OCT 2 7 2009

Anthony Cohen
Clement, Fitzpatrick & Kenworthy
3333 Mendocino Avenue, Suite 200
Santa Rosa, CA 95403

RE: Submission of Tribal Gaming Ordinance of the Kashia Band of Pomo Indians

Dear Mr. Cohen:

This letter responds to your request to the National Indian Gaming Commission (NIGC) to review and approve the Kashia Band of Pomo Indians' (Tribe) Gaming Ordinance (Ordinance). The Tribe adopted the Ordinance by Resolution on August 19, 2009, and the NIGC received the ordinance on September 16, 2009.

The Ordinance is consistent with the requirements of the Indian Gaming Regulatory Act (IGRA) and NIGC regulations, and it is therefore approved. It is important to note that the Ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction. 25 U.S.C. § 2703(4); 25 C.F.R. § 502.12

Thank you for your submission. If you have any questions or require assistance, please contact John Hay in the Office of the General Counsel, at 202-632-7003.

Sincerely,

George T. Skibine
Acting Chairman

Kashia Round House
Founded in 1916

Kashia Band of Pomo Indians
of the Stewarts Point Rancheria

COMMUNITY COUNCIL
Resolution by Majority Vote

SEP 16 2009

Resolution Approving Tribal Gaming Ordinance

WHEREAS, The Kashia Band of Pomo Indians of the Stewarts Point Rancheria (Tribe) is recognized as a sovereign government by the United States of America, and

WHEREAS, In accordance with inherent sovereign powers of the Tribe, and with Article 3 and Article 4, Section 1(H) of the Constitution and By-Laws for the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California, adopted February 8, 1936 and approved by the Secretary of the Interior on March 11, 1936, as amended, the Community Council of the Kashia Band of Pomo Indians is the governing body of the Tribe with the authority to, among other things, promulgate resolutions and ordinances regulating its own procedures and the economic affairs of the Tribe; and

WHEREAS, the Kashia Band of Pomo Indians Community Council wishes to further the economic development of the Tribe under the provisions of the Indian Gaming Regulatory Act by adopting the Tribal Gaming Ordinance that was presented at a duly called meeting of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria Community Council held on August 15, 2009 at which a quorum was present,

NOW, THEREFORE BE IT RESOLVED, that the Community Council of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria approves the Tribal Gaming Ordinance attached hereto; and

BE IT FURTHER RESOLVED that the attached Tribal Gaming Ordinance shall be effective upon its approval by the Chairman of the National Indian Gaming Commission pursuant to the Indian Gaming Regulatory Act.

CERTIFICATION

This is to certify that the Tribal Gaming Ordinance of Kashia Band of Pomo Indians of the Stewarts Point Rancheria, a copy of which is attached to this Resolution, was approved at a Special Meeting of the Community Council at which a quorum was present on the 15th day of August, 2009, by a vote of 118 for, 1 against, 4 abstaining.

Ralph Sepulveda — 8/19/09
Ralph Sepulveda, Tribal Chairman — Date

Glenda Jacob-McGill, Tribal Treasurer for — 8-19-09
Attest: Dino Franklin, Tribal Secretary — Date

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Kashia Round House
Founded in 1916

Kashia Band of Pomo Indians
of the Stewarts Point Rancheria

SEP 16 2009

KASHIA BAND OF POMO INDIANS OF THE STEWART'S POINT RANCHERIA

TRIBAL GAMING ORDINANCE

I. Purpose.

The Community Council of the Kashia Band of Pomo Indians of the Stewart's Point Rancheria, a federally recognized sovereign Indian tribe ("the Tribe"), acting in its capacity as the Tribe's governing body pursuant to the power vested in it by the Tribe's Constitution, hereby enacts this Tribal Gaming Ordinance pursuant to inherent tribal authority and the Indian Gaming Regulatory Act.

II. Gaming Authorized.

A. All forms of Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(7)(A) ("IGRA") are hereby authorized, including but not limited to bingo, pulltabs, and non-banking card games.

B. All forms of Class III gaming as defined in Section 2703(8) of IGRA and as authorized by such tribal-state compact between the Tribe and the State of California as may be in effect are hereby authorized.

III. Ownership of Gaming.

The Tribe shall maintain the sole propriety interest in and responsibility for the conduct of all Class II and Class III gaming activities authorized by this ordinance.

IV. Use of Gaming Revenue.

A. Net revenues from the Tribe's share of Class II and Class III gaming activities authorized herein shall be used only for the following purposes: to fund tribal government operations and programs; provide for general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

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B. If the Tribe elects to make per capita payments, it shall authorize such payments only pursuant to a Plan for the Allocation of Gaming Revenue, approved by the Secretary of the Interior under Section 2710(b)(3) of IGRA.

