



January 9, 2015

VIA FACSIMILE AND
FIRST CLASS MAIL

Mr. Bo Mazzetti, Chairman
Rincon Band of Lusieño Indians
1 West Tribal Road
Valley Center, CA 92082
Fax: (760) 749- 8901

RE: Amended Gaming Code

Dear Chairman Mazzetti:

This letter responds to your request for the Chairman of the National Indian Gaming Commission to review and approve the Rincon Band of Lusieño Indians' Amended Gaming Code. The Gaming Code was authorized by Resolution 20014-52 on October 09, 2014.

Thank you for bringing the amended Gaming Code to our attention. The Gaming Code is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions, please feel free to contact Staff Attorney Heather McMillan Nakai at (202) 632-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonodev O. Chauduri".

Jonodev O. Chauduri
Chairman (Acting)

Rincon Band of Luiseño Indians

1 West Tribal Road, Valley Center, CA 92082 ♦ (760) 749-1051 ♦ Fax: (760) 749-8901



RESOLUTION NO. 2014-52

A RESOLUTION APPROVING AND ADOPTING THE AMENDMENTS TO THE RINCON GAMING ORDINANCE

WHEREAS, the Rincon Band of Luiseño Indians (“Band”) is organized pursuant to the Articles of Association passed and approved by the Commissioner of Indian Affairs on March 15, 1960; and

WHEREAS, the Rincon Business Committee (“Tribal Council”) is the duly elected governing body of the Band, empowered pursuant to the Articles of Association to represent the Band and act in all matters that concern the general welfare of the Band; and

WHEREAS, the Tribal Council previously adopted the Rincon San Luiseño Band of Mission Indians Tribal Gaming Ordinance (“Rincon Gaming Ordinance”) pursuant to Resolution 2000-107 to govern gaming activities taking place on the lands of the Band, which became effective upon approval by the National Indian Gaming Commission (“NIGC”) on February 14, 2001; and

WHEREAS, the Tribal Council previously approved amendments to the Rincon Gaming Ordinance, which amendments became effective upon approval by the NIGC on April 28, 2011 and September 28, 2011, respectively; and

WHEREAS, the Department of the Interior on February 8, 2013 approved Secretarial Procedures to govern the Band’s Class III gaming activities in lieu of a Tribal-State Compact; and

WHEREAS, the Rincon Gaming Commission has recommended to the Tribal Council certain changes to Rincon Gaming Ordinance to better conform and comply with the Secretarial Procedures; and

WHEREAS, the Tribal Council previously adopted Resolution No. 2014-21 accepting the recommendations of the Rincon Gaming Commission and upon review, the NIGC identified additional amendments to bring the Rincon Gaming Ordinance into compliance with NIGC regulations as revised; and

WHEREAS, the Tribal Council has reviewed the proposed amendments and desires that they shall become effective upon approval by the Chairman of the NIGC.

IT IS HEREBY RESOLVED, that Resolution No. 2014-21 is revoked and replaced by this Resolution No. 2014-52; and

Bo Mazzetti
Tribal Chairman

Stephanie Spencer
Vice-Chairwoman

Steve Stallings
Council Member

Laurie E. Gonzalez
Council Member

Frank Mazzetti, III
Council Member

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IT IS HEREBY FURTHER RESOLVED, the Tribal Council adopts the following 26 amendments to the Tribal Gaming Ordinance:

Amendment # 1: Section 3.15 is hereby amended to read as follows:

Gaming Device. "Gaming Device" means a slot machine, including an electronic, electromechanical, electrical, or video device that, for consideration, permits: individual play with or against that device or the participation in any electronic, electromechanical, electrical, or video system to which that device is connected; the playing of games thereon or therewith, including, but not limited to, the playing of facsimiles of games of chance or skill; the possible delivery of, or entitlement by the player to, a prize or something of value as a result of the application of an element of chance; and a method for viewing the outcome, prize won, and other information regarding the playing of games thereon or therewith.

Amendment # 2: Section 3.16 is hereby amended to read as follows:

Gaming Facility or Facility. "Gaming Facility" or "Facility" means any building in which Class III gaming activities or gaming operations occur, or in which the business records, receipts, or other funds of the gaming operation are maintained (but excluding offsite facilities primarily dedicated to storage of those records, and financial institutions), and all rooms, buildings and areas including, parking lots, and walkways, a principal purpose of which is to serve the activities of the Gaming Operation, but does not include any such facility that merely provides an incidental benefit to the Gaming Operation. Nothing herein prevents the conduct of Class II gaming (as defined under IGRA) within the Facility.

