November 17, 2026

Margaret Cortez, Chairperson
Timbisha Shoshone Tribe
621 West Line Street, Suite 109
Bishop, CA 93514

Re: Timbisha Shoshone Tribe Gaming Ordinance

Dear Chairperson Cortez:

I am writing with respect to the August 18, 2026 request of the Timbisha Shoshone Tribe (Tribe) to the National Indian Gaming Commission (NIGC) to review and approve the Tribe's amended gaming ordinance. The amended gaming ordinance was adopted by the Tribal Council through Resolution No. 2026-08 on August 13, 2026.

Pursuant to the Indian Gaming Regulatory Act (IGRA), the NIGC Chair has 90 days from the date of submission to either approve or disapprove a gaming ordinance.[1] Any gaming ordinance not acted upon at the end of the 90-day period is considered to have been deemed approved by operation of law but only to the extent such ordinance is consistent with IGRA and NIGC regulations.[2] Because the position of the NIGC Chair is currently vacant, no action was taken by an NIGC Chair within the 90-day period and the gaming ordinance is now deemed approved. In addition, it is my opinion that the amended gaming ordinance is consistent with IGRA and NIGC regulations.

Thank you for providing the amended gaming ordinance for our review. If you have any questions concerning this letter, please contact Senior Attorney Austin Badger at (202) 632-7003.

Sincerely,

Rea Cisneros
General Counsel (Acting)

[1] 25 U.S.C. § 2710(e).
[2] 25 C.F.R. § 522.10.

Margaret Cortez
Chairwoman

Carmen Armitage
Vice Chair

George Gholson
Secretary/Treasurer

Bill Eddy
Council Member

Jimmy-John Thompson
Council Member

TRIBAL COUNCIL
RESOLUTION 2026-08

Approving the Amended Timbisha Shoshone Tribal Gaming Ordinance Following NIGC-Requested Revisions

WHEREAS, The Timbisha Shoshone Tribe is a federally recognized Indian Tribe (the "Tribe"), whose recognition was acknowledged through the 25 C.F.R. Part 83 process effective January 3, 1983;

WHEREAS, The Tribe is organized under a constitution which was ratified by a vote of the Tribe in an election held on March 29, 2014, and approved by the Secretary of the Interior on May 12, 2014 (the "Constitution");

WHEREAS, The Constitution provides at Article V, Section 2(i) that the Tribal Council is empowered to license and regulate the conduct of all business activities within Tribal jurisdiction;

WHEREAS, The Constitution further provides at Article V, Section 2(n) that the Tribal Council is empowered to enact laws, statutes, and codes governing conduct of individuals and proscribing offenses against the Tribe; to maintain order; to protect the safety and welfare of all persons within Tribal jurisdiction; and to provide for the enforcement of the laws and codes of the Tribe;

WHEREAS, On November 17, 2003, the Tribe enacted Ordinance No. 01-2003 (titled "Timbisha Shoshone Gaming Ordinance") in order to license and regulate Class II and Class III gaming as defined by the Indian Gaming Regulatory Act, Pub. L. 100–497, 25 U.S.C. § 2701 *et seq.* ("IGRA") on Tribal lands;

WHEREAS, The Tribe thereafter transmitted Ordinance No. 01-2003 to the National Indian Gaming Commission (the "NIGC") as required under 25 C.F.R. § 522.2, which approved the Ordinance on January 8, 2004;

WHEREAS, In order to permit Class III gaming on Tribal lands pursuant to 25 U.S.C. § 2710(d)(3), the Tribe concluded a Tribal-State Compact (the "Compact") with the State of California on August 7, 2024, which was approved by operation of law on or about November 15, 2024 by means of 25 U.S.C. § 2170(d)(8)(C);

WHEREAS, The Tribe is working to develop a 20.03-acre parcel of recently acquired Tribal trust land in Kern County to host Class II and Class III gaming;

WHEREAS, Ordinance No. 01-2003 is now over twenty years old and its provisions on licensing, gaming operation standards, financial reporting, and enforcement require modernization;

WHEREAS, Changes to NIGC regulations since 2003, as well as the Tribe's new obligations under the Compact, have also necessitated updates to Ordinance No. 01-2003;

WHEREAS, The Tribe, in consultation with outside counsel, prepared an Amended Timbisha Shoshone Tribal Gaming Ordinance ("the Amended TGO") to replace Ordinance No. 01-2003;

WHEREAS, On May 14, 2026, the Tribal Council approved the Amended TGO by means of Resolution 2026-02;

WHEREAS, On May 18, 2026, the Tribe transmitted the Amended TGO to the NIGC for the Chair's review;

WHEREAS, On July 14, 2026, the NIGC informed the Tribe that it had reviewed the Amended TGO and recommended that the Tribe make changes concerning Sections 105 [Computation of Time], 201 [Definitions], 405(C) [Gaming Licenses – Background Investigations], and 604(B) [Immediate Suspension];

WHEREAS, The Tribe has made the NIGC's requested changes to the Amended TGO, which is attached hereto as Exhibit A ("the Updated Amended TGO");

WHEREAS, The Tribe now wishes to withdraw its May 18, 2026 NIGC submission so that it may transmit the Updated Amended TGO to the NIGC for final review and approval;

WHEREAS, When a tribe amends its tribal gaming ordinance, 25 C.F.R. § 522.3 requires that a copy of the amendment certified as authentic by an authorized tribal official and a conforming copy of the entire ordinance be sent to the Chair of the NIGC within 15 days for final review and approval;

WHEREAS, The Tribal Council finds that it is in the best interests of the Tribe to approve the Updated Amended TGO so that the NIGC is satisfied that the Tribe has complied with the NIGC's regulations;

NOW, THEREFORE, BE IT RESOLVED, The Tribal Council hereby approves the updated Amended Timbisha Shoshone Tribal Gaming Ordinance attached hereto as Exhibit A, and further approves its replacement of Ordinance No. 01-2003;

BE IT FURTHER RESOLVED, The Tribal Council hereby certifies Exhibit A as an authentic copy of the updated Amended Timbisha Shoshone Tribal Gaming Ordinance;
BE IT FURTHER RESOLVED, The Tribal Council hereby approves the withdrawal of the Tribe's May 18, 2026 submission of the prior Amended Timbisha Shoshone Tribal Gaming Ordinance to the NIGC;

BE IT FURTHER RESOLVED, The Tribal Council hereby authorizes the transmission of the updated Amended Timbisha Shoshone Tribal Gaming Ordinance to the Chair of the NIGC for final review and approval under 25 C.F.R. § 522.3.

CERTIFICATION

We the undersigned duly elected officials of the Timbisha Shoshone Tribe do hereby certify under penalty of perjury that on the 13 day of August, 2026, the foregoing resolution was adopted at a duly called meeting of the Tribal Council, by a vote of:

4 FOR, 0 AGAINST, and 0 ABSTAINING.

Margaret Cortez, Chairperson

George Gholson, Secretary/Treasurer



AMENDED TRIBAL GAMING ORDINANCE

TIMBISHA SHOSHONE TRIBE

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Timbisha Shoshone Tribal Gaming Ordinance

CHAPTER 1: GENERAL PROVISIONS

Section 101. Purpose

The Tribal Council of the Timbisha Shoshone Tribe ("Tribe"), empowered by Article V, Section 2(n) of the Tribe's Constitution to enact laws, hereby enacts this Ordinance in order to govern and regulate the operation of Class II and Class III Gaming Operations on the Tribe's Indian lands. As of the Effective Date, this Ordinance supersedes, repeals, and replaces Ordinance No. 01-2003 and all other prior gaming ordinances, codes, resolutions, and legislative documents regulating Tribal gaming on the Indian lands of the Tribe.

Section 102. Applicability

Unless specifically indicated otherwise, all provisions of this Ordinance shall apply to Class II and Class III Gaming on the Tribe's Indian lands.

Section 103. Gaming Activity Authorized

A. **In General.** Class II and Class III Gaming are authorized to be conducted on the Tribe's Indian lands, if such gaming is conducted in accordance with this Ordinance, the Indian Gaming Regulatory Act, the NIGC's regulations, and any other applicable laws or regulations.

B. **Class III Gaming.** Any Class III Gaming authorized under this Ordinance is limited to those gaming activities authorized under the Tribal-State Compact or its Appendix C on Off-Track Satellite Wagering. The Tribe is entitled to operate up to a total of one thousand, two hundred (1,200) Class III Gaming Devices pursuant to the conditions of the Tribal-State Compact. The Tribe may establish and operate not more than three (3) Class III Gaming Facilities and engage in Class III Gaming only on eligible Indian lands held in trust for the Tribe that are located within the boundaries of the Tribe's reservation and certain trust lands as those boundaries exist and on which Class III Gaming may lawfully be conducted under IGRA. The Tribe retains the right to acquire additional eligible Indian lands under IGRA and to request negotiation of an amendment to the Tribal-State Compact to authorize Class III Gaming on the subsequently acquired eligible Indian lands. The Tribe may combine and operate in each Class III Gaming Facility any forms and kinds of gaming permitted under law, except to the extent limited under IGRA, the Tribal-State Compact, or the Ordinance.

C. **Age, Location, and Data Security Requirements for Mobile and Internet Gaming.** Before allowing the play of a Class II or Class III game using mobile devices and/or the internet, the Commission shall adopt standards or regulations

to implement the following age, location and data security requirements, which are intended to comply with the safe harbor provisions of the Unlawful Internet Gaming Enforcement Act, 31 U.S.C. § 5361 *et seq.*:

1. Only patrons who have provided their legal name, date of birth, address and contact information shall be allowed to establish an account for Class II or Class III Gaming using mobile devices and/or the internet.

2. Such information must be encrypted by the Gaming Operation and the patron must establish an account password or other authentication method approved by the Commission.

3. The patron shall be required to authenticate his or her identity prior to accessing his/her account and/or placing a wager.

4. The location of the patron on Indian lands must be verified by the Gaming Operation prior to the first wager in the patron session using a geolocation method that provides the latitude and longitude coordinates of the patron.

5. The location of the patron must be verified on an ongoing basis and the patron session must be disabled any time the Gaming Operation is unable to verify the patron is present on Indian lands.

6. The patron shall be allowed to create an account or withdraw funds from that account, other than for game play, only at a place, facility, or location operating under a current license issued by the Commission.

D. **Technical Standards for Mobile and Internet Gaming.** Class II games played using mobile devices and/or the internet must comply with the requirements of 25 C.F.R. Part 547, including any alternative standards adopted by the Commission and approved by the Chair of the National Indian Gaming Commission. Class III games shall comply with the standards set forth in the Tribal-State Compact.

E. **Exemption from Tribal Internal Controls for Small and Charitable Class II Gaming Operations.**

1. Small Gaming Operations shall be exempt from the Commission's minimum internal controls for Class II gaming, other than those sourced from the minimum technical standards for Class II gaming systems and equipment under 25 C.F.R. Part 547, provided that:

   a. The annual gross gaming revenue of the Small Gaming Operation does not exceed $3,000,000;

   b. The Commission develops alternate procedures for Small Gaming Operations that:

i. Protect the integrity of the games offered,

ii. Safeguard the assets used in connection with the operations, and

iii. Ensure that Small Gaming Operations create, prepare, and maintain records in accordance with Generally Accepted Accounting Principles; and

c. The Small Gaming Operation complies with these alternate procedures.

2. Charitable Gaming Operations shall be exempt from the Commission's minimum internal controls for Class II gaming, other than those sourced from the minimum technical standards for Class II gaming systems and equipment 25 C.F.R. Part 547, provided that:

a. All proceeds are for the benefit of a charitable organization;

b. The Charitable Gaming Operation is operated wholly by the charitable organization's agents;

c. The annual gross gaming revenue of the Charitable Gaming Operation does not exceed $3,000,000;

d. The Commission develops alternate procedures for Charitable Gaming Operations that:

i. Protect the integrity of the games offered,

ii. Safeguard the assets used in connection with the operations, and

iii. Ensure that Charitable Gaming Operations create, prepare, and maintain records in accordance with Generally Accepted Accounting Principles; and

e. The Charitable Gaming Operation complies with these alternate procedures.

3. Nothing in this section shall exempt Gaming Operations conducted by independent operators for the benefit of a charitable organization.

F. **Exemption from Tribal Minimum Technical Standards for Charitable Class II Gaming Operations.**

1. Charitable Gaming Operations shall be exempt from the Commission's minimum internal controls sourced from the minimum technical standards for

Class II gaming systems and equipment under 25 C.F.R. Part 547, provided that:

a. The Commission determines that the organization sponsoring the Gaming Operation is a charitable organization;

b. All proceeds of the Charitable Gaming Operation are for the benefit of the charitable organization;

c. The Charitable Gaming Operation is operated wholly by the charitable organization's employees or volunteers; and

d. The annual gross gaming revenue of the Charitable Gaming Operation does not exceed $3,000,000.

Section 104. Ownership of Gaming

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any Gaming Operation authorized by this Ordinance, except as expressly provided in this Ordinance.

Section 105. Interpretation

A. **Construction.** This Ordinance is an exercise of the sovereign power of the Tribe and shall be liberally construed for the accomplishment of its purpose and to comply with the Indian Gaming Regulatory Act and the Tribal-State Compact. Nothing in this Ordinance shall be construed as providing the State of California with any authority over the Tribe's gaming activities that is not otherwise provided for in the Tribal-State Compact, including any authority over Class II Gaming.

B. **Notice.** Any notice required pursuant to this Ordinance shall be in writing and served or delivered by hand delivery, electronic mail, or by U.S. mail.

C. **Computation of Time.**

1. In computing any period of time prescribed by National Indian Gaming Commission regulations at 25 C.F.R. §§ 500 *et seq*. for the Tribe's (i) reporting, filing, or notification to the National Indian Gaming Commission; or (ii) action on a given matter, calendar days shall be used unless otherwise specified in said regulations.

2. In computing any period of time prescribed by the Tribal-State Compact for the Tribe's (i) reporting, filing, or notification to the State Gaming Agency; or (ii) action on a given matter, calendar days shall be used unless otherwise specified in the Tribal-State Compact.

3. In computing any other period of time prescribed or allowed by this Ordinance, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday under the Tribe's laws, or when the act to be done is the filing of or providing access to any report or document, and the last day of the period falls on a day in which the weather or other conditions have made the offices in which the report or document is to he filed inaccessible, in which event the designated period shall extend until the end of the next day on which the office is accessible that is not a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than eleven (11) days, intermediate Saturdays, Sundays, and legal holidays under the Tribe's laws shall be excluded from the computation period.

CHAPTER 2: DEFINITIONS

Section 201. Definitions

The following terms shall have the same meaning and effect as those same terms as defined in the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. §§ 2701 *et seq.*, and the National Indian Gaming Commission ("NIGC") regulations, 25 C.F.R. §§ 500 *et seq*., if they are defined in IGRA and the NIGC's regulations.