V. Audit.

A. The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission (the "Commission").

B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of $25,000 annually, except for contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection (A) above.

VI. Environmental Protection.

The construction, maintenance and operation of Class II and Class III gaming facilities and Class II and Class III games shall be conducted in a manner which adequately protects the environment and the public health and safety.

VII. Licenses for Key Employees and Primary Management Officials.

The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II and/or Class III gaming enterprise operated on tribal lands:

A. Definitions.

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

1. Key employee.

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

(1) Bingo caller;

(2) Counting room supervisor;

(3) Chief of security;

(4) Custodian of gaming supplies or cash;

(5) Floor manager;

(6) Pit boss;

(7) Dealer;

(8) Croupier;

(9) Approver of credit; or

(10) Custodian of gambling devices including persons with access to cash and accounting records within such devices.

(b) If not otherwise included, any other person whose total cash compensation is in excess of $50,000 per year;

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

(d) If not otherwise included, any other person who is designated as a key employee under the tribal-state compact.

2. Primary Management Official.

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

(b) Any person who has authority:

(1) To hire and fire employees; or

(2) To set up working policy for the gaming operation; or

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

B. Application Forms.

1. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

> In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate

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

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

2. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

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

C. Background Investigations:

1. The Tribe and/or Tribal Gaming Agency shall request from each primary management official and from each key employee all of the following information:

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

(b) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;

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

(d) Current business and residence telephone numbers;

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

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

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

(h) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;

(i) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;

(j) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraphs (I) (h) and (1) (i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

(k) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(l) A current photograph;

(m) Any other information the Tribe and/or Tribal Gaming Agency deems relevant; and

(n) Fingerprints consistent with procedures adopted by a tribe according to 25 C.F.R. § 522.2(h).

2. The Tribe and/or Tribal Gaming Agency shall conduct an investigation sufficient to make a determination under subsection D below. In conducting a background investigation, the Tribe shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination.

1. The Tribe and/or Tribal Gaming Agency 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 a primary management official for employment in a gaming operation. If the Tribe and/or Tribal Gaming Agency 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, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

2. The Tribe's gaming operation shall not employ in a key employee or primary management official position a person who has supplied materially false or misleading information with respect to the required information for that person's background investigation under subsection C above.

3. The Tribe's gaming operation shall not employ in a key employee position associated with Class III gaming activity any applicant who fails to meet any necessary suitability requirements under the tribal-state compact.

E. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the Commission.

1. When a key employee or primary management official begins work, the Tribe and/or Tribal Gaming Agency shall forward to the Commission a completed application for employment and conduct the background investigation and determination referred to in subsections A, B, C and D of this section.

2. Upon completion, the Tribe and/or Tribal Gaming Agency shall forward the report referred to in subsection F of this section to the Commission within 60 days after an employee begins work or within 60 days of the Chairman of the Commission's approval of this ordinance.

3. The gaming operation shall not employ a key employee or primary management official who does not have a license after 90 days.

F. Report to Commission.

1. Pursuant to the procedures set out in subsection E of this section, the Tribe and/or Tribal Gaming Agency shall prepare and forward to the Commission an investigative report on each background investigation. An investigative report shall include all of the following:

(a) Steps taken in conducting a background investigation;

(b) Results obtained;

(c) Conclusions reached;

(d) The bases for those conclusions; and

(e) The Tribe and/or Tribal Gaming Agency shall include in its report a copy of the eligibility determination made under section D of this section.

2. If a license is not issued to an applicant:

(a) The Tribe and/or Tribal Gaming Agency shall notify the Commission; and

(b) Forward copies of its eligibility determination and investigative report (if any) to the Commission for inclusion in the Indian Gaming Individuals Records System.

3. With respect to key employees and primary management officials, the Tribe and/or Tribal Gaming Agency shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the Commission or his or her designee for no less than three (3) years from the date of termination of employment.

G. Granting a Gaming License.

1. If, within a thirty (30) day period after the Commission receives a report, the Commission notifies the Tribe and/or the Tribal Gaming Agency that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided an application and investigative report to the Commission, the Tribe may go forward and issue a license to such applicant.

2. The Tribe and/or the Tribal Gaming Agency shall respond to a request for additional information from the Chairman of the Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the thirty (30) day period under paragraph (G) (1) of this section until the Chairman of the Commission receives the additional information.