Amendment # 3: Section 3.17 is hereby amended to read as follows:

Gaming Operation. "Gaming Operation" means the business enterprise that offers and operates Class III Gaming Activities, whether exclusively or otherwise.

Amendment # 4: A new Section 3.23.1 is hereby established and shall read as follows:

Management Contractor. "Management Contractor" means any Gaming Resource Supplier with whom the Tribe has contracted for the management of any Gaming Activity or Gaming Facility, including, but not limited to, any person who would be regarded as a management contractor under IGRA.

Amendment # 5: Section 3.31 is hereby amended to read:

Secretarial Procedures. "Secretarial Procedures" means a written document prescribed by the Secretary pursuant to 25 U.S.C. § 2710(d)(7)(B)(vii), governing the conduct of Class III Gaming Activity on the Reservation.

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Amendment # 6: Section 3.31 is hereby renumbered as Section 3.32 and is hereby amended to read:

Tribal-State Compact or Compact. "Tribal-State Compact" or "Compact" means a written document, negotiated and agreed to by the Band and an official or agency of the State of California governing the conduct of Class III Gaming Activity on the Reservation.

Amendment # 7: Section 3.32 is hereby renumbered as Section 3.33.

Amendment # 8: Section 7.09 is hereby amended to read as follows:

(a) It is the responsibility of the Tribal Gaming Agency to conduct on-site gaming regulation and control in order to enforce the terms of the Secretarial Procedures, IGRA, and the Tribal Gaming Ordinance with respect to Gaming Operation and Facility compliance, and to protect the integrity of the Gaming Activities, the reputation of the Tribe and the Gaming Operation for honesty and fairness, and the confidence of patrons that tribal government gaming in California meets the highest standards of regulation and internal controls. To meet those responsibilities, the Tribal Gaming Agency shall adopt and enforce regulations, procedures, and practices as set forth herein.

(b) The Commission shall exercise all powers necessary to effectuate the purposes of the Gaming Ordinance. The Commission may exercise any proper power and authority necessary or convenient to perform its responsibilities under this Ordinance. The Commission shall meet not less than once each month to make recommendations and set policy, to approve or reject reports of the Gaming Operation management, if any, and transact other business that may be properly brought before it. The ultimate power to interpret the Compact or Secretarial Procedures is specifically reserved by the Business Committee.

Amendment # 9: Section 7.16 is hereby amended to read:

Processing Employee and Patron Complaints. The Commission may receive any complaint from an employee of the Gaming Operation or any member of the public who is or claims to be adversely affected by an act or omission related to any Gaming Activity which is asserted to violate the Compact or Secretarial Procedures, this Ordinance, or Regulation, and may upon consideration of such complaint order such remedial action as it deems appropriate to bring the Gaming Activity into compliance with such provisions. The Commission may for this purpose, in its sole discretion, direct the Executive Director to conduct a hearing and receive evidence with regard to such complaint if the Commission deems an evidentiary proceeding useful in the resolution of such complaint.

Amendment # 10: Section 7.17 is hereby amended to read:

Violations of Gaming Ordinance – Civil Infraction.

- (a) Any violation of this Ordinance is a civil infraction and any person found to have committed such an infraction is subject to imposition of a fine of no more than \$5,000 for each violation.
- (b) Any money, other representative of value or real or personal property used in or derived from participation in any activity conducted in violation of this Ordinance shall be subject to seizure by Tribal Law Enforcement Officers, and forfeited to the Band's treasury upon a finding by the Tribal Court that such money or other representation of value was used in or derived from participation in an activity conducted in violation of this Ordinance. Tribal Law Enforcement Officers shall coordinate and cooperate with the Executive Director in the issuance of citations and seizure of property used in the commission of a violation of this Ordinance. A Tribal Law Enforcement Officer shall accompany the Executive Director during the issuance of any such citation or seizure of property.
- (c) Winnings found to have been received in violation of this Ordinance shall be forfeited and become the property of the Band.
- (d) The general manager of the Gaming Operation and the head of security for the Gaming Operation (as designated by the general manager), the Executive Director and the Commission's compliance manager shall each have the power to temporarily detain Persons suspected of violating this Ordinance and seize evidence if any of the foregoing persons determine that such action is necessary to preserve the same for Tribal Law Enforcement Officers or other law enforcement officials.
- (e) The Band intends that the general manager of the Gaming Operation and the head of security for the Gaming Operation (as designated by the general manager) shall be the primary persons who may detain persons and seize evidence within the Gaming Facility. The Executive Director and the Commission's compliance manager may take such action within the Gaming Facility if the general manager or head of security for the Gaming Operation are not available or in the event no action is taken and the Executive Director or the Commission's compliance manager determine it is necessary to take action. The Executive Director and the Commission's compliance manager shall be the primary persons who shall detain persons and seize evidence outside of the Gaming Facility. Detention and seizure actions taken by the Executive Director or Commission compliance manager shall be completed in coordination with Tribal Law Enforcement and pursuant to a Regulation adopted pursuant to Section 7.10 of this Ordinance.
- (f) Such detention shall be for a temporary period and for the sole purpose of identifying such Persons, and for purposes of notifying and summoning appropriate law enforcement authorities and detaining such persons as long as is necessary to transfer them to the appropriate law enforcement officers. Detention of such persons shall not unduly interfere with the business of the Gaming Operation. Persons shall be transferred to appropriate law enforcement officers as soon as reasonably possible. Any area within