A. **Applicant.** A person or entity that applies for any of the licenses regulated by the Commission.

B. **Association of California Tribal and State Gaming Regulators.** An association of regulators whose membership comprises of up to two (2) representatives from each tribal gaming agency of those tribes with whom the State has a Class III Gaming compact or Secretarial procedures prescribed by the Secretary of the Department of the Interior pursuant to 25 U.S.C. § 2710(d)(7)(B)(vii) under IGRA, and up to two (2) delegates each from the California Department of Justice, Bureau of Gambling Control, and the California Gambling Control Commission.

C. **Charitable Gaming Operation.** A Gaming Operation whose proceeds are solely for the benefit of a charitable organization.

D. **Class I Gaming.**

1. Social games played solely for prizes of minimal value; or

2. Traditional forms of Indian gaming when played by individuals in connection with Tribal ceremonies or celebrations.

E. **Class II Gaming.**

1. Bingo or lotto (whether or not electronic, computer or other technologic aids are used) when players:

    a. Play for prizes with cards bearing numbers or other designations;
    b. Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
    c. Win the game by being the first person to cover a designated pattern on such cards;

2. Pull-tabs, punch boards, tip jars, instant bingo and other games similar to bingo, if played in the same location as bingo or lotto;

3. Non-banking card games that:

    a. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
    b. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes;

F. **Class III Gaming.** All forms of gaming that are not Class I or Class II gaming, including, but not limited to:

1. Any house banking game, including but not limited to –

    a. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house-banking games); and
    b. Casino games such as roulette, craps, and keno;

2. Any slot machines, as defined in 15 U.S.C. § 1711(a)(1), and electronic or electromechanical facsimiles of any game of chance;

3. Any sports betting and pari-mutuel wagering, including but not limited to, wagering on horse racing, dog racing or jai alai; or

4. Lotteries.

G. **Class III Gaming Device.** Any slot machine within the meaning of Article IV, Section 19, Subdivision (f) of the California Constitution. For purposes of calculating the number of Class III Gaming Devices, each player station or terminal on which a game is played constitutes a separate Class III Gaming Device, irrespective of whether it is part of an interconnected system to such terminals or stations. “Gaming Device” includes, but is not limited to, video

poker, but does not include electronic, computer, or other technological aids that qualify as Class II Gaming (as defined under IGRA).

H. **Class III Gaming Employee.** Any natural person who is an employee of a Class III Gaming Operation and (i) conducts, operates, maintains, repairs, accounts for, or assists in any Class III Gaming Activities, or is in any way responsible for supervising such Gaming Activities or persons who conduct, operate, maintain, repair, account for, assist, or supervise any such Gaming Activities, (ii) is in a category under federal or Tribal gaming law requiring licensing, or (iii) is a person whose employment duties require or authorize access to areas of the Class III Gaming Facility in which any activities related to Class III Gaming Activities are conducted that are not open to the public. The definition of Class III Gaming Employee does not include members or employees of the Commission.

I. **Class III Financial Source.** Any person or entity who, directly or indirectly, extends financing in connection with the Tribe's Class III Gaming Facility.

J. **Class III Gaming Resources.** Any goods or services provided or used in connection with Class III Gaming, whether exclusively or otherwise, including, but not limited to, equipment, furniture, Class III Gaming Devices and ancillary equipment, implements of Class III Gaming such as playing cards, furniture designed primarily for Class III Gaming, maintenance or security equipment and services, and Class III Gaming management or consulting services. "Gaming Resources" does not include professional accounting and legal services.

K. **Class III Gaming Resource Supplier.** Any person or entity who, directly or indirectly, does, or is deemed likely to, manufacture, distribute, supply, vend, lease, purvey, or otherwise provide, to a Class III Gaming Operation or Class III Gaming Facility at least twenty-five thousand dollars ($25,000) in Gaming Resources in any twelve (12)-month period, or who, directly or indirectly, receives, or is deemed likely to receive, in connection with the Gaming Operation or Gaming Facility, at least twenty-five thousand dollars ($25,000) in any consecutive twelve (12)-month period, provided that the Commission may exclude a purveyor of equipment or furniture that is not specifically designed for, and is distributed generally for use other than in connection with, Gaming Activities, if but for the purveyance, the purveyor is not otherwise a Gaming Resource Supplier as defined herein, the compensation received by the purveyor is not grossly disproportionate to the value of the goods or services provided, and the purveyor is not otherwise a person who exercises a significant influence over the Gaming Operation.

L. **Class III Management Contractor.** Any Class III Gaming Resource Supplier with whom the Tribe has contracted for the management of any Class III

Gaming Activity or Gaming Facility, including, but not limited to, any person who would be regarded as a management contractor under IGRA.

M. **Commission.** The Timbisha Shoshone Gaming Commission, being the Tribal gaming agency established to perform regulatory oversight and to monitor compliance with Tribal, federal, and applicable state gaming regulations.

N. **Commissioner.** A member of the Timbisha Shoshone Gaming Commission.

O. **Compact Key Employee List.** A list negotiated by the Tribe and the State Gaming Agency of Class III Gaming Employees who must have both a Tribal Gaming License and a finding of suitability from the State Gaming Agency.

P. **Directly related to**. A spouse, child, parent, grandparent, grandchild, aunt, uncle, or first cousin.

Q. **Facility License**. A separate license issued by the Tribe to each place, facility, or location on Indian lands where the Tribe elects to allow Class II or III Gaming;

R. **Gaming Facility.** The buildings or structures in which Class II and/or Class III Gaming is conducted on the Indian lands of the Tribe.

S. **Gaming Facility Operator.** The Tribe, a Tribal entity, or an individual employed by the Tribe or Tribal entity to supervise a Gaming Facility, or a manager contracted by the Tribe or Tribal entity in an NIGC-approved Management Contract to operate a Gaming Facility.

T. **Gaming License.** A license issued to an Applicant who has completed a background investigation and been determined to be eligible for a Gaming License by the Commission.

U. **Gaming Operation**. Each economic entity that is licensed by the Tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses. A Gaming Operation may be operated by the Tribe directly; by a management contractor; or, under certain conditions, by another person or entity.

V. **Indian Lands**. Land where Tribal gaming is permitted under the Indian Gaming Regulatory Act. This land must be:

1. Land within the limits of the Tribe's reservation; or
2. Land over which the Tribe exercises governmental power that is held in trust by the United States for the benefit of the Tribe or a member of the Tribe.

W. **Key Employee.**

1. Any person who performs one or more of the following functions for the Gaming Operation:

    a. Bingo caller;

    b. Counting room supervisor;

    c. Chief of security;

    d. Floor manager;

    e. Pit boss;

    f. Dealer;

    g. Croupier;

    h. Approver of credit;

    i. Custodian of gaming systems as defined in 25 C.F.R. § 547.2 and similar Class III systems, gaming cash or gaming cash equivalents, gaming supplies, or gaming system records; or

    j. Custodian of surveillance systems or surveillance system records.

2. Any Gaming Operation employee authorized by the Gaming Operation for unescorted access to secured gaming areas designated as secured gaming areas by the Commission;

3. If not otherwise licensed as a Key Employee or Primary Management Official, the four persons most highly compensated by the Gaming Operation;

4. Any other employee of the gaming enterprise as documented by the Tribe as a Key Employee.

X. **Licensee**. A Gaming Operation owned by the Tribe, or a person or entity licensed by the Commission as a Gaming Facility, Primary Management Official, Key Employee, Class III Gaming Employee, Class III Gaming Resource Supplier, or Class III Financial Source under the provisions of this Ordinance.

Y. **Management Contract**. Any contract, subcontract or collateral agreement between the Tribe and a contractor or between a contractor and a

subcontractor if such contract or agreement provides for the management of all or part of a Gaming Operation.

Z. **Net Revenues**. Gross gaming revenues of the Tribe's Gaming Operation less:

1. Amounts paid out as, or paid for, prizes; and

2. 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.

AA. **Primary Management Official**.

1. Any person having management responsibility for a management contract.

2. Any person who has authority:

   a. To hire and fire employees of the Gaming Operation; or

   b. To establish policy for the Gaming Operation.

3. The chief financial officer or a position with duties similar to a chief financial officer.

4. The general manager or a position with duties similar to a general manager.

5. Any other employed management official of the gaming enterprise as documented by the Tribe as a Primary Management Official.

BB. **State.** The State of California.

CC. **State Gaming Agency.** The entities authorized to investigate, approve, regulate and license gaming pursuant to the Gambling Control Act (Chapter 5 (commencing with Section 19800) of division 8 of the California Business and Professions Code), or any successor statutory scheme, and any entity or entities in which that authority may hereafter be vested.

DD. **Satellite Wagering Machine.** A device used solely to conduct off-track wagering on horse races authorized by this Ordinance and the Tribal-State Compact. Such a machine shall not be treated as a Class III Gaming Device, including for the purpose of calculating the number of Class III Gaming Devices operated by the Tribe.

EE. **Small Gaming Operation.** A Gaming Operation whose annual gross gaming revenue does not exceed $3,000,000.

FF. **Tribal-State Compact.** The Tribal-State Gaming Compact between the State of California and the Death Valley Timbisha Shoshone Band of California, executed on August 7, 2024, regarding Class III gaming under 25 U.S.C. § 2710(d), including any appendices thereto.

GG. **Tribe.** The Timbisha Shoshone Tribe.

HH. **Vendor.** Any person or entity which sells, leases, distributes or provides: (1) devices, machines, or equipment used directly in connection with gaming activity including that which has the capacity to affect the calculation, storage, collection, electronic security, or control of gaming revenues; (2) services which are unique to the operation of gaming activity, including, but not limited to, simulcasting and bookmaking; and (3) security or surveillance services or equipment for a Gaming Facility. Gaming Vendors include persons who provide general construction contracting, payroll and locks and locksmith services for the Gaming Facility, as well as persons who provide player tracking, player acquisition, promotional, and marketing services related to gaming activity.

II. **Vendor License.** A license issued to an Applicant who has completed a background investigation and been determined to be eligible for a Vendor License by the Commission.

CHAPTER 3: THE TIMBISHA SHOSHONE GAMING COMMISSION

Section 301. Establishment

A. The Tribe hereby establishes the Timbisha Shoshone Gaming Commission ("Commission") to regulate the Tribe's Gaming Operations.

B. The Commission will conduct oversight to ensure compliance with Tribal, federal, and state laws and regulations, including the Tribal-State Compact. It will serve as the licensing authority for individuals employed in the Gaming Operation and will administer background investigations as part of the licensing process. The Commission will also have a role in monitoring compliance with the Gaming Operation's internal controls and in tracking gaming revenues. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the Gaming Operation and to all of its records. The Commission shall have authority to take enforcement actions, including suspension or revocation of an individual Gaming License, when appropriate.

Section 302. Structure

A. **Composition.** The Commission shall consist of three (3) Commissioners, including the following Officers: Chair, Vice-Chair, and a Secretary.

B. **Selection of Commissioners.** Commissioner positions shall be filled through appointment by the Tribal Council.

D. **Selection of Officers.** The Commission positions shall be appointed annually by the Tribal Council on or about February 1.

E. **Terms of Office.** Terms for Commissioners shall be as follows: the Tribal Council shall appoint two Commissioners for initial terms of two (2) years, and one Commissioner for an initial term of one (1) year, with subsequent Commissioners serving 3-year terms.

F. **Qualifications.**

1. Nominees for Commissioner positions must satisfy the eligibility standards set forth for Primary Management Officials and Key Employees found in Section 406 of this Ordinance. All requisite background investigations shall be performed under the direction of the Tribal Council. The Tribal Council shall review the candidate's criminal history check results and shall make an appropriate eligibility determination before appointing an individual to the position of Commissioner.

2. The following persons are not eligible to serve as Commissioners: Tribal Council members, while serving as such; current employees of a Gaming Operation; gaming contractors (including any principal of a management, or other contracting company); persons directly related to, or sharing a residence with, any of the above; and persons ineligible to be Key Employees or Primary Management Officials. Non-Tribal members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other money-related or honesty-related misdemeanor offense, such as fraud, cannot serve as Commissioner. Tribal members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other offense related to money or honesty, such as fraud, will only be allowed to serve as a Commissioner if the Tribal Council specifically finds that a significant amount of time has passed and the person is now of trustworthy character.

G. **Conflicts of Interest.** The Tribe recognizes the importance of an independent Commission in maintaining a well-regulated Gaming Operation. The Commission shall be independent of, and act independently and autonomously from, the Tribal Council in all matters within its purview. No prior, or subsequent, review by the Tribal Council of any actions of the Commission shall be required or permitted except as otherwise explicitly provided in this

Ordinance. To avoid potential conflicts of interest between the operation and regulation of the Gaming Facility, the Tribe requires that, at a minimum:

1. Members of the Commission are prohibited from having any financial interest in, or management responsibility for, a Vendor or gaming activity;

2. Members of the Commission are prohibited from gambling in a Gaming Facility; and

3. Commissioners are prohibited from accepting complimentary items from the Gaming Operation, excepting food and beverages valued under thirty dollars ($30.00).

H. **Removal of Commissioners.** Commissioners may only be removed from office by the Tribal Council, prior to the expiration of their respective terms, in accordance with the following procedures:

1. Any Member or Members of the Tribal Council or a majority of the Commissioners may submit a written request to remove a Commissioner to the Secretary of the Tribal Council, specifying the factual basis of the request;

2. The cause for removal shall be limited to the following grounds: (1) conviction in any court of a felony; (2) a failure to meet or maintain the qualifications for Commissioners set forth in Section 302(F) of this Ordinance; (3) neglect of duty; (4) malfeasance in office; (5) violation of the conflicts of interest rules under Section 302(G); or (6) conduct which amounts to gross and intentional disregard of the laws and procedures applicable to the affairs of the Commission;

3. Within thirty (30) days following receipt of the written request for removal, the Tribal Council shall convene for the purpose of voting on the removal of the Commissioner. Before any vote is taken, the Commissioner shall be given written notice and a full opportunity, either in person or through a representative of his or her choice, to answer or otherwise respond to any and all of the allegations against him or her; and

4. If the Tribal Council determines by majority vote that removal for cause has been established by a preponderance of the evidence, the Tribal Council shall remove the Commissioner.

I. **Resignations and Vacancies.** Any Commissioner may resign at any time by giving written notice of such to the Secretary of the Commission and to the Secretary of the Tribal Council. The resignation shall become effective at the time specified in such notice, and the acceptance of such resignation shall not be necessary to make it effective. Any vacancy on the Commission, however

caused, shall be filled for the unexpired portion of the vacated Commissioner's term by a qualified person appointed by the Tribal Council.

J. **Compensation.** Commissioners shall be reasonably compensated as determined by the Tribal Council and in accordance with the annual budget of the Commission. In order to ensure the Commission is not improperly influenced, a Commissioner's compensation shall not be based on a percentage of gaming revenue.

K. **Motions and Resolutions; Meetings; Quorum.** Unless otherwise provided in this Ordinance, all official actions of the Commission shall be taken by motion approved by the vote of a majority of the quorum present in the meeting. The Commission shall meet at the call of the Chair of the Commission or a majority of the Commissioners, but in no event shall the Commission meet less than once per calendar month. A majority of the Commissioners shall constitute a quorum. In the case of an emergency, the commissioners may participate in meetings via electronic communications, whereby each commissioner can hear and speak to the other commissioners in real time. Proxy voting shall be prohibited. The Commission may act in its official capacity, even if there are vacancies on the Commission. The Commission shall keep a written record of all its meetings.