3. If, within the thirty (30) day period described above, the Commission provides the Tribe and/or Tribal Gaming Agency with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe and/or Tribal Gaming Agency has provided an application and investigative report to the Commission, the Tribe and/or Tribal Gaming Agency shall reconsider the application, taking into account the objections itemized by the Commission.

4. The Tribe shall ensure compliance with any other procedures regarding licensure which may be required under the tribal-state compact.

H. License Suspension.

1. If, after the issuance of a gaming license, the Commission receives reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection D above, the Tribe and/or Tribal Gaming Agency shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

2. The Tribe and/or Tribal Gaming Agency shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

3. After a revocation hearing, the Tribe and/or Tribal Gaming Agency shall decide to revoke or to reinstate a gaming license. The Tribe and/or Tribal Gaming Agency shall notify the Commission of its decision.

4. The Tribe and/or Tribal Gaming Agency shall also suspend and revoke the license of a key employee when such person is deemed unsuitable under the tribal-state compact.

VIII. License Locations.

The Tribe and/or Tribal Gaming Agency shall issue a separate license to each place, facility, or location on Indian lands where Class II and Class III gaming is conducted under this ordinance.

IX. Minimum Internal Control Standards.

A. Applicable Standards.

The Tribe and/or Tribal Gaming Agency shall comply with 25 CFR Part 542 by formally adopting and making applicable to the Tribe's gaming operation(s) internal control standards that:

1. Provide a level of controls that equals or exceeds those set forth in 25 CFR Part 542, as published or as revised by mutual agreement between the Commission and the Tribe;

2. Contain standards for currency transaction reporting that comply with 31 CFR Part 103; and

3. Establish internal control standards for Class II and Class III games that are not addressed in 25 CFR Part 542, if any.

B. Annual CPA Testing of Compliance.

In order to verify that the gaming operation is in compliance with the internal control standards adopted pursuant to paragraph A, an independent certified public accountant (CPA) shall be engaged annually to perform "Agreed-Upon Procedures" in the manner provided for in

25 CFR 542.3(f).

C. Compliance.

The Tribe and/or Tribal Gaming Agency and the Commission shall monitor and enforce compliance with the internal control standards adopted pursuant to paragraph A in the manner provided for in 25 CFR 542.3(g). In addition, the Commission shall, for the purpose of enforcing compliance with the internal control standards, have the power to:

1. Monitor all Class II and Class III gaming on a continuing basis;

2. Inspect and examine all premises on which Class II or Class III gaming is conducted; and

3. Demand access to and inspect, examine, photocopy, and audit all papers, books, and records respecting gross revenues of all Class II and Class III gaming or any other matters necessary to ensure and enforce compliance with the internal control standards.

D. Enforcement.

Any failure to adopt internal control standards pursuant to paragraph A, to perform Agreed-Upon Procedures pursuant to paragraph B, to prevent or obstruct the exercise of any of the Commission's powers under paragraph C, or to comply with the internal control standards once adopted is a violation of this ordinance. The Chairman of the Commission shall have the authority to remedy violations of this ordinance under 25 U.S.C. 2713 and its implementing regulations, and the Tribe shall have all rights and remedies available thereunder.

X. Customer Dispute Resolution Procedure.

A. With respect to Class II gaming, the general manager of the tribal gaming operation shall attempt to resolve on an informal basis any customer complaints relating to payment of prizes or services and report any such resolution to the governing body of the enterprise. If the complaint cannot be resolved at the general manager level, the customer shall be informed that he/she has the right to present his or her complaint to the governing body of the gaming enterprise, whose decision shall be final.

B. With respect to Class III gaming, the general manager of the tribal gaming operation shall attempt to resolve on an informal basis any customer complaints relating to payment of prizes or services and report any such resolution to the governing body of the enterprise. If the complaint cannot be resolved at the general manager level, customer and third party disputes shall be resolved pursuant to applicable provisions of the tribal-state compact then in effect.

XI. IGRA Compliance.

The Tribe shall ensure enforcement of rules and regulations for all games played to ensure that they conform to the IGRA, including any effective tribal-state compact, and that the games are honest and fair.

XII. Amendments.

The Community Council may amend this ordinance in any manner deemed appropriate to protect the Tribe's best interests so long as any such amendment is no less restrictive than the original terms of this Ordinance, complies with all applicable federal law, and is consistent with the terms of any effective tribal-state compact.

Adopted by majority vote and resolution by the Kashia Band of Pomo Indians of the Stewarts Point Rancheria Community Council at their duly called meeting on August 15, 2009.