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which a Person is detained pursuant to this Ordinance shall be equipped with both video and audio recording capabilities. Any Person detained in such an area shall be kept under both video and audio observation during such temporary detention.

(g) Violations of this Ordinance may result in: Persons being prohibited from being present within the Gaming Facility; license suspensions, revocations or limitations; and, establishments being closed through the issuance by the Commission of a cease and desist order. All such action shall be taken at the discretion of the Commission, subject to the right to appeal the civil fine or forfeiture of property to the Tribal Court. A violator of this Ordinance may also be required to pay court costs, storage fees and auction or sales fees.

Amendment # 11: Section 9.04 is hereby amended to read:

Licenses. The Commission shall require licenses for all persons, entities, and facilities for which a Tribal Gaming License is required under IGRA and the Compact or Secretarial Procedures, including:

- (a) Class II and Class III Gaming Facilities;
- (b) Key Employees;
- (c) Primary Management Officials;
- (d) Gaming Employees; and
- (e) Gaming Resource Suppliers.

Amendment # 12: Section 9.04.01(b) is hereby amended to read:

Except as provided in subdivisions (c) and (d), if the State has assumed pursuant to Section 17.04 of this gaming Ordinance, the regulatory responsibilities vested in the Secretarial Procedures in the State Gaming Agency, 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 has expired without renewal is not eligible for licensure. In the event the if the State has not assumed pursuant to Section 17.04 of this gaming Ordinance, the regulatory responsibilities vested in the Secretarial Procedures in the State Gaming Agency, and NIGC is exercising its authority to make suitability determinations pursuant to Secretarial Procedures and the NIGC makes a determination that an applicant or licensee is not suitable, such person is not eligible for licensure.

Amendment # 13: Section 9.10 is hereby amended to read:

License & Regulation of Class III Gaming Activities - Tribal-State Compact or Secretarial Procedures Required. The Commission may license and regulate Class III Gaming Activity if:

- a) Such Gaming meets the requirements of Section 4 of this Ordinance; and

b) Such Gaming is conducted in conformance with the terms and conditions of a valid Compact entered into by the Band and the State of California that is approved by the Secretary of the Interior and is in effect or otherwise has been authorized by the Secretary of the Interior or federal law.

Amendment # 14: Section 9.15 is hereby amended to read:

Temporary Gaming License. The Commission may issue a temporary Gaming license to any Person applying for a license to work in a licensed Gaming Facility, which shall be valid pending the background investigation of the applicant. In no event shall a temporary license be valid for greater than 90 days for primary management officials and key employees, or 180 days for all other persons.

Amendment # 15: Section 9.24 is hereby amended to read:

Registration of Persons Providing Goods and Services to the Gaming Operation. All Persons providing \$50,000 or more in goods or services to the Gaming Operation in a calendar quarter shall register with the Commission. Registration shall be accomplished by completing and submitting the registration form provided by the Commission. Registration forms must be submitted to the Commission within ten (10) days of such Person providing \$50,000 or more in goods or services to the Gaming Operation in a calendar quarter. The Commission shall promulgate a regulation adopting a form of registration form within 90 days of approval of this Ordinance. The Gaming Operation shall notify Persons providing goods or services to the Gaming Operation that they may be obligated to complete the registration form. It is the responsibility of the Person providing goods or services of \$50,000 or more to the Gaming Operation in a calendar quarter to complete the registration form, and it is their responsibility to update the registration form in the event of any change in information. To facilitate compliance with this Section, the Gaming Operation shall establish a tracking system to monitor the purchase of goods and services of \$50,000 or more from any Person in a calendar quarter. The Gaming Operation shall make this information available to the Commission upon request. This registration obligation shall become effective sixty (60) days after the effective date of this Ordinance or promulgation of the regulation adopting a form of registration form, whichever is later.