Section 303. Powers and Duties

A. The Commission shall:

1. Implement and enforce all applicable rules, procedures, policies, and regulations required by the Ordinance, IGRA, the NIGC, and the Tribal-State Compact;

2. Adopt an annual operating budget and submit it to the Tribal Council for approval;

3. Oversee all Commission employees and take appropriate action to manage personnel;

4. Cooperate with local, state, and federal agencies as required by the Tribal-State Compact and the NIGC;

5. Cooperate with internal and external auditors to ensure full compliance with the requirements of the Ordinance, IGRA, the NIGC, and the Tribal-State Compact;

6. Conduct background investigations, or cause such investigations to be conducted, for Primary Management Officials and Key Employees;

7. Review and approve all investigative work conducted in connection with the background investigations of Primary Management Officials and Key Employees;

8. Create and maintain investigative reports based on the background investigations of Primary Management Officials and Key Employees;

9. Designate a law enforcement agency to obtain and process fingerprints and conduct a criminal history check that shall include a check of criminal history records information maintained by the Federal Bureau of Investigation;

10. Make licensing eligibility determinations, which shall be signed by the Chair of the Commission;

11. Submit a notice of results to the NIGC of the background investigations done for each Primary Management Official and Key Employee Applicant;

12. Issue Gaming Licenses to Primary Management Officials and Key Employees of the operation, if warranted by the eligibility determination;

13. Establish standards for licensing Tribal Gaming Facilities;

14. Issue Gaming Licenses to Tribal Gaming Facilities;

15. Inspect, examine, and monitor all of the Tribe's gaming activities, and have immediate access to review, inspect, examine, photocopy, and audit all records of the Gaming Facilities and operations;

16. Investigate any suspicion of wrongdoing associated with any gaming activities;

17. Bring civil actions and/or refer violators to law enforcement for criminal prosecution to enforce provisions of this Ordinance, IGRA, NIGC regulations, and the Tribal-State Compact;

18. Issue fines, exclusion orders, and/or orders of temporary closure to enforce provisions of this Ordinance, IGRA, NIGC regulations, and the Tribal-State Compact;

19. Alert appropriate Primary Management Officials of any suspicious, improper, and/or dishonest activities by Gaming Facility employees, Vendors, and/or patrons;

20. Review and approve all plans and signs for the evacuation of employees, patrons, and the public from each Gaming Facility;

21. Review, revise, and approve all plans and surveillance systems for the gaming floor, gaming devices, electronic, computer or other technologic aids, table games, cage, and Gaming Facilities;

22. Hold hearings on patron complaints, in accordance with procedures established in this Ordinance and the Tribal gaming regulations;

23. Comply with any and all reporting requirements under IGRA, the NIGC's regulations, the Tribal-State Compact, and any other applicable law;

24. Promulgate and issue regulations necessary to comply with applicable internal control standards;

25. Promulgate and issue regulations on the levying of fees and/or taxes associated with Gaming License applications and collect such fees and/or taxes;

26. Establish a list of persons not allowed to game in the Tribe's Gaming Facilities in order to maintain the integrity of the Gaming Operation;

27. Establish a list of persons who have voluntarily agreed to be excluded from Tribal Gaming Facilities, and create regulations for enforcing the exclusions;

28. Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of Tribal, federal, or state statutes, ordinances, regulations, codes, or resolutions;

29. Create a list of regulatory authorities that conduct background investigations of, and licenses, Vendors who are recognized as trustworthy;

30. Draft regulations exempting Vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;

31. Perform such other duties the Commission deems appropriate for the proper regulation of the Tribal Gaming Operation; and

32. Promulgate such regulations and guidelines as deemed appropriate to implement the provisions of this Ordinance, so long as they are in furtherance of, and not in conflict with, any provisions of this Ordinance.

B. **Operating Budget.** The Commission's fiscal year shall be the calendar year. The Commission shall adopt an annual operating budget no later than October 15 of each year for the following year, which shall be submitted to and subject to the approval of the Tribal Council. The Commission may, in accordance with the budget, employ a staff as it deems necessary to fulfill its responsibilities under the

Ordinance, and may retain legal counsel, consultants, and other professional services, including investigative services, to assist the Commission with its responsibilities under this Ordinance. The expenses identified in the annual operating budget shall be earned from licensing fees and appropriated by the Council from the net revenues of the Tribal Gaming Facilities.

C. **Commission Regulation Procedures.** Before adopting, amending and repealing regulations, the Commission shall give notice of any such proposed action to the Tribal Council, the Gaming Operation(s), and all other persons whom the Commission has reason to believe have a legitimate interest in the proposed action. The notice shall invite comments and describe the general nature of the proposed action and the manner in which comments on the proposed action shall be received by the Commission.

D. **Suitability Review of Commission Employees Involved in Class III Gaming.** The Tribe shall conduct a background investigation on each prospective employee of the Commission that is involved with Class III Gaming to ensure that he or she satisfies the requirements of Section 506 of this Ordinance.

E. **Confidentiality of Records.**

1. The Commission shall ensure that all records and information obtained as a result of an employee background investigation, including but not limited to, the identity of each person interviewed in the course of an investigation, shall remain confidential and shall not be disclosed to any persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel and/or others employed by the Tribal Gaming Operation on a need-to-know basis, for actions taken in their official capacities.

2. These confidentiality requirements do not apply to requests for such records or information from any Tribal, federal or state law enforcement or regulatory agency, or for the use of such records or information by the Commission and staff in the performance of their official duties.

CHAPTER 4: LICENSING – GENERAL

Section 401. Who Shall Be Licensed

A. **License Required.** No person or entity, other than the Tribe, may participate in any Class II and/or Class III Gaming if it lacks a license required by this Ordinance.

B. **Who Shall Be Licensed.** The following licenses shall be obtained by the persons or entities listed below prior to the participation of such persons or entities in any

Class II and/or Class III Gaming Activities on Indian lands, unless exempted under this Ordinance:

1. A Facility License shall be obtained by all Gaming Facility Operators;

2. A Gaming License shall be obtained by all Primary Management Officials or Key Employees of a Gaming Operation, and all Class III Gaming Employees of a Class III Gaming Operation; and

3. A Vendor License shall be obtained by all Vendors of gaming services or supplies with a value of $25,000 or more annually (excluding contracts for professional legal and accounting), all Class III Gaming Resource Suppliers, and all Class III Financial Sources.

C. **Explanatory Note on Scope.** Chapter 4 of this Ordinance outlines the licensing procedure required under IGRA and NIGC regulations for both Class II and Class III Gaming, unless otherwise stated. Chapter 5 of this Ordinance outlines additional licensing procedures for Class III Gaming required under the Tribal-State Compact.

Section 402. License Fees

The Commission may charge a license fee to cover its expenses in investigating and licensing Applicants.

Section 403. Facility Licenses

A. The Tribe shall issue a separate license to each place, facility, or location on Indian lands where Class II and/or Class III Gaming is conducted under this Ordinance. The Commission shall identify in the Facility License whether its holder is authorized to conduct Class II Gaming, Class III Gaming, or a combination thereof.

B. The Commission is responsible for issuing new or renewed Facility Licenses to each place, facility, or location.

C. The Commission shall require that a Facility License application be completed by the chief management official of the Gaming Operator of the Gaming Facility for each gaming place, facility, or location.

D. The Commission shall specify the form, conditions, and content of a Facility License application. The application shall include at a minimum (i) a legal description of the lands upon which the facility is located, (ii) an identification of whether the facility will host Class II Gaming, Class III Gaming, or a combination thereof, and (iii) a certification that the site constitutes "Indian lands," as defined in IGRA, the NIGC's regulations, the NIGC Office of General Counsel and DOI

Solicitor Offices' Indian lands legal opinions, judicial decisions, and any other applicable law.

E. The Commission shall only issue a Facility License if:

1. The application includes the required information and documentation;

2. The place, facility, or location complies with the environmental, health, and public safety standards required under Tribal law, including but not limited to the Tribal Building and Safety Ordinance; and

3. The Applicant sufficiently satisfies any additional conditions deemed necessary by the Commission.

F. The Commission shall submit to the NIGC Chair a notice that issuance of a Facility License is under consideration by the Commission. This notice must be submitted at least 120 days before the opening of any new place, facility, or location on Indian lands where Class II and/or Class III gaming will occur.

G. The Commission shall submit a copy of each newly issued or renewed Facility License to the NIGC Chair within 30 days of issuance, along with any other required documentation.

H. The Tribe shall notify the NIGC Chair within 30 days if a Facility License is terminated or expires, or if a gaming place, facility, or location closes or reopens.

Section 404. Gaming Licenses – Applications

A. **In General.** Each Applicant for a Gaming License shall file with the Commission a written application in the form prescribed by the Commission.

B. **Special Procedure for Class III Gaming Employee Applicants.** Class III Gaming Employee Applicants shall submit their applications according to the procedure described at Section 504(A) of this Ordinance.

C. **Privacy Act and False Statement Notifications**

1. The following notice shall be placed on the Tribe's license application form for a Key Employee or a Primary Management Official before it 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 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 by the Tribe or the NIGC 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 NIGC 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 a tribe being unable to license you for 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 additional notice shall be placed on the application form for a Key Employee or a Primary Management Official before it is filled out by an Applicant:

   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).

D. The Commission shall request from each Applicant all of the following information:

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

2. Currently, and for the previous five (5) years, business and employment positions held, ownership interests in those businesses, business and residential addresses, and driver's license numbers;

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

4. Current business and residential telephone numbers, and all cell phone numbers;

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

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

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

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

9. 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 of disposition, if any;

10. 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 (D)(8) or (D)(9) of this Section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;

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

12. A current photograph;

13. Any other information the Tribe deems relevant; and

14. Fingerprints obtained in accordance with procedures adopted by the Tribe;

Section 405. Gaming Licenses – Background Investigations

A. Upon receipt of a completed application and any required fee from a prospective Primary Management Official or Key Employee, the Commission shall perform a background investigation sufficient to determine whether the Applicant is qualified for licensing.

B. The Commission is responsible for conducting the background investigations of Primary Management Officials and Key Employees. The background investigation shall include a check of criminal history records information maintained by the Federal Bureau of Investigation.

C. The Tribe shall request fingerprints from each Primary Management Official and Key Employee according to 25 C.F.R. § 522.2(f). For purposes of this Section, the Commission is hereby identified as the law enforcement agency that is authorized

and directed to process and forward the fingerprints to the applicable state or federal agency for a criminal history check.

D. **Procedures for Conducting Background Investigations.** The Commission, or its agent, shall employ or engage an investigator to conduct a background investigation of each Applicant for a Primary Management Official or Key Employee position. The investigator shall:

1. Verify the Applicant's identity through items such as a social security card, driver's license, birth certificate or passport;

2. Contact each personal and business reference provided in the license application, when possible;

3. Conduct a personal credit check;

4. Conduct a civil history check;

5. Conduct a criminal history records check;

6. Based on the results of the criminal history records check, as well as information acquired from an Applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past 10 years;

7. Inquire into any previous or existing business relationships with the gaming industry, including with any tribes with Gaming Operations, by contacting the entities or tribes;

8. Verify the Applicant's history and current status with any licensing agency by contacting the agency; and

9. Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.

E. When a Primary Management Official or Key Employee is employed by the Tribe, a complete application file containing all of the information listed in Section 404(D) of this Ordinance shall be maintained.

F. The Commission, and its investigators, shall keep confidential the identity of each person interviewed in the course of conducting a background investigation.

G. A Tribe shall create and maintain an investigative report for each background investigation of a Primary Management Official or Key Employee. Investigative reports shall include all of the following information:

1. Steps taken in conducting the investigation;

2. Results obtained;

3. Conclusions reached; and

4. The basis for those conclusions.

Section 406. Gaming Licenses – Eligibility Determinations

A. Before a license is issued to a Primary Management Official or Key Employee, the Commission shall make a finding concerning the eligibility of that person for receiving a Gaming License by reviewing the Applicant's prior activities, criminal record, if any, and reputation, habits, and associations.

B. If the Commission, in applying the standards adopted in this Ordinance, determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods, and/or activities in the conduct of gaming, it shall not license that person in a Key Employee or Primary Management Official position.

C. Copies of the eligibility determination shall be included with the notice of results that must be submitted to the NIGC before the licensing of a Primary Management Official or Key Employee.

Section 407. Gaming Licenses – Report to the National Indian Gaming Commission

A. Before issuing a license to a Primary Management Official or Key Employee, the Commission shall prepare a notice of results of the Applicant's background investigation to submit to the NIGC. The notice of results must be submitted to the NIGC no later than 60 days after the Applicant begins working for the Tribe.

B. The notice of results shall include the following information:

1. The Applicant's name, date of birth, and social security number;

2. The date on which the Applicant began, or will begin, working as a Primary Management Official or Key Employee;

3. A summary of the information presented in the investigative report, including:

a. licenses that have previously been denied;

b. Gaming Licenses that have been revoked, even if subsequently reinstated;

c. every known criminal charge brought against the Applicant within the last 10 years of the date of the application; and

d. every felony offense of which the Applicant has been convicted or any ongoing prosecution; and

4. A copy of the eligibility determination made in accordance with Section 406 of this Ordinance.

Section 408. Gaming Licenses – Issuance

A. All Primary Management Officials and Key Employees of the Gaming Operation must have a Gaming License issued by the Tribe.

B. The Commission is responsible for granting and issuing Gaming Licenses. The Gaming License shall identify whether its holder is authorized to participate in Class II Gaming, Class III Gaming, or a combination thereof.

C. The Commission may license a Primary Management Official or Key Employee Applicant after submitting a notice of results of the Applicant's background investigation to the NIGC, as required by Section 407 of this Ordinance.

D. The Commission shall notify the NIGC of the issuance of a license to a Primary Management Official or Key Employee within 30 days of issuance.

E. A Primary Management Official or Key Employee who does not have a license after ninety (90) days shall not be permitted to perform the duties, functions, and/or responsibilities of a Primary Management Official or Key Employee until so licensed.

F. The Commission must reconsider a license application for a Primary Management Official or Key Employee if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within 30 days of the NIGC receiving a notice of results of the Applicant's background investigation.

G. The Commission shall take the NIGC's objections into account when reconsidering a license application.

H. The Tribe will make the final decision whether to issue a license to an Applicant for a Primary Management Official or Key Employee position.

I. If the Commission has issued a license to a Primary Management Official or Key Employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as required by Section 604 of this Ordinance.

Section 409. Gaming Licenses – Records Retention

A. The Commission shall retain, for no less than three (3) years from the date a Primary Management Official or Key Employee is terminated from employment with the Tribe, the following documentation:

1. The information listed under Section 404(D) of this Ordinance;

2. Investigative reports;

3. Eligibility determinations;

4. The Privacy Act notice under Section 404(C)(1) of this Ordinance; and

5. The False Statement notice under Section 404(C)(2) of this Ordinance.

Section 410. Vendor Licenses – General

A. Vendors of gaming services or supplies with a value of $25,000 or more annually must have a Vendor License from the Commission in order to transact business with a Tribal Gaming Operation. Contracts for professional legal and accounting services are excluded from this Section.

B. A Vendor License shall carry an endorsement identifying whether it is a Class II Gaming Vendor License, a Class III Gaming Resource Supplier License, a Class III Financial Source License, or a combination thereof.

Section 411. Vendor Licenses – Applications

A. In order to obtain a gaming Vendor License, the business must complete a Vendor application and submit to background checks of itself and its principals. Principals of a business include those officers, directors, managers, owners, partners, and non-institutional stockholders that either own 10% or more of the business' stock or are the 10 largest stockholders, as well as the on-site supervisors or managers designated in an agreement with the Tribe, if applicable.

B. Applications for gaming Vendor Licenses must include the following:

1. Name of business, business address, business telephone number(s), federal tax identification number (or social security number, if a sole proprietorship), main office address (if different from business address),
any other names used by the Applicant in business, and type of service(s) Applicant will provide;

2. Whether the Applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity;

3. If the Applicant is a corporation, the state of incorporation and the qualification to do business in the State of California, if the Gaming Operation is in a different state than the state of incorporation.

4. Trade name, other names ever used and names of any wholly owned subsidiaries or other businesses owned by the Vendor or its principals;

5. General description of the business and its activities;

6. Whether the Applicant will be investing in, or loaning money to, the Gaming Operation, and if so, how much;

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

8. A list of Indian tribes with which the Vendor has an existing or previous business relationship, including ownership, financial or management interests in any non-gaming activity;[1]

9. Names, addresses and telephone numbers of three (3) business references with whom the company has regularly done business for the last five (5) years;

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

11. If the business has ever had a license revoked for any reason, the circumstances involved;

12. A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition, if any;

13. A list of the business' funding sources and any liabilities of $50,000 or more;

14. A list of the principals of the business, their social security numbers, addresses, telephone numbers, titles, and percentage of ownership in the company;

[1] If a vendor has extensive interaction with Indian tribes, a tribe may want to limit this list to the ten (10) biggest contracts.

15. Whether the Vendor is seeking a Class II Gaming Vendor License, a Class III Gaming Resource Supplier License, and/or a Class III Financial Source License; and

16. Any further information the Tribe deems relevant.

B. The following notice shall be placed on the application form for a Vendor and its principals:

> *Inclusion of false or misleading information in the Vendor application may be grounds for denial or revocation of the Tribe's Vendor License.*

C. A Vendor may submit to the Commission a copy of a recent license application to another jurisdiction if it contains the information listed above. The Vendor will be required to submit, in writing, any changes in the information since the other license application was filed, and any information requested by the Tribe not contained in the other application.

Section 412. Vendor Licenses – Background Investigations

A. **Procedure.** The Commission shall employ or otherwise engage an investigator to complete an investigation of a gaming Vendor. This investigation shall include, at a minimum, the following steps:

1. Verification of the Vendor's business incorporation status and qualifications to do business in the state where the Gaming Operation is located;

2. Obtaining a business credit report, if available, and conducting a Better Business Bureau check on the Vendor;

3. Conducting a check of the Vendor's business' credit history;

4. Calling and questioning each of the references listed in the Vendor application; and

5. Conducting an investigation of the principals of the Vendor's business, including facilitating a criminal history check, obtaining criminal history check results, obtaining a credit report, and interviewing the personal references listed.

B. **Reports**. The investigator shall complete an investigative report covering each of the steps taken in the background investigation of the gaming Vendor and its principals, and present it to the Commission.

Section 413. Vendor Licenses – Exemption

The Commission may adopt regulations naming specific licensing authorities that it recognizes and may authorize exemptions to the Vendor licensing process for Vendors who have received a license from one of the named regulatory authorities.

CHAPTER 5: LICENSING – ADDITIONAL REQUIREMENTS FOR CLASS III GAMING

Section 501. Scope

This Chapter provides additional requirements from the Tribal-State Compact for the licensing of Class III Gaming on Indian lands.

Section 502. Application to Members of Business Entities

A. For any Class III license Applicants that are business entities, the Ordinance's Class III license requirements shall apply to the entity, as well as (i) each of its officers, limited liability company members, and directors; (ii) each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, and general manager; (iii) each of its owners or partners, if an unincorporated business; (iv) each of its shareholders who owns more than ten percent (10%) of the shares of the corporation, if a corporation, or who has a direct controlling interest in the Applicant; and (v) each person or entity (other than a Financial Source that the Commission has determined does not require a license under Section 511 of this Ordinance) that, alone or in combination with others, has provided financing in connection with any Class III Gaming Operation or Class III Gaming authorized under the Tribal-State Compact, if that person or entity provided more than ten percent (10%) of either the start-up capital or the operating capital, or of a combination thereof, over a twelve (12)-month period. For purposes of this Subdivision, where there is any commonality of the characteristics identified in this Section between any two (2) or more entities, those entities may be deemed to be a single entity. For purposes of this Section, a direct controlling interest in the Applicant referred to in this Section excludes any passive investor or anyone who has an indirect or only a financial interest and does not have the ability to control, manage, or direct the management decisions of the Applicant.

Section 503. Class III Facility Licenses

A. An Applicant for a Class III Facility License shall follow the application procedures listed under Section 403 of this Ordinance for a Facility license.

B. A facility authorized by the Tribal-State Compact to conduct Class III Gaming shall have its license reviewed and renewed every two (2) years following its initial date of issuance. Verification that this requirement has been met shall be provided

by the Tribe to the State by sending, either electronically or by hard copy, a copy of the initial license and each renewal license to the State Gaming Agency within twenty (20) days after issuance of the license or renewal. The Commission's certification that the facility is being operated in conformity with these requirements shall be posted in a conspicuous and public place in the facility at all times.

Section 504. Class III Gaming Licenses – General

A. **Application Procedure.** An Applicant for a Class III Gaming Employee position shall apply for and receive a Gaming License for Class III Gaming issued under Section 408(B) of this Ordinance. Such Applicants shall follow the application procedure listed under Section 404 of this Ordinance, but are not otherwise subject to Sections 405 through 409 of this Ordinance unless they are Primary Management Officials or Key Employees under Section 201(W) or (AA) of this Ordinance, respectively. All Class III Gaming Employee Applicants are subject to the applicable licensing provisions of Sections 504 through 509 of this Ordinance.

B. **Compact Key Employee Position List.** A Class III Gaming Employee whose position appears on the Compact Key Employee Position List must obtain and thereafter maintain both a Class III Gaming License and a finding of suitability from the State Gaming Agency. The Commission will negotiate with the State Gaming Agency to create the Compact Key Employee Position List.

C. **Exceptions to State Determinations of Suitability.** A Class III Gaming Employee who is required to obtain and maintain current a valid Class III Gaming License under Subdivision (B) is not required to obtain or maintain a State Gaming Agency determination of suitability if any of the following applies:

1. A Class III Gaming Employee shall not be placed on the Compact Key Employee Position List if the employee's position title is subject to the licensing requirement of Subdivision (B) solely because he or she is a person who conducts, operates, maintains, repairs, or assists in Class III Gaming Activities, provided that this exception shall not apply if he or she supervises Class III Gaming Activities or persons who conduct, operate, maintain, repair, assist, account for or supervise any such Gaming Activity, and is empowered to make discretionary decisions affecting the conduct or operation of the Class III Gaming Activities;

2. A Class III Gaming Employee shall not be placed on the Compact Key Employee Position List if the employee's position title is subject to the licensing requirement of Subdivision (B) solely because he or she is a person whose employment duties require or authorize access to areas of the Class III Gaming Facility that are not open to the public, provided that this exception shall not apply if he or she supervises Gaming Activities or persons who conduct, operate, maintain, repair, assist, account for, or supervise any such Class III

Gaming Activity, and is empowered to make discretionary decisions affecting the conduct or operation of the Class III Gaming Activities;

3. Members and employees of the Commission are not subject to a finding of suitability from the State Gaming Agency; or

4. The State Gaming Agency and the Commission agree to exempt a Class III Gaming Employee from the requirement to obtain or maintain current a State Gaming Agency determination of suitability.

D. For those position titles not included on the Compact Key Employee Position List, notwithstanding Subdivision (C), where the State Gaming Agency reasonably believes that licensure of an individual may pose a threat to gaming integrity or public safety, the State Gaming Agency may notify the Commission of its concerns and request a meeting with the Commission to review the Tribal license application, and all materials and information received by the Commission in connection therewith, for any person whom the Commission has licensed, or proposes to license, as a Class III Gaming Employee. Upon that request, the Commission shall meet with the State Gaming Agency and discuss such application and materials. If after the meeting the State Gaming Agency continues to believe that the person would be unsuitable for issuance of a license or permit for a similar level of employment in a gambling establishment subject to the jurisdiction of the State, it shall notify the Commission of its determination and the reasons supporting its determination. The Commission shall thereafter conduct a hearing in accordance with Section 604 of this Ordinance to reconsider issuance of the Class III Gaming License and shall notify the State Gaming Agency of its determination immediately upon issuing its decision following conclusion of the hearing, which decision shall be final unless the State Gaming Agency requests within thirty (30) days of such notification that the decision be made the subject of dispute resolution pursuant to Section 13.0 of the Tribal-State Compact. This Subdivision (D) is intended and anticipated to be exercised infrequently, if at all, on a case-by-case basis. Nothing in this Subdivision (D) shall require the Commission to disclose or discuss any materials or information which are otherwise prohibited or restricted from disclosure under applicable federal law or regulation.

E. Except as provided in Subdivision (F), the Tribe shall not employ, or continue to employ, any person whose application to the State Gaming Agency for a determination of suitability or for a renewal of such a determination has been denied or withdrawn, or whose determination of suitability has expired without renewal.

F. Notwithstanding Subdivisions (C) and (D), the Tribe may employ or retain in its employ a person whose application for a determination of suitability, or for a renewal of such a determination, has been denied by the State Gaming Agency, if:

1. The person holds a valid and current license issued by the Commission that must be renewed at least biennially;

2. The denial of the application by the State Gaming Agency is based solely on activities, conduct, or associations that antedate the filing of the person's initial application to the State Gaming Agency for a determination of suitability;

3. The person is not an employee or agent of any other Gaming Operation; and

4. The denial of the application by the State Gaming Agency is based solely on activities, conduct, or associations that antedate, by at least five (5) years, the filing of the enrolled member of the Tribe's initial application to the State Gaming Agency for a determination of suitability.

G. At any time after five (5) years following the effective date of the Tribal-State Compact, either the Commission or the State Gaming Agency may request to amend the position titles identified on the Compact Key Employee Position List.

H. This Section shall not apply to members of the Commission.

Section 505. Class III Gaming Licenses – Background Investigation Requirements

A. The Commission shall conduct or cause to be conducted all necessary background investigations reasonably required to determine that an Applicant for a Class III Gaming License meets the standards set forth in Section 506 of this Ordinance. The Commission shall not issue a Gaming License, other than a temporary license pursuant to Section 507 of this Ordinance, until a determination is made that those qualifications have been met.

B. In lieu of completing its own background investigation, and to the extent that doing so does not conflict with or violate IGRA or the Ordinance, the Commission may contract with the State Gaming Agency for the conduct of background investigations, may rely on a State determination of suitability previously issued under a Class III Gaming compact or Secretarial Procedures involving another tribe and the State, or may rely on a State Gaming Agency license previously issued to the Applicant, to fulfill some or all of the Commission's background investigation obligations.

C. If the Commission contracts with the State Gaming Agency for the conduct of background investigations, then an Applicant for a Class III Gaming License shall be required to provide releases to the State Gaming Agency to make available to the Commission background information regarding the Applicant. The State Gaming Agency shall cooperate in furnishing to the Commission that information, unless doing so would violate California state or federal law, would violate any

agreement the State Gaming Agency has with a source of the information other than the Applicant, or would impair or impede a criminal investigation, or unless the Commission cannot provide sufficient safeguards to assure the State Gaming Agency that the information will remain confidential.

D. In lieu of obtaining summary criminal history information from the NIGC, the Commission may, pursuant to the provisions in Subdivisions (D) through (J), obtain such information from the California Department of Justice. If the Tribe adopts an ordinance confirming that Article 6 (commencing with Section 11140) of Chapter 1 of Title 1 of Part 4 of the California Penal Code is applicable to members, investigators, and staff of the Commission, and those members, investigators, and staff thereafter comply with that ordinance, then, for purposes of carrying out its obligations under this Section, the Commission shall be eligible to be considered an entity entitled to request and receive state summary criminal history information, within the meaning of Subdivision (b)(13) of Section 11105 of the California Penal Code.

E. The information received shall be used by the Commission solely for the purpose for which it was requested and shall not be reproduced for secondary dissemination to any other employment or licensing agency. Additionally, any person intentionally disclosing information obtained from personal or confidential records maintained by a state agency or from records within a system of records maintained by a government agency may be subject to prosecution.

F. For purposes of Subdivision (D), the Commission shall submit to the California Department of Justice fingerprint images and related information required by the California Department of Justice of all Applicants for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests and also information as to the existence and content of a record of state or federal arrests for which the California Department of Justice establishes that the person is free on bail or on his or her recognizance pending trial or appeal.

G. When received, the California Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this Section. The California Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the Commission.

H. The California Department of Justice shall provide a state or federal level response to the Commission pursuant to California Penal Code Section 11105, Subdivision (p)(1).

I. For persons described in Subdivision (F), the Commission shall request from the California Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the California Penal Code.

J. The California Department of Justice may charge a fee sufficient to cover the cost of processing the request described in this Section.

Section 506. Class III Gaming Licenses – Suitability Standard

A. In reviewing an application for a Class III Gaming License, the Commission shall consider whether issuance of the license is inimical to public health, safety, or welfare, and whether issuance of the license will undermine public trust that the Class III Gaming Operation is free from criminal and dishonest elements and would be conducted honestly.

B. A license may not be issued to a Class III Gaming Employee under Section 408(B) of this Ordinance, unless, based on all information and documents submitted, the Commission is satisfied that the Applicant, and in the case of an entity, each individual identified in Section 502 of this Ordinance meets all of the following requirements:

1. The person is of good character, honesty, and integrity;

2. The person's prior activities, criminal record (if any), reputation, habits, and associations do not pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of gaming, or in the carrying on of the business and financial arrangements incidental thereto; and

3. The person is in all other respects qualified to be licensed as provided, and meets the criteria established in IGRA, NIGC regulations, and any other criteria adopted by the Commission or the Tribe; provided, however, an Applicant shall not be found to be unsuitable solely on the ground that the Applicant was an employee of a tribal Gaming Operation in California that was conducted prior to May 16, 2000.

Section 507. Class III Gaming Licenses – Temporary Licenses

A. If the Applicant for a Class III Gaming License has completed a license application in a manner satisfactory to the Commission, and it has conducted a preliminary background investigation, and the investigation or other information held by the Commission does not indicate that the Applicant has a criminal history or other information in his or her background that would either automatically disqualify the Applicant from obtaining a Class III Gaming License or cause a reasonable

person to investigate further before issuing a license, or that the Applicant is otherwise unsuitable for licensing, the Commission may issue a temporary Class III Gaming License and may impose such specific conditions thereon pending completion of the Applicant's background investigation, as the Commission in its sole discretion shall determine.

B. Special fees may be required by the Commission to issue or maintain a temporary Class III Gaming License.

C. A temporary Class III Gaming License shall remain in effect until suspended or revoked, or a final determination by the Commission is made on the application, or for a period of up to one (1) year, whichever comes first.

D. At any time after issuance of a temporary Class III Gaming License, the Commission shall or may, as the case may be, suspend or revoke it in accordance with the provisions of Section 604 of this Ordinance, and the State Gaming Agency may request suspension or revocation before making a determination of unsuitability.

E. Nothing herein shall be construed to relieve the Tribe of any obligation under Part 558 of Title 25 of the Code of Federal Regulations [Gaming Licenses for Key Employees and Primary Management Officials].

Section 508. Class III Gaming Licenses – Conditional Licenses

Upon completion of the necessary background investigation for a Class III Gaming License, the Commission may issue a Class III Gaming License on a conditional or unconditional basis. Nothing herein shall create a property or other right of an Applicant in an opportunity to be licensed, or in a Class III Gaming License itself, both of which shall be considered to be privileges granted to the Applicant in the sole discretion of the Commission.

Section 509. Class III Gaming Licenses – State Determination of Suitability

A. With respect to Applicants for licensing for a position identified on the Compact Key Employee Position List, prior to the Commission's issuance of a permanent Class III Gaming License, the Applicant shall also file an application with the State Gaming Agency, for a determination of suitability for licensure under the California Gambling Control Act; provided that in accordance with Section 507 of the Ordinance, those persons may be employed on a temporary or conditional basis pending completion of the licensing process.

B. Upon receipt of an Applicant's completed license application and a determination by the Commission that it intends to issue either a temporary or permanent license, the Commission shall transmit within sixty (60) days to the State Gaming

Agency for a determination of suitability for licensure under the California Gambling Control Act a notice of intent to license the Applicant, together with all of the following:

1. A copy of all Tribal license application materials and information received by the Commission from the Applicant that is not otherwise prohibited or restricted from disclosure under applicable federal law or regulation;

2. An original, complete set of fingerprint impressions, rolled by a California state-certified fingerprint roller or by a person exempt from state certification pursuant to California Penal Code Section 11102.1, Subdivision (a)(2), and which may be on a fingerprint card or obtained and transmitted electronically;

3. A current photograph; and

4. Except to the extent waived by the State Gaming Agency, such releases of information, waivers, and other completed and executed forms as have been obtained by the Commission.

C. Upon receipt of a written request from a Class III Gaming Resource Supplier or a Financial Source for a determination of suitability, the State Gaming Agency shall transmit an application package to the Applicant to be completed and returned to the State Gaming Agency for purposes of allowing it to make a determination of suitability for licensure.

D. Investigation and disposition of applications for a determination of suitability by the State Gaming Agency shall be governed entirely by California state law, and the State Gaming Agency shall determine whether the Applicant would be found suitable for licensure in a gambling establishment subject to the State Gaming Agency's jurisdiction. Additional information may be required from the Applicant by the State Gaming Agency to assist it in its background investigation, to the extent permitted under state law for licensure in a gambling establishment subject to the State Gaming Agency's jurisdiction.

E. The Commission shall require a Licensee to apply for renewal of a determination of suitability by the State Gaming Agency at such time as the Licensee applies for renewal of a Class III Gaming License.

F. Upon receipt of completed license or license renewal application information from the Applicant or the Commission, the State Gaming Agency may conduct a background investigation pursuant to state law to determine whether the Applicant is suitable to be licensed for association with Class III Gaming operations. The Commission shall provide to the State Gaming Agency summary reports, including any derogatory information, of the background investigations conducted by the Commission, and written statements by the Applicant. If further

investigation of a Class III Gaming Resource Supplier or a Financial Source is required to supplement the investigation conducted by the Commission, the Applicant will be required to pay the application fee charged by the State Gaming Agency pursuant to California Business and Professions Code Section 19951, Subdivision (a), but any deposit requested by the State Gaming Agency pursuant to Section 19867 of that Code shall take into account reports of the background investigation already conducted by the Commission and the NIGC, if any. Failure to provide information reasonably required by the State Gaming Agency to complete its investigation under California law or failure to pay the application fee or deposit can constitute grounds for denial of the application by the State Gaming Agency. The State Gaming Agency and Commission shall cooperate in sharing as much background information as possible, both to maximize investigative efficiency and thoroughness, and to minimize investigative costs.

G. Upon completion of the necessary background investigation or other verification of suitability, the State Gaming Agency shall issue a notice to the Commission certifying that the State has determined that the Applicant is suitable, or that the Applicant is unsuitable, for licensure and, if unsuitable, stating the reasons therefore. Issuance of a determination of suitability does not preclude the State Gaming Agency from a subsequent determination based on newly discovered information that a person or entity is unsuitable for the purpose for which the person or entity is licensed. Upon receipt of notice that the State Gaming Agency has determined that a person or entity is or would be unsuitable for licensure, except as provided in Section 504(F) of this Ordinance, the Commission shall deny that person or entity a license, or immediately suspend or revoke that person's or entity's license, as provided in Sections 603 to 605 of this Ordinance. Any right to notice or hearing in regard thereto shall be governed by Tribal law. Thereafter, the Commission shall revoke any Class III Gaming License that has theretofore been issued to that person or entity; provided that the Commission may, in its discretion, reissue a Class III Gaming License to the person or entity following entry of a final judgment reversing the determination of the State Gaming Agency in a proceeding in state court between the Applicant and the State Gaming Agency conducted pursuant to Sections 1085 or 1094.5 of the California Code of Civil Procedure, as provided by the California Gambling Control Act.

H. Prior to denying an application for a determination of suitability, or to issuing notice to the Commission that a person or entity previously determined to be suitable had been determined unsuitable for licensure, the State Gaming Agency shall notify the Commission and afford the Tribe an opportunity to be heard. If the State Gaming Agency denies an application for a determination of suitability, or issues notice that a person or entity previously determined suitable has been determined unsuitable for licensure, the State Gaming Agency shall provide that person or entity with written notice of all appeal rights available under state law.

I. The California Gambling Control Commission, or its successor, shall maintain a roster of Class III Gaming Resource Suppliers and Financial Sources that it has determined to be suitable pursuant to the provisions of this Section, or through separate procedures to be adopted by the California Gambling Control Commission. Upon application to the Commission for a Class III license, a Class III Gaming Resource Supplier that appears on the California Gambling Control Commission's suitability roster may be licensed by the Commission under Section 510(E) of this Ordinance, and a Class III Gaming Financial Source that appears on the California Gambling Control Commission's suitability roster may be licensed by the Commission under Section 511(G) of this Ordinance, subject to any later determination by the State Gaming Agency that the Class III Gaming Resource Supplier or Financial Source is not suitable, or to a Class III license suspension or revocation pursuant to Section 604 of this Ordinance; provided that nothing in this Subdivision exempts the Class III Gaming Resource Supplier or Financial Source from applying for a renewal of a State Gaming Agency determination of suitability.

Section 510. Class III Gaming Resource Supplier Licenses

A. An Applicant for a Class III Gaming Resource Supplier License shall apply for and receive a Vendor License with a Class III Gaming Resource Supplier endorsement, pursuant to the procedures listed under Sections 410 to 413 of this Ordinance.

B. Every Class III Gaming Resource Supplier shall be licensed by the Commission prior to the sale, lease, or distribution, or further sale, lease, or distribution, of any Class III Gaming Resources to or in connection with the Tribe's Class III Gaming Operation or Facility. Unless the Commission licenses the Class III Gaming Resource Supplier pursuant to Subdivision (E), the Class III Gaming Resource Supplier shall also apply to the State Gaming Agency for a determination of suitability at least thirty (30) days prior to the sale, lease, or distribution, or further sale, lease, or distribution, of any Class III Gaming Resources to or in connection with the Tribe's Class III Gaming Operation or Facility, except that for Class III Gaming Devices a period of fifteen (15) days shall govern. The period during which a determination of suitability as a Class III Gaming Resource Supplier is valid expires on the earlier of (i) the date two (2) years following the date on which the determination is issued, unless a different expiration date is specified by the State Gaming Agency, or (ii) the date of its revocation by the State Gaming Agency. If the State Gaming Agency denies or revokes a determination of suitability, the State Gaming Agency shall notify the Commission within seven (7) days of taking such action, and the Class III Gaming Resource Supplier shall no longer be authorized to perform any work within or provide any goods or services to, in support of, or in connection with the Tribe's Class III Gaming Operation or Facility thirty (30) days from the date on which the State Gaming Agency's decision takes effect under State law. The license and determination of suitability shall be reviewed at least every two (2) years for continuing compliance. In connection with such a review, the Commission shall require the Class III Gaming

Resource Supplier to update all information provided in the previous application. For purposes of Section 512 of this Ordinance, such a review shall be deemed to constitute an application for renewal.

C. Any agreement between the Tribe and a Class III Gaming Resource Supplier shall be deemed to include a provision for its termination without further liability on the part of the Tribe, except for the bona fide payment of all outstanding sums (exclusive of interest) owed as of, or payment for services or materials received up to, the date of termination, upon revocation or nonrenewal of the Class III Gaming Resource Supplier's license by the Commission based on a determination of unsuitability by the State Gaming Agency. Except as set forth above, the Tribe shall not enter into, or continue to make payments to a Class III Gaming Resource Supplier pursuant to, any contract or agreement for the provision of Class III Gaming Resources with any person or entity whose application to the State Gaming Agency for a determination of suitability has been denied or revoked or whose determination of suitability has expired without renewal.

D. Notwithstanding Subdivision (B), the Commission may license a Class III Management Contractor for a period of no more than seven (7) years, but the Class III Management Contractor must still apply for renewal of a determination of suitability by the State Gaming Agency at least every two (2) years and where the State Gaming Agency denies or revokes a determination of suitability, the State Gaming Agency shall notify the Commission within seven (7) days of taking such action, and the Class III Management Contractor shall no longer be authorized to perform any work within or provide any goods or services to, in support of, or in connection with the Tribe's Class III Gaming Operation thirty (30) days from the date on which the State Gaming Agency's decision takes effect under State law. Except where the State Gaming Agency has determined a Management Contractor to be unsuitable, nothing in this Subdivision shall be construed to bar the Commission from issuing additional new licenses to the same Class III Management Contractor following the expiration of a seven (7)-year license.

E. The Commission may elect to license a person or entity as a Class III Gaming Resource Supplier without requiring it to apply to the State Gaming Agency for a determination of suitability under Subdivision (B) if the Class III Gaming Resource Supplier has already been issued a determination of suitability that is then valid. In that case, and within seven (7) days of the issuance of the license, the Commission shall notify the State Gaming Agency of its licensure of the person or entity as a Class III Gaming Resource Supplier, and shall identify in its notification the State Gaming Agency determination of suitability on which the Commission has relied in proceeding under this Subdivision (E). Subject to the Commission's compliance with the requirements of this Subdivision, a Class III Gaming Resource Supplier licensed under this Subdivision may, during and only during the period in which the determination of suitability remains valid, engage in the sale, lease, or distribution of Class III Gaming Resources to or in connection with the Tribe's

Class III Gaming Operation or Facility, without applying to the State Gaming Agency for a determination of suitability. The issuance of a license under this Subdivision is in all cases subject to any later determination by the State Gaming Agency that the Class III Gaming Resource Supplier is not suitable, or to a Class III Gaming License suspension or revocation pursuant to Sections 603 to 605 of this Ordinance, and does not extend the time during which the determination of suitability relied on by the Commission is valid. In the event the State Gaming Agency later revokes the determination of suitability relied on by the Commission, the State Gaming Agency shall notify the Commission of such revocation. Nothing in this Subdivision affects the obligations of the Commission, or of the Class III Gaming Resource Supplier, under Sections 512 and 509 of this Ordinance.

F. Except where Subdivision (E) applies, within twenty-one (21) days of the issuance of a license to a Class III Gaming Resource Supplier, the Commission shall provide to the State Gaming Agency a copy of the license, and a copy of summary reports, including any derogatory information, of the background investigations conducted by the Commission and written statements by the Applicant.

Section 511. Class III Financial Source Licenses

A. An Applicant for a Class III Financial Source License shall apply for and receive a Vendor License with a Class III Financial Source endorsement, pursuant to the procedures listed under Sections 410 to 413 of this Ordinance.

B. Subject to Subdivision (I) of this Section, each Class III Financial Source shall be licensed by the Commission prior to the Class III Financial Source extending financing in connection with the Tribe's Class III Gaming Facility or Gaming Operation.

C. Every Class III Financial Source required to be licensed by the Commission shall, contemporaneously with the filing of its Tribal license application, apply to the State Gaming Agency for a determination of suitability. In the event the State Gaming Agency denies or revokes the determination of suitability, the Commission shall deny or revoke the Class III Financial Source's license within thirty (30) days of receiving notice of denial or revocation from the State Gaming Agency.

D. A license issued under this Section shall be reviewed at least every two (2) years for continuing compliance. In connection with that review, the Commission shall require the Class III Financial Source to update all information provided in the Class III Financial Source's previous application. For purposes of this Section, that review shall be deemed to constitute an application for renewal.

E. Any agreement between the Tribe and a Class III Financial Source shall include, and shall be deemed to include, a provision for its termination without further liability on the part of the Tribe, except for the bona fide repayment of all

outstanding sums (exclusive of interest) owed as of the date of termination upon revocation or non-renewal of the Class III Financial Source's license by the Commission based on a determination of unsuitability by the State Gaming Agency. The Tribe shall not enter into, or continue to make payments to a Class III Financial Source pursuant to, any contract or agreement for the provision of financing with any person or entity whose application to the State Gaming Agency for a determination of suitability has been denied or whose determination of suitability has been revoked or has expired without renewal.

F. A Class III Gaming Resource Supplier who provides financing exclusively in connection with the provision, sale, or lease of Class III Gaming Resources obtained from that Class III Gaming Resource Supplier may be licensed solely in accordance with the licensing procedures applicable, if at all, to Class III Gaming Resource Suppliers, and need not be separately licensed as a Class III Financial Source under this Section.

G. The Commission may elect to license a person or entity as a Class III Financial Source without requiring it to apply to the State Gaming Agency for a determination of suitability under Subdivision (C) if the Class III Financial Source has already been issued a determination of suitability that is then valid. In that case, the Commission shall immediately notify the State Gaming Agency of its licensure of the person or entity as a Class III Financial Source, and shall identify in its notification the State Gaming Agency determination of suitability on which the Commission has relied in proceeding under this Subdivision (G). Subject to the Commission's compliance with the requirements of this Subdivision, a Class III Financial Source licensed under this Subdivision may, during and only during the period in which the determination of suitability remains valid, engage in financing in connection with the Tribe's Class III Gaming Operation or Facility, without applying to the State Gaming Agency for a determination of suitability. The issuance of a license under this Subdivision is in all cases subject to any later determination by the State Gaming Agency that the Class III Financial Source is not suitable, or to a Class III Gaming License suspension or revocation pursuant to Section 604 of this Ordinance, and does not extend the time during which the determination of suitability relied on by the Commission is valid. A license issued under this Subdivision expires upon the revocation or expiration of the determination of suitability relied on by the Commission. Nothing in this Subdivision affects the obligations of the Commission, or of the Class III Financial Source, under Sections 512 and 509 of this Ordinance.

H. Except where Subdivision (G) applies, within twenty-one (21) days of the issuance of a license to a Class III Financial Source, the Commission shall transmit to the State Gaming Agency a copy of the license and a copy of all Tribal license application materials and information received by it from the Applicant which is not otherwise prohibited or restricted from disclosure under applicable federal law or regulation.

I. **Exclusions from Class III Financial Sources**

1. The Commission may, at its discretion, exclude from the licensing requirements of this Section the following Class III Financial Sources under the circumstances stated:

   a. Any federally regulated or state-regulated bank, savings and loan association, or other federally or state-regulated lending institution;

   b. An entity identified by the NIGC's Uniform Statewide Tribal Gaming Regulation CGCC-2 [Registration of Qualified Bondholders], Subdivision (f) (as in effect on August 7, 2024), when that entity is a Class III Financial Source solely by reason of being (i) a purchaser or a holder of debt securities or other forms of indebtedness issued directly or indirectly by the Tribe for a Class III Gaming Facility or for the Gaming Operation or (ii) the owner of a participation interest in any amount of indebtedness for which a Class III Financial Source described in Subdivision (I)(1)(a), or any fund or other investment vehicle which is administered or managed by any such Class III Financial Source, is the creditor;

   c. Any investor who, alone or together with any person(s) controlling, controlled by or under common control with such investor, holds less than ten percent (10%) of all outstanding debt securities or other forms of indebtedness issued directly or indirectly by the Tribe for a Class III Gaming Facility or for the Class III Gaming Operation;

   d. Any agency of the federal government, or of a tribal, state, or local government providing financing, together with any person purchasing any debt securities or other forms of indebtedness of the agency to provide such financing. A real estate investment trust (as defined in 26 U.S.C. § 856(a)) which is publicly traded on a stock exchange, registered with the Securities and Exchange Commission, and subject to the regulatory oversight of the Securities and Exchange Commission; or

   e. An entity or category of entities that the State Gaming Agency and the Commission jointly determine can be excluded from the licensing requirements of this Section without posing a threat to the public interest or the integrity of the Class III Gaming Operation.

2. In any case where the Commission elects pursuant to Subdivision (I)(1) to exclude a Class III Financial Source from the licensing requirements of this Section, the Commission shall give no less than thirty (30) days' notice thereof to the State Gaming Agency, and shall give the State Gaming Agency reasonable advance notice of any extension of financing by the Class III Financial Source in

connection with the Tribe's Class III Gaming Operation or Facility, and upon request of the State Gaming Agency, shall provide it with sufficient documentation to support the Commission's exclusion of the Class III Financial Source from the licensing requirements of this Section.

3. The Commission and the State Gaming Agency shall work collaboratively to resolve any reasonable concerns regarding the initial or ongoing excludability of an individual or entity as a Class III Financial Source. If the State Gaming Agency finds that an investigation of any Class III Financial Source is warranted, the Class III Financial Source shall be required to submit an application for a determination of suitability to the State Gaming Agency and shall pay the costs and charges incurred in the investigation and processing of the application, in accordance with the provisions set forth in California Business and Professions Code Sections 19867 and 19951. Any dispute between the Commission and the State Gaming Agency pertaining to the excludability of an individual or entity as a Class III Financial Source shall be resolved by the dispute resolution provisions in Section 13.0 of the Tribal-State Compact.

4. The following are not Class III Financial Sources for purposes of this Section.

    a. An entity identified by the NIGC's Uniform Statewide Tribal Gaming Regulation CGCC-2 [Registration of Qualified Bondholders], Subdivision (h) (as in effect on August 7, 2024).

    b. A person or entity whose sole connection with a provision or extension of financing to the Tribe is to provide loan brokerage or debt servicing for a Class III Financial Source at no cost to the Tribe or the Class III Gaming Operation, provided that no portion of any financing provided is an extension of credit to the Tribe or the Class III Gaming Operation by that person or entity. In recognition of changing financial circumstances, this Section shall be subject to good faith renegotiation by the Tribe and the State, upon the request of either party; provided that the renegotiation shall not retroactively affect transactions that have already taken place where the Class III Financial Source has been excluded or exempted from licensing requirements.

J. In recognition of changing financial circumstances, this Section shall be subject to good faith renegotiation by the Tribe and the State, upon the request of either party; provided that the renegotiation shall not retroactively affect transactions that have already taken place where the Financial Source has been excluded or exempted from licensing requirements.

Section 512. Renewals, Extensions, and Further Investigation of Class III Licenses

A. Except as provided in Section 510(D) of this Ordinance, the term of a Class III License shall not exceed two (2) years, and application for renewal of a license must be made prior to its expiration. Applicants for renewal of a Class III License shall provide updated material, as requested, on the appropriate renewal forms, but, at the discretion of the Commission, may not be required to resubmit historical data previously submitted or that is otherwise available to the Commission. At the discretion of the Commission, an additional background investigation may be required at any time if the Commission determines the need for further information concerning the Applicant's continuing suitability or eligibility for a license.

B. Prior to renewing a Class III License for an Applicant for a position identified on the Compact Key Employee Position List, a Class III Gaming Resource Supplier, or a Class III Financial Source, the Commission shall deliver to the State Gaming Agency copies of all information and documents received in connection with the application for renewal of the Class III License, which is not otherwise prohibited or restricted from disclosure under applicable federal law or regulation, for purposes of the State Gaming Agency's consideration of renewal of its determination of suitability.

C. For those Applicants for a position identified on the Compact Key Employee Position List who are currently employed by the Tribe pursuant to Section 504(F) of this Ordinance, after receipt of information required by Subdivision (B) and the State Gaming Agency's determination that the employee still meets the requirements of Section 504(F) of this Ordinance, the Applicant shall not be subject to the State Gaming Agency's consideration of renewal of its determination of suitability.

Section 513. Resubmission of Applications for Class III Licenses

K. Nothing in Chapter 5 of this Ordinance shall be construed to preclude an Applicant who has been determined to be unsuitable for licensure by the State Gaming Agency, or the Tribe on behalf of such Applicant, from later submitting a new application for a determination of suitability by the State Gaming Agency in accordance with Chapter 5 of this Ordinance, provided that the Applicant may not commence duties or activities until found suitable by the State Gaming Agency. For the purposes of this Section, an Applicant whose application was withdrawn with the consent of the State Gaming Agency prior to the issuance of a determination of suitability, was abandoned, or that was rejected as incomplete or otherwise procedurally defective, shall not for that reason be considered to have been determined to be unsuitable for licensure by the State Gaming Agency. An Applicant whose application was withdrawn with prejudice with the consent of the State Gaming Agency prior to the issuance of a determination of unsuitability shall be ineligible for employment by the Tribe in a position on the Compact Key Employee Position List referenced in Section 504 of this Ordinance or to submit a

new application for a determination of suitability by the State Gaming Agency for a period of one (1) year from the date of withdrawal.

CHAPTER 6: DENIAL, SUSPENSION, REVOCATION, AND NON-RENEWAL OF GAMING LICENSES

Section 601. Disclosure of Possible Grounds for Denial, Suspension, Revocation or Non-Renewal of a Gaming License

After an Applicant has submitted an application to the Commission for a Gaming License or has had the license issued by the Commission, such person shall have an ongoing and affirmative obligation to promptly and in writing disclose to the Commission any possible subsequent grounds for revocation, suspension, denial, or non-renewal of such person's license including, but not limited to, those grounds set forth at Section 602 of this Ordinance.

Section 602. Grounds for Denial, Suspension, Revocation, or Non-Renewal of a Gaming License

A. The Commission shall deny, suspend, revoke, or refuse to renew a Gaming License when the Applicant or Licensee:

1. Has been determined by the NIGC not to be eligible for a license;

2. Fails to consent to the disclosures listed in Section 404 of this Ordinance and is applying to be a Primary Management Official or Key Employee;

3. Fails to otherwise complete the license application;

4. Makes a misrepresentation or fails to disclose a material fact to the Commission;

5. Commits a Prohibited Act as defined under Section 1002 of this Ordinance;

6. Poses a threat to the public interest;

7. Poses a threat to the effective regulation of gaming; or

8. Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming.

Section 603. Gaming License Denials

A. The Commission shall serve the Applicant with a written notice of its decision to deny the Applicant's Gaming License, which shall include the specific grounds

under Section 602 of this Ordinance for denial.

B. When the Commission does not issue a license to an Applicant for a Primary Management Official or Key Employee position, it shall:

1. Notify the NIGC; and

2. Forward copies of its eligibility determination and notice of results of the Applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

Section 604. Gaming License Suspensions, Revocations, and Non-Renewals

A. **Initiation by Commission.** Proceedings to suspend, revoke, or not renew a Gaming License must be initiated by the Commission by serving a complaint upon the Licensee as set forth in this Ordinance.

B. **Immediate Suspension.**

1. The Commission shall immediately suspend a Gaming License prior to holding a suspension or revocation hearing as described in this Section if it receives a notification from the NIGC under 25 C.F.R. § 558.4(a) indicating that a Key Employee or a Primary Management Official is not eligible for a Gaming License.

2. The Commission may, by motion or resolution approved by unanimous vote of the Commissioners at a meeting where a quorum is present, immediately suspend a Gaming License prior to holding a suspension or revocation hearing as described in this Section, where the Commission finds one of the following by clear and convincing evidence: (1) that the immediate suspension is necessary to protect the public interest, the effective regulation and control of gaming activities or the safe, fair, and honest conduct of gaming activities; or (2) that the continued licensure of the person constitutes an immediate threat to the public health or welfare of patrons and/or employees of the Gaming Facility.

3. An immediate suspension shall take effect upon service of a complaint upon the Licensee prepared in conformance with Section 604(C) of this Ordinance. If the suspended license is a Class III Gaming License, the Commission shall notify the State Gaming Agency within seven (7) days of any such determination.

C. **Contents of Complaint.** The complaint shall set forth the following:

1. The specific grounds for revocation, suspension, or non-renewal of a Gaming License set forth in Section 602 of this Ordinance that the Commission has reasonable cause to believe apply to the Licensee;

2. The specific facts giving rise to the alleged grounds for revocation, suspension, or non-renewal of a Gaming License;

3. The date, time and location of the hearing described in Section 604(G) of this Ordinance. The date of the hearing shall not be less than twenty (20) days after the Licensee receives a copy of the complaint or the amended complaint, as the case may be, unless the Licensee makes a written request to the Commission for an earlier hearing date, and the Commission finds that such a request for an earlier hearing date is reasonable and can be accommodated by the Commission. In the case of an immediate suspension, the Commission shall make all reasonable efforts to hold an earlier hearing if requested by the Licensee;

4. Inform the Licensee that the burden remains upon the Licensee to demonstrate by clear and convincing evidence that the Licensee continues to be qualified for licensure;

5. Notice that the Commission may amend the complaint in the event the Commission, following service of the original complaint, discovers or develops additional information pertaining to the facts and allegations set forth in the original complaint; and

6. Notice that the Licensee may request access to information relied upon by the Commission in issuing the complaint as described in Section 604(E) of this Ordinance, and how to request such information.

D. **Service.** The Commission shall cause the complaint or amended complaint to be served personally upon the Licensee or it may be sent by certified mail, return receipt requested, to the Licensee at the address shown upon the License or at such other address as may be updated in the files of the Commission. A copy of the complaint or amended complaint shall also be provided to the operator of the Gaming Facility where the Licensee is employed. In the event personal service or certified mail is not available, the Commission shall cause the complaint or amended complaint to be served by any other means reasonably calculated to effectuate delivery to the Licensee.

E. **Access to Information.** Upon the written request of the Licensee, the Licensee shall be entitled to receive copies of all documents, reports, videos, or other information relied upon by the Commission in issuing the complaint or amended complaint, unless the disclosure of such copies will materially compromise an ongoing Commission or law enforcement investigation or if the disclosure has the potential to jeopardize the integrity of gaming for the Tribe. If requested by the Licensee, the Commission may furnish an index of the documents, reports, videos,

or other information that have been withheld and shall set forth, in summary fashion, the reasons the documents, reports, videos, or other information have been withheld from the requesting Licensee.

F. **Answer; Subpoenas.** Not less than five (5) days prior to the date of the hearing, the Licensee or his or her chosen representative shall file a written answer to the complaint or amended complaint with the Commission and shall inform the Commission whether the Licensee desires to present evidence and/or witnesses at the hearing. In the case of an expedited hearing held on an immediate suspension, the Licensee and Commission may agree to a different time for filing an answer or agree that no answer need be filed, without prejudice to the Licensee. The answer shall be accompanied by a list of witnesses which the Licensee reasonably anticipates calling at the hearing. At the request of the Licensee and for good cause shown, or on its own motion, the Commission may issue subpoenas for the attendance of witnesses and for the production of papers, books, records, and documents.

G. **Hearing.** The hearing before the Commission shall be recorded by electronic or stenographic means and the records maintained for six months or until all appeals have been exhausted. The Licensee may be represented by legal counsel or other advocate at the Licensee's cost. The Licensee shall have the opportunity to respond to the allegations in the complaint or amended complaint and present evidence at the hearing, including documentary or testimonial evidence. The Commission shall consider the evidence presented by the Licensee. The Commission shall develop specific hearing procedures by regulation.

H. **Written Decision.** The Commission shall render a written decision containing findings of fact and conclusions of law in support of its decision. The Commission shall issue its decision within twenty (20) days of the conclusion of the hearing, unless the Commission provides written notice to the Licensee that an additional period of time, not to exceed ten (10) days, is required to complete the decision. In the case of an immediate suspension issued under Section 604(B) of this Ordinance, the Commission shall use its best efforts to expedite the issuance of a final decision, which in no event shall be issued more than ten (10) days from the conclusion of the hearing, unless the Licensee and Commission agree to a later date. In the event of a suspension or revocation of the License, the Commission shall also inform the Licensee of the effective date of the suspension or revocation and/or the length of the suspension in the final written decision.

I. **Surrender of Identification upon Suspension or Revocation of License.** When the Commission suspends, revokes, or refuses to renew a Gaming License, the Licensee shall surrender his or her identification badge to the Commission, or such other department of the Tribe or the operator of the Gaming Facility as the Commission may designate, on the effective date of the suspension or revocation. No License shall be valid as of the effective date of the suspension, revocation, or non-renewal whether or not the Licensee surrenders his or her identification badge.

J. **Commission Not Responsible for Back Pay or Lost Wages.** Under no circumstances shall the Commission be held responsible for the payment of back pay, lost wages, benefits or any similar claim due to the suspension, revocation or refusal to renew a Gaming License.

K. **Report to the NIGC.**

1. When the Commission revokes a previously issued license after reconsideration, it shall:

   a. Notify the NIGC; and

   b. Forward copies of its license revocation decision for inclusion in the Indian Gaming Individuals Record System.

2. If the Commission starts revocation proceedings based on a notification from the NIGC that a Primary Management Official or Key Employee is not eligible for employment, the Tribe shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of the decision.

Section 605. Class III Gaming – Additional Requirements for License Denials, Suspensions, or Revocations

A. Except as provided in Subdivision (B), upon receipt of notice that the State Gaming Agency has determined that a person would be unsuitable for licensure in a Class III Gaming Operation or Facility, the Commission shall deny that person a Class III Gaming License and promptly, and in no event more than sixty (60) days from the State Gaming Agency notification, revoke any Class III Gaming License that has theretofore been issued to that person; provided that the Commission may, in its discretion, reissue a Class III Gaming License to the person following entry of a final judgment reversing the determination of the State Gaming Agency in a proceeding between the Applicant and the State Gaming Agency in State court conducted pursuant to Sections 1085 or 1094.5 of the California Code of Civil Procedure, as provided by the California Gambling Control Act.

B. Notwithstanding a determination of unsuitability by the State Gaming Agency, the Commission may, in its discretion, decline to revoke a Class III Gaming License issued to a person employed by the Tribe pursuant to Section 504(F) of this Ordinance.

CHAPTER 7: FINANCIAL PRACTICES AND REPORTING

Section 701. Monthly Reports

A. On or before the twentieth (20th) day of each month, the Gaming Facility Operator shall file with the Commission and the Tribal Council a financial report for the preceding calendar month, prepared in accordance with generally accepted accounting principles, showing:

1. The amount of gross receipts derived from gaming activities;

2. The operating expenses incurred or paid, including management fees and debt servicing fees;

3. The specific classifications of such receipts and expenses allocated by department, and if applicable, by Class II, and Class III Gaming; and

4. The net Revenues derived from Gaming Activities.

B. It is the duty of the Gaming Facility Operator to maintain and keep such books and records as may be necessary to substantiate the particulars of each report described above.

Section 702. Maintenance of Books and Records; Commission Access

A. Full and accurate books of account shall be kept on the Indian lands of the Tribe at the places of business of the Gaming Facility Operator showing the condition of the business and all transactions relating to gaming activities on the Indian lands of the Tribe. All books and records relating to gaming activities, including the records of the Gaming Facility Operator and the Commission shall be separately maintained in order to facilitate auditing.

B. The Commission shall be entitled to inspect, examine, and copy all papers, books, and records (whether in paper or electronic form) related to the gaming activities conducted on the Indian lands of the Tribe without notice at any time during ordinary business hours or during gaming activities. The Commission shall also be entitled to "read only" electronic access to the host system of the Gaming Facility under the following conditions:

1. Access shall be limited to the personnel that have been designated by name in writing and approved by the Commission as having a need for such access in order to perform regulatory duties required by this Ordinance;

2. Access shall only be performed in conformance with the written policies and procedures to be developed by the Commission under this Ordinance;

3. All records of gaming activities in whatever medium shall be retained for the term required by the NIGC. Such books shall be maintained according to generally accepted accounting principles and shall be suitable for audit

pursuant to standards of the American Institute of Certified Public Accountants.

Section 703. Annual Audit

A. A Gaming Facility Operator shall, not less than annually at its fiscal year end, employ an independent certified public accountant approved by the Tribe to audit the financial statements of its Gaming Operation in conformance with the requirements of 25 C.F.R. §§ 571.12 and 571.13. The independent certified public accountant shall issue a report on the audited financial statements of the Gaming Operation. The independent certified public accountant shall perform the audit in accordance with generally accepted auditing standards published by the American Institute of Certified Public Accountants and submit the audited financial statements, along with any reports the accountant has prepared, to the Tribal Council and the Commission.

B. **Auditors.** Either the firm or all independent certified public accountants engaged to do audits under this Ordinance shall be licensed by the California State Board of Accountancy.

C. **Audit of Contracts.** All gaming-related contracts that result in the purchase of supplies, services or concessions for more than $25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under this Section.

D. **Report to the NIGC.** Copies of the annual audit of each licensed Gaming Operation, and each audit for supplies, services or concessions of each Gaming Operation, shall be furnished to the NIGC within 120 days after the end of each fiscal year of the Gaming Operation.

E. **Tribal Access to Financial Information.** A copy of the Tribal Gaming Operation's annual audit shall be submitted to the Tribal Council, the Timbisha Shoshone Economic Development Corporation Board, and the Timbisha Gaming Enterprise Board, and will be made available for review, upon request, to any enrolled Tribal member.

Section 704. Use of Net Gaming Revenues

A. **Permitted Purposes.** Net revenues from Tribal gaming shall be used only for the following purposes:

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.

B. **Per Capita Payments.** Net revenues from any Class II and Class III gaming activities conducted or licensed by the Tribe may be used to make per capita payments to Tribal members if:

1. The Tribe has prepared a plan to allocate revenues to one or more of the five uses authorized by Subdivision (A);

2. The Tribal revenue allocation plan satisfies the requirements of 25 C.F.R. Part 290;

3. The plan is approved by the Secretary of the Interior as adequate, particularly with respect to the uses described in Subdivision (A);

4. The interests of minors and other legally incompetent persons who are entitled to receive any of the per capita payments are protected and preserved, and the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minor or other legally incompetent person; and

5. The per capita payments are subject to Federal taxation and the Tribe notifies its members of such tax liability when payments are made.

CHAPTER 8: GAMING OPERATION STANDARDS AND REQUIREMENTS

Section 801. General Policy

A. Each Gaming Facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public.

B. The Tribe shall identify and enforce laws, resolutions, codes, policies, standards, or procedures, which are applicable to each gaming place, facility or location, to ensure adequate protection of the environment and the health and safety of the public.

C. Every Gaming Facility Operator shall designate a person or persons to be the officer in charge of the Gaming Facility at all times. The officer in charge shall be primarily responsible for the operation and conduct of all gaming activities in the Gaming Facility. The officer in charge must have obtained a License from the Commission at least ten (10) days prior to assuming this responsibility. There shall be an officer in charge to supervise all gaming activities and who shall be

continuously present on the premises while gaming activities are being conducted.

Section 802. Public Health and Safety

A. The Tribe shall make reasonable provisions for adequate emergency fire, medical, and related relief and disaster services for patrons and employees of its Gaming Facilities.

B. Purchase, sale, and service of alcoholic beverages shall be subject to California state law.

C. The possession of firearms by any person in Gaming Facilities is prohibited at all times, except for federal, state, Tribal or local law enforcement personnel, or Tribal security personnel authorized by Tribal law and federal or California law to possess firearms at the Gaming Facilities.

D. Tobacco Smoke. All Gaming Facilities must provide a non-smoking area. The Tribe shall use the best available ventilation technology to the extent reasonably feasible in the construction of a new Gaming Facility where smoking is allowed.

Section 803. Patron Dispute Resolution

A. A patron may make an oral or written complaint to personnel of the Gaming Operation over the play or operation of any game within three (3) days of the play or operation at issue. The patron shall be notified in writing of the patron's right to request in writing the resolution of the dispute by the Gaming Operation, and, if the patron is dissatisfied with the Gaming Operation's resolution of the dispute, the right to seek resolution before the Commission. The patron must submit his/her written complaint within fifteen (15) days of the Gaming Operation's written notification to the patron of that right. If the patron is not provided with the aforesaid notification within thirty (30) days of the patron's complaint, the deadlines herein shall be removed.

B. Upon receipt of the patron's written request for a resolution of the patron's complaint pursuant to Subdivision (A), the Commission shall conduct an appropriate investigation and shall provide to the patron a copy of its regulations concerning patron complaints. The Commission shall hold a hearing within 30 days of receipt of the petitioner's complaint. The petitioner may have counsel present at the hearing. The petitioner may be allowed to present evidence, at the discretion of the Commission. The Commission must afford the patron with a dispute resolution process that incorporates the essential elements of fairness and due process. Resolution of the dispute before the Commission shall be at no cost to the patron (excluding patron's attorney's fees and court filing fees).

C. The Commission shall render a decision in accordance with industry practice. The decision shall be issued within sixty (60) days of the patron's written request,

shall be in writing, shall be based on the facts surrounding the dispute, and shall set forth the reasons for the decision. All such decisions will be final when issued.

D. Consistent with industry practice, if any alleged winnings are found to be a result of a mechanical, electronic or electromechanical failure and not due to the intentional acts or gross negligence of the Tribe or its agents, the patron's claim for the winnings shall be denied but the patron shall be awarded reimbursements of the amount wagered by the patron that were lost as a result of any mechanical, electronic, or electromechanical failure.

E. The Tribe shall, in the exercise of its sovereignty, waive its right to assert sovereign immunity in connection with any action brought and administered in conformity with the Tribe's regulations governing patron disputes.

Section 804. Class III Gaming – Additional Minimum Standards for Operation and Management

A. The Commission shall conduct on-site gaming regulation and control in order to enforce the terms of the Ordinance, IGRA, NIGC gaming regulations, State Gaming Agency regulations, and the Tribal-State Compact, to protect the integrity of Class III Gaming Activities, the reputation of the Tribe and the Class III Gaming Operation for honesty and fairness, and to maintain the confidence of patrons that tribal governmental gaming in California meets the highest standards of fairness and internal controls. To meet those responsibilities, the Commission shall be vested with the authority to promulgate, and shall promulgate and enforce, rules and regulations governing, at a minimum, the following subjects pursuant to the standards and conditions set forth therein:

1. The enforcement of all relevant laws and rules with respect to the Class III Gaming Activities, Gaming Operation, and Gaming Facility, and the conduct of investigations and hearings with respect thereto, and any other subject within its jurisdiction;

2. The physical safety of Class III Gaming Facility patrons and employees, and any other person while in the Gaming Facility;

3. The physical safeguarding of assets transported to, within, and from the Class III Gaming Facility;

4. The prevention of illegal activity within the Class III Gaming Facility or with regard to the Class III Gaming Operation or Gaming Activities, including, but not limited to, the maintenance of employee procedures and a surveillance system as provided in Subdivision (5);

5. Maintenance of a closed-circuit television surveillance system consistent with industry standards for Gaming Facilities of the type and scale operated by the

Tribe, which system shall be approved by, and may not be modified without the approval of, the Commission. The Commission shall have current copies of the Class III Gaming Facility floor plan and closed-circuit television surveillance system at all times, and any modifications thereof first shall be approved by the Commission;

6. The establishment of employee procedures designed to permit detection of any irregularities, theft, cheating, fraud, or the like, consistent with industry practice;

7. Maintenance of a list of persons permanently excluded from the Class III Gaming Facility who, because of their past behavior, criminal history, or association with persons or organizations, pose a threat to the integrity of the Class III Gaming Activities of the Tribe or to the integrity of regulated gambling within California. The Commission and the State Gaming Agency shall make a good faith effort to share information regarding such permanent exclusions. Nothing herein is intended to grant any third party the right to sue based upon any sharing of information;

8. Submission to, and prior approval by, the Commission of the rules and regulations of each Class III Gaming game to be operated by the Tribe, and of any changes in those rules and regulations. No Class III Gaming game may be offered for play that has not received Commission approval;

9. Maintenance of a copy of the rules, regulations, and procedures for each game as played, including, but not limited to, the method of play and the odds and method of determining amounts paid to winners;

10. Specifications and standards to ensure that information regarding the method of play, odds, and payoff determinations is visibly displayed or available to patrons in written form in the Class III Gaming Facility and to ensure that betting limits applicable to any gaming station are displayed at that gaming station;

11. Maintenance of a cashier's cage in accordance with Tribal internal control standards that meet or exceed industry standards for such facilities;

12. Specification of minimum staff and supervisory requirements for each Class III Gaming Activity to be conducted; and

13. Technical standards and specifications in conformity with the requirements of the Tribal-State Compact for the operation of Class III Gaming Devices and other games authorized herein or as provided in any regulation approved by the Association of California Tribal and State Gaming Regulators.

Section 805. Class III Gaming – Identification Cards

A. The Commission shall require that all persons who are required to be licensed wear, in plain view at all times while in the Class III Gaming Facility, identification badges issued by the Commission. The Commission may allow temporary exceptions to this provision for the purposes of authorizing investigators who are actively investigating a matter within the Class III Gaming Facility to monitor Class III Gaming Activities.

B. Identification badges must display information, including, but not limited to, a photograph and an identification number that is adequate to enable agents of the Commission to readily identify the person and determine the validity and date of expiration of his or her license.

C. The Tribe shall upon request provide the State Gaming Agency with the name, badge identification number (if any), and job title of all Class III Gaming Employees. Such request by the State Gaming Agency shall not be made more than twice a year unless reasonably necessary to further a legitimate objective related to the administration and implementation of licensing for Class III Gaming.

Section 806. Class III Gaming – Reporting Incidents to the State Gaming Agency

A. The Commission shall require the recording of any and all occurrences within the Class III Gaming Facility that deviate from normal operating policies and procedures (hereinafter "incident"). The Commission shall transmit copies of incident reports that it reasonably believes concern a significant or continued threat to public safety or gaming integrity to the State Gaming Agency within a reasonable period of time, not to exceed seven (7) days, after the incident. The procedure for recording incidents pursuant to this Section shall also do all of the following:

1. Specify that security personnel record all incidents, regardless of an employee's determination that the incident may be immaterial (and all incidents shall be identified in writing);

2. Require the assignment of a sequential number to each incident report;

3. Provide for permanent reporting in indelible ink in a bound notebook from which pages cannot be removed and in which entries are made on each side of each page and/or in electronic form, provided the information is recorded in a manner so that, once the information is entered, it cannot be deleted or altered and is accessible by the State Gaming Agency;

4. Require that each report include, at a minimum, all of the following:

a. The record number;

b. The date;

c. The time;

d. The location of the incident;

e. A detailed description of the incident;

f. The persons involved in the incident; and

g. The security department employee assigned to the incident.

CHAPTER 9: CLASS III GAMING MINIMUM INTERNAL CONTROL STANDARDS

Section 901. Minimum Internal Control Standards (MICS)

A. The minimum internal control standards (MICS) applicable to the conduct of Class III Gaming Activity shall be the Minimum Internal Control Standards of the NIGC (25 C.F.R. Part 542), as they existed on October 20, 2006, and as they have been or may be amended from time to time, and shall also include present or future NIGC guidance, such as the August 14, 2018 NIGC Guidance on the Class III Minimum Internal Control Standards.

B. In the event the NIGC withdraws its regulations under Title 25 of the Code of Federal Regulations at Part 542, the version of these MICS posted on the State Gaming Agency website (i.e., the Compact MICS) shall continue to serve as the minimum internal control standards for the purposes of this Section. The Compact MICS shall apply to all Class III Gaming Activities, Gaming Facilities, and Gaming Operations; however, the Compact MICS are not applicable to any Class II Gaming activities. Should the terms in the Compact MICS be inconsistent with the Tribal-State Compact, the terms in the Tribal-State Compact shall prevail.

Section 902. Review of Gaming Facility Operator Internal Controls

A. Gaming Facility Operators shall operate each Gaming Facility pursuant to a system of Internal Controls. The Internal Controls shall provide a level of control which equals or exceeds the level of control required by the minimum internal control standards described in Section 901 of this Ordinance and be consistent with this Ordinance, NIGC regulations, and the Tribal-State Compact.

B. The Gaming Facility Operator shall submit all Internal Controls and any amendments to the Commission for approval prior to implementation. The Commission and its staff shall review the Internal Controls or amendments for the

sole purpose of determining whether the Internal Controls provide a level of control which equals or exceeds the level of control required by the minimum internal control standards described in Section 901 of this Ordinance and are consistent with this Ordinance, NIGC regulations, and the Tribal-State Compact.

C. The Commission shall issue a letter either approving the Internal Controls or amendments thereto or setting forth comments and/or objections in as timely of a manner as possible, but no later than ten (10) days following receipt of the Internal Controls or amendments.

D. If the Commission issues a letter setting forth comments and/or objections, the Commission and the Gaming Facility Operator shall meet and confer within ten (10) days in a good faith effort to resolve any objections. Thereafter, the Commission may take any of the following actions:

1. Review any revisions to the Internal Controls or amendments provided by the Gaming Facility Operator;

2. Issue a letter approving the originally submitted Internal Controls or amendments or as subsequently revised by the Gaming Facility Operator; or

3. Issue a letter disapproving the originally submitted Internal Controls or amendments or as subsequently revised by the Gaming Facility Operator.

CHAPTER 10: ENFORCEMENT

Section 1001. Jurisdiction

Except as provided in this Ordinance or the Tribal-State Compact, the Commission shall have jurisdiction over all violations of this Ordinance. The Commission shall be responsible for investigating alleged violations of IGRA, NIGC regulations, the Ordinance, Tribal gaming regulations, and the Tribal-State Compact.

Section 1002. Prohibited Acts

A. In addition to other civil and criminal offenses provided for in this Ordinance, the following acts are prohibited by any person and subject any violator to the civil or criminal penalties specified herein:

1. Participating in unauthorized gaming;

2. Knowingly making a false statement in connection with any contract to participate in any gaming activity;

3. Attempting to bribe any person participating in any gaming activity;

4. Offering or accepting a loan, financing, or other thing of value between a Commission member or employee and any person participating in any gaming activity;

5. Promoting or participating in any illegal gaming activity;

6. Failing to keep sufficient books and records to substantiate receipts, disbursements, and expenses incurred or paid from any gaming activity authorized pursuant to this Ordinance;

7. Falsifying any books or records that relate to any transaction connected with any Gaming Activity pursuant to this Ordinance;

8. Conducting or participating in any gaming activity that results in cheating;

9. Allowing an intoxicated or disorderly player to participate in gaming activity;

10. Allowing or participating in the sale of liquor when such sale is prohibited by Tribal law;

11. Accepting consideration other than money, tokens, or chips for participation in any gaming activity;

12. Using bogus or counterfeit chips or charitable gaming tickets, or substituting or using any cards, charitable gaming tickets, or gaming equipment that have been marked or tampered with;

13. Employing or possessing any cheating device, or facilitating cheating in any gaming activity;

14. Willfully using any fraudulent scheme or technique to change the odds of any game of chance;

15. Soliciting, directly or indirectly, or using inside information on the nature or status of any gaming activity for the benefit of an individual;

16. Tampering with a gaming device, attempting to conspire to manipulate the outcome or the payoff of a gaming device, or otherwise unlawfully tampering with or interfering with the proper functioning of the machine;

17. Altering or counterfeiting a Gaming License;

18. Aiding, abetting, or conspiring with another person knowingly to cause any person to violate any provision of this Ordinance or any rules and regulations adopted hereunder;

19. Operating, using, or making available to the public any illegal gaming device, apparatus, material, or equipment;

20. Selling, holding out for sale, or transporting into or out of the jurisdiction of the Tribe, any illegal gaming device, apparatus, material, or equipment;

21. Assisting or allowing a person who is under the age of twenty-one (21) to participate in a gaming activity;

22. Possessing any illegal narcotics or controlled substances on any licensed gaming site;

23. Stealing or attempting to steal funds or other items of value from any Gaming Facility or the Commission; and

24. Employing any person at a licensed Gaming Facility whom the Licensee knows has been convicted of a gaming crime or a crime of fraud.

Section 1003. Enforcement Measures

A. **Violations.** Any person who violates any provision of this Ordinance shall be subject to denial, suspension, or revocation of a gaming License pursuant to Sections 603 to 605 of this Ordinance, and/or exclusion from attendance at any Gaming Facility. The Commission also reserves the right to levy civil fines on, bring civil actions against, and/or refer violators to relevant law enforcement agencies for criminal prosecution.

B. **Notices of Violation**

1. **Initiation.** Prior to issuing any final decision on a Notice of Violation, the Commission shall first deliver a preliminary Notice of Violation to the general manager and compliance manager of the Gaming Facility Operator, or to the Vendor.

2. **Contents of the Preliminary Notice of Violation.** The preliminary Notice of Violation shall, at the minimum, provide the following:

a. The specific sections of IGRA, NIGC's regulations, the Ordinance, Tribal gaming regulations, or the Tribal-State Compact alleged to have been violated;

b. The specific facts giving rise to the alleged violation that the Commission has reasonable cause to believe has been committed;

c. Those corrective actions (if any) that the Commission finds are needed to resolve the alleged violation; and

d. A warning that the failure to file a written response to the notice permitted by Section 1003(B)(3) of this Ordinance may preclude a later challenge of the notice on the merits in any subsequent proceeding to suspend, revoke, or not renew a Licensee's Gaming License pursuant to Section 604 of this Ordinance.

3. **Obligation to Investigate and Written Response.** Upon receiving a preliminary Notice of Violation, the Gaming Facility Operator or Vendor shall investigate the allegations set forth in the preliminary Notice of Violation and determine what corrective actions (if any) may be required. When the preliminary Notice of Violation is delivered to the Gaming Facility Operator, the Gaming Facility Operator shall identify those gaming employees or other individuals who may have been involved in the alleged violation. The Gaming Facility Operator and/or gaming employee or Vendor shall file a written response to the preliminary Notice of Violation within ten (10) days of service. The Response shall contain:

   a. The signature of any gaming employee or gaming employees involved in the alleged violation indicating that gaming employee was informed of the preliminary Notice of Violation, if applicable;

   b. An explanation of what corrective actions (if any) or other steps have been taken by the Gaming Facility Operator or vendor as a result of the preliminary Notice of Violation to ensure that the violation does not occur again; and/or

   c. Any statement by the Gaming Facility Operator and/or the identified gaming employee, or Vendor challenging or objecting to the preliminary Notice of Violation or any material aspect of the preliminary Notice of Violation.

4. **Final Decision.** The Commission shall consider any written response received under Section 1003(B)(3) of this Ordinance and any other information relevant to the matter and shall render a final written decision on the preliminary Notice of Violation within ten (10) days of receiving the response. The written decision shall be served on the general manager and compliance manager for the Gaming Facility Operator and on any gaming employee who received notice of the preliminary Notice of Violation as indicated by the signature required by Section 1003(B)(3)(a) of this Ordinance or, as applicable, the Vendor that is

subject to the Notice of Violation. The Final Decision on the Notice of Violation shall explain the basis of the decision and clearly state whether: (1) there was no violation; (2) there was a violation but appropriate corrective actions have been taken; or (3) there was a violation and appropriate corrective actions have not been taken. In the event the Commission determines that there was a violation and appropriate corrective actions have not been taken, subject to the right of review permitted under Section 1004 of this Ordinance, the Commission may take such other actions as may be allowable under the Ordinance and the Tribal-State Compact as necessary to ensure continued compliance with IGRA, NIGC regulations, the Ordinance, Tribal gaming regulations, and the Tribal-State Compact, including fines and sanctions.

C. **Civil Fine Assessments**

1. The Commission may impose a fine of not more than $2,500.00 for each violation of the Ordinance.

2. The Commission shall review each Notice of Violation and Order of Temporary Closure to determine whether a civil fine will be assessed, the amount of the fine, and, in the case of continuing violations, whether each daily illegal act or omission will be deemed a separate violation for purposes of the total civil fine assessed.

3. Within ten (10) days after service of a Notice of Violation, the respondent may submit written information about the violation to the Commission as part of its Written Response under Section 1003(B)(4) of this Ordinance. The Commission shall consider any information so submitted in determining the facts surrounding the violation and the amount of the civil fine.

4. The Commission shall serve a copy of any proposed assessment on the respondent at the time it issues its Final Decision on the Notice of Violation under Section 1003(B)(4) of this Ordinance.

5. The Commission may review and reassess any civil fine, if necessary, to consider facts that were not reasonably available on the date of issuance of the proposed assessment.

6. If the respondent fails to request a hearing as provided in Section 1004 of this Ordinance, the proposed civil fine assessment shall become a final order of the Commission. Civil fines assessed under this Section shall be paid by the person assessed and shall not be treated as an operating expense of the Gaming Operation.

D. **Orders of Temporary Closure**

1. Simultaneously with, or subsequent to, the issuance of a Notice of Violation, the Commission may issue an Order of Temporary Closure of all or part of a Gaming Operation for substantial violations of Tribal and/or federal law.

2. The operator shall close the Gaming Operation upon service of an Order of Temporary Closure, unless the Order provides otherwise.

3. **Informal Expedited Review.** Within one (1) day after service of an Order of Temporary Closure, the respondent may request, orally or in writing, informal expedited review by the Commission.

    a. The Commission shall complete the expedited review provided for by this Paragraph as soon as is practical and no later than one (1) day after receipt of a timely request.

    b. The Commission shall, as soon as is practicable and no later than one (1) day after the expedited review provided for by this Paragraph, decide whether to continue an Order of Temporary Closure and provide the respondent with an explanation of, and the factual basis for, that decision.

    c. Whether or not a respondent seeks informal expedited review under this paragraph, within thirty (30) days after the Commission serves an Order of Temporary Closure, the respondent may appeal the Order to the Commission under Section 1004 of this Ordinance. Otherwise, the Order shall remain in effect unless rescinded by the Commission for good cause.

E. **Order of Exclusion from Gaming Facility.** The Commission may issue a written Notice of Exclusion from the Gaming Facilities to any person or entity for a violation of any provision of the Ordinance, the Tribal-State Compact, IGRA, or other Tribal or applicable law or regulation.

F. **Civil and Criminal Actions.** In its own name, or in the name of the Tribe, the Commission may bring a civil action in any court of competent jurisdiction to enforce the provisions of this Ordinance or the Tribal-State Compact, or to enjoin or prevent any violation of this Ordinance, of federal law, or of applicable state law occurring on the Tribe's Indian lands. Similarly, the Commission, either in its own name or in the name of the Tribe, may request appropriate federal or state authorities to bring criminal charges for violations of applicable federal or state law occurring on the Tribe's Indian lands.

Section 1004. Appeals

A. A respondent may request a hearing to contest a Final Decision on a Notice of Violation, an Order of Temporary Closure, a proposed Civil Fine Assessment, or an

Order of Exclusion by submitting a Notice of Appeal to the Commission within thirty (30) days after service of:

1. The Final Decision on a Notice of Violation;

2. The proposed Civil Fine Assessment or Reassessment;

3. The Order of Exclusion; or

4. The Order of Temporary Closure.

B. A Notice of Appeal shall reference the notice or order from which the appeal is taken.

C. Within five (5) days after filing a Notice of Appeal, the Commission shall schedule a hearing for no later than thirty (30) days from date of Notice of Appeal. Notice of hearing shall include the time, date, and place of the hearing and shall be served on the respondent by first-class mail at respondent's last known address.

D. At the hearing, the respondent is entitled to call witnesses and present evidence.

E. Within ten (10) days after the respondent receives notice of the hearing, the respondent shall file with the Commission a supplemental statement that states, with particularity, the relief desired and the grounds therefor. The supplemental statement should include, when available, supporting evidence in the form of affidavits. If the respondent wishes to present oral testimony or witnesses at the hearing, the respondent shall include notice of this in the supplemental statement. The statement shall specify the names and job titles of proposed witnesses, and state whether a closed hearing is requested and, if so, why.

F. The respondent may waive in writing his or her right to an oral hearing and instead elect to have the matter determined by the Commission solely on the basis of written submissions.

G. A quorum of the Commission shall decide the matter by majority vote. A written decision by the Commission shall be issued to all parties within thirty (30) days from the hearing date. The decision of the Commission shall be based upon the whole record and shall include findings of fact and conclusions of law upon each material issue of fact or law presented on the record.

H. In deciding such appeals, the Commission shall apply a preponderance of the evidence standard.

I. The decision of the Commission on the appeal shall be final and not subject to judicial review.

Section 1005. Tribal-State Cooperation

A. **Report to the State Gaming Agency.** The Commission shall report individual or continuing violations of the Tribal-State Compact that pose a significant threat to gaming integrity or public health and safety, and any failures to comply with the Commission's orders, to the State Gaming Agency within ten (10) days of discovery.

B. **State Assistance Requests.** The Tribe may request the assistance of the State Gaming Agency whenever it reasonably appears that such assistance may be necessary to carry out the purposes described in this Section, or otherwise to protect public health, safety, or welfare.

C. **Periodic Meetings.** The State Gaming Agency shall meet periodically with the Commission and cooperate in all matters relating to the enforcement of the provisions of this Ordinance and the Tribal-State Compact on Class III Gaming.

CHAPTER 11: OTHER PROVISIONS

Section 1101. Severability

In the event that any section or subsection of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other section or subsection of the Ordinance.

Section 1102. Agent for Service of Process

The Tribe designates the Chair of the Commission as the agent for service of any official determination, order, or Notice of Violation, which shall be sent to the following address:

Timbisha Shoshone Gaming Commission
621 West Line Street, Suite 109
Bishop, CA 93514

Section 1103. Compliance with Federal Law

The Tribe shall comply with all applicable federal laws, including the Bank Secrecy Act, 31 U.S.C. § 5311 *et seq*.

Section 1104. Amendments

All provisions of this Gaming Act are subject to amendment by the Tribal Council. Ordinance amendments that fall within the scope of IGRA or NIGC regulations must be submitted to the NIGC for approval by the Chair. Regulations promulgated by the Commission under this Ordinance are subject to amendment by the Commission.

Section 1105. Effective Date

This Ordinance shall take effect immediately upon its approval by the NIGC Chair.