commission including, but not limited to, licensing, compliance and enforcement functions of the Commission as given in this Code; and
- (b) Hiring, firing and managing necessary staff to carry out such daily duties; and
- (c) Developing and implementing policies and procedures for such staff; and
- (d) Preparing and implementing the Annual Budget for the Commission; and
- (e) Acting as Commission staff, including coordination of regular Commission meetings and recording of minutes; and
- (f) Other such duties as may be delegated by the Commission.

4.02.034 Annual Budget

The Director shall prepare an annual operating budget for all Commission activities to be approved by the Commission, and then presented to the Council for final approval according to the Budget Code of the Tribe.

4.02.035 Commission Regulations

- (a) Commission Regulations necessary to carry out the orderly performance of its duties and powers shall include, but shall not be limited to:
 - (i) Internal operational procedures of the Commission and its staff;
 - (ii) Interpretation and application of this Code as may be necessary to carry out the Commission's duties and exercise its powers;
 - (iii) A regulatory system for all Gaming Activity, including accounting, contracting, management, and supervision;
 - (iv) The findings of any reports or other information required by or necessary to implement this Code; and
 - (v) The conduct of inspections, investigations, hearings, enforcement actions, and other powers of the Commission authorized by this Code.
- (b) No regulation of the Commission shall be of any force or effect unless it is adopted by the Commission by written resolution and subsequently approved by a resolution of the Tribal Council and both resolutions filed for record in the Office of the Tribal Attorney.
- (c) The Tribal Court and any other court of competent jurisdiction shall take judicial notice of all Commission Regulations adopted pursuant to this Code.

4.02.036 Right of Entrance; Inspection

The Commission and duly authorized officers and employees of the Commission, during regular business hours, may enter upon any premises of any Gaming Operator or Gaming Facility for the purpose of making inspections and examining the accounts, books, papers, and documents of any such Gaming Operator or Gaming Facility. Such Gaming Operator shall facilitate such inspection or examinations by giving every reasonable aid to the Commission and to any properly authorized officer or employee. The results of such inspection shall be duly reported by the Commission and a copy of such report given to the Gaming Operator.

4.02.037 Investigations

The Commission, upon complaint or upon its own initiative or whenever it may deem it necessary in the performance of its duties or the exercise of its powers, may investigate and examine the operation and premises of any person who is subject to the provisions of this Code. In conducting such investigation, the Commission may proceed either with or without a hearing as it may deem best, but it shall make no order without affording any affected party notice and an opportunity for a hearing pursuant to Commission regulations.

4.02.038 Bank Account for Gaming Facility

The Tribal Council shall ensure that the Tribe opens a separate bank account for each tribally owned or Gaming Activity, and all money of such Facility shall be deposited in that account. The Tribal

Council shall determine who shall have check writing authority from such account.

4.02.039 Quarterly Report of Gaming Manager Reports

The Commission shall file a quarterly report with the Council summarizing regulatory reports received from each manager of any tribally owned or managed Gaming Activity and make such comments as it deems necessary to keep the Council fully informed as to the regulatory status of its various Gaming Activities.

ADJUDICATIVE HEARINGS AND PROCEDURES

4.02.040 Hearings

- (a) The Commission shall afford a Licensee the opportunity for an adjudicative proceeding before suspending a Licensee except in cases where the circumstances call for immediate action to protect the public safety, general welfare, or the integrity of the Gaming Operation, and observing the hearing requirements would be contrary to the public interest, in which case the Licensee shall be entitled to a prompt post-suspension hearing.
- (b) No hearing will be conducted with respect to any adjudicative proceeding unless an application for an adjudicative proceeding and request for hearing is timely filed by the Licensee with the Commission in compliance with this Code. The application must be made in writing on a form to be obtained from the Tribal Gaming Agency, or a facsimile thereof, and must be received within fifteen (15) days of the party's receipt of a notice of administrative charges and opportunity for an adjudicative proceeding. An application for an adjudicative proceeding and request for hearing shall accompany all notices of administrative charges.
- (c) If an application for an adjudicative proceeding is not timely filed, then the party affected shall have waived the right to a hearing on the allegations set forth in the notice of administrative charges. The party shall be deemed to be in default and the Commission may take action against the party not to exceed the maximum penalty as stated in the notice of administrative charges and opportunity for an adjudicative proceeding, which action shall be final.

4.02.041 Appearance Before the Commission—Who May Appear

No person may appear in a representative capacity before the Skokomish Gaming Commission other than the following:

- (a) Persons duly admitted to the bar of the Skokomish Tribal Court.
- (b) Attorneys at law duly qualified and entitled to practice before the highest court of record of any state.
- (c) A bona fide officer, authorized manager, partner, or full-time employee of any individual firm, association, partnership, or corporation who appears for such individual firm, association partnership or corporation.