Amendment # 16: Section 11.02 is hereby amended to read:

Application Forms.

(a) The following notice shall be placed on the Application form of a Key Employee or a Primary Management Official before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be 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

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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's 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.

- (b) Existing key employees and primary management officials shall be notified in writing that they shall either:
 - (i) Complete a new application form that contains a Privacy Act Notice; or
 - (ii) Sign a statement that contains the Privacy Act Notice and consent to the uses described in that notice.

Amendment # 17: Section 11.05 is hereby amended to read

Background Investigations. Each Primary management Official and each Key Employee shall provide the Commission the following information:

- (a) Full name, other names used (oral or written), Social Security Number(s), birth date, place of birth, citizenship, gender, all languages spoken or written;
- (b) Currently and for the previous five (5) years: all businesses in which the applicant holds an ownership interest, all business and employment positions held, all business and residential addresses, and driver's license numbers;
- (c) The names and current addresses of at least three personal references, including one personal reference that was acquainted with the applicant during each period of residences listed under paragraph (b) of this Section,
- (d) Current business and residence telephone numbers, and all cell phone numbers;
- (e) A description of any existing and previous business relationships with any Indian tribes, including ownership interests in those businesses;
- (f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses
- (g) The name and address of every 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;

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- (h) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
- (i) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- (j) For any gaming-related criminal conviction, whether felony or misdemeanor;
- (k) For each criminal charge (excluding minor traffic charges), within 10 years of the date of the application, whether or not there is a conviction, the name and address of the court involved and the date and disposition;
- (l) The names and address of each 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;
- (m) A current photograph;
- (n) Any other information the Commission may deem relevant under the circumstances; and
- (o) Fingerprints consistent with procedures adopted by the Commission in accordance with 25 C.F.R. §522.2 (h).

The Executive Director shall be responsible for the conduct an investigation sufficient to make a determination under Section 11.06 below. The Executive Director shall conduct a background investigation that meets or exceeds the requirements of 25 C.F.R. §§ 556 and 558. In conducting a background investigation, the Executive Director shall keep confidential the identity of each person interviewed in the course of the investigation. This confidentiality shall also be maintained by the Commission and any other person provided with such information.

Amendment # 18: Section 11.06 is hereby amended to read:

Eligibility Determination. The Executive Director shall review an applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a determination, pursuant to this Ordinance, concerning the suitability for licensure of Key Employee and Primary Management Official applicants. No license shall be issued to an applicant, unless , based on all information and documents submitted, the Commission is satisfied that the applicant is all of the following, in addition to any other criteria in IGRA or the

Tribal Gaming Ordinance:

- (a) A person of good character, honesty, and integrity.

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(b) A person whose 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 gambling, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of gambling, or in the carrying on of the business and financial arrangements incidental thereto.

(c) A person who is in all other respects qualified to be licensed as provided in the Secretarial Procedures, IGRA, this Gaming Ordinance, and any other criteria adopted by the Gaming Commission or the Tribe. 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 the effective date of this Compact.

Amendment # 19: Section 11.08 is hereby amended to read:

Report to the National Indian Gaming Commission. The Executive Director shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation prepared pursuant to Section 11.05 of this Ordinance. An investigative report shall include all of the following:

- (a) Steps taken in conducting the background investigation;
- (b) Results obtained; 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 21.
- (c) Conclusions reached; and

- (d) The basis for those conclusions.

Amendment # 20: Section 11.09 is hereby amended to read:

Additional Eligibility Determination Requirements. The Executive Director shall submit to the National Indian Gaming Commission, with the report, a copy of the eligibility determination made pursuant to this Ordinance.

- (a) If a license is not issued to an applicant, the Commission:
- (i) Shall notify the National Indian Gaming Commission; and
 - (ii) Shall forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Record System.
- (b) With respect to Key Employees and Primary Management Officials, the Executive Director and Commission shall retain Applications for licensing, investigative reports and eligibility determinations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination or denial of employment.

Amendment # 21: Section 11.11 is hereby amended to read:

License Suspension or Revocation.

- (a) If, after issuance of a gaming license, the Commission receives reliable information from the NIGC or other reliable source indicating that a Key Employee, Primary Management Official or other Licensee is not eligible for licensure under the eligibility criteria established herein, the Executive Director shall immediately suspend the license and shall notify the Licensee in writing of the license suspension and proposed revocation,
- (b) In circumstances where the immediate suspension is the result of information provided by the NIGC:
- (i) The Notice shall also include a time and place for a Hearing on the proposed revocation.
 - (ii) The Tribal Gaming Commission shall take the NIGC's objections into account when reconsidering a license application.
 - (iii) The right to a revocation hearing vests only when a license is granted under an ordinance approved by the NIGC Chair.

- (iv) The Commission shall conclude the Hearing, decide to revoke or reinstate the gaming license and notify the NIGC its decision within 45 days from the receipt of information provided by the NIGC.
- (c) **Summary Suspension.** The Executive Director may summarily suspend any license if continued licensing of a Person constitutes an immediate threat to the public health, safety or welfare. A Licensee may appeal such suspension in the manner provided in Section 9.21.
- (d) In circumstances where the immediate suspension is not the result of information provided by the NIGC:
 - (i) An applicant or Licensee shall be notified in writing by either personal service, or certified mail to the last known address provided to the Commission. Notice shall be deemed complete on the tenth day after deposit of notice in the U.S. Mail. Should an applicant or Licensee disagree with the initial determination of the Executive Director, the applicant or Licensee shall submit a written statement and a separate request for hearing to the Commission within ten (10) days of the written notice.
 - (ii) After a hearing, the Commission shall decide to revoke or reinstate a gaming license and shall notify the NIGC of such decision.

Amendment # 22: Section 14.01 is hereby amended to read:

Prohibition Against Gaming. No Person duly authorized by the Commission to conduct Gaming shall engage, conduct or condone any game unless and until such game is authorized and approved pursuant to Section 4 of this Ordinance, a valid license has been issued and all fees paid by the Licensee, and procedures governing such game have been duly approved by the Commission. Each request for approval of a new game shall be filed with the Commission. The Commission will consider the request and if not inconsistent with this Ordinance will recommend that the Business Committee approve of the game. The Business Committee may approve of any game not prohibited by this Ordinance or the Secretarial Procedures.

Amendment # 23: Section 14.03 is hereby amended to read:

Authorization of Gaming. The Commission shall approve rules and procedures governing all authorized games, including rules governing Gaming Equipment, including without limitation chips, dice, cards and tiles. Any provision in the Secretarial Procedures providing for notice to and comment from the State shall be complied with before the Commission authorizes any game.

Amendment # 24: Section 17 is hereby amended to read:

National Indian Gaming Commission & Secretarial Procedures

- 17.01 National Indian Gaming Commission - Regulations. Notwithstanding any provision in this Ordinance or any regulation promulgated thereunder, the Commission is fully empowered to comply with all applicable regulations promulgated by the National Indian Gaming Commission, including but not limited to all requirements to report ordinances, contracts, license applications, background checks and other information to the National Indian Gaming Commission.
- 17.02 National Indian Gaming Commission - Assessment. Notwithstanding any provision in this Ordinance or any Regulation, the Commission is fully empowered to comply with all assessments authorized by the National Indian Gaming Commission. Such assessments shall be paid by the Band.
- 17.03 Secretarial Procedures. Notwithstanding any provision in this Ordinance or any Regulation, the Commission is fully empowered to enforce the provisions of the Secretarial Procedures; provided, however, that if any provision of Secretarial Procedures provides for action by the Band, the Commission is not authorized to, and shall not, contact the Secretary or officials under the Secretary's authority, or the State's appointed agencies (or its agents) without the prior approval of the Business Committee.
- 17.04 **Assistance by State/Federal Gaming Agency.**
- (a) In the event that the State fails to assume regulatory responsibilities vested by these Secretarial Procedures in the State Gaming Agency pursuant to the process set forth in subsection B, below, the NIGC will assume such authority
- (b) The State may, at any time, provide written notice to the Tribe, with copies to the Secretary and NIGC, that the State will assume the regulatory responsibilities vested by these Secretarial Procedures in the State Gaming Agency. The Tribe shall acknowledge and consent to the State's notice of the State Gaming Agency's assumption of responsibilities from NIGC by resolution of its governing body.
- (c) The Tribe shall provide a copy of its resolution to the State, the Secretary, and the NIGC. 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 Section 7.I of the Secretarial Procedures, or otherwise to protect public health, safety, or welfare. If requested by the Tribe or Tribal Gaming Agency, the State Gaming Agency shall provide requested services to ensure proper compliance with these Secretarial Procedures. The State shall be reimbursed for its actual and reasonable costs of that assistance, if the assistance required expenditure of extraordinary costs.

Amendment # 25: Section 19.03 is hereby amended to read:

Compliance with Other Laws. The construction, maintenance and operation of any Gaming Facility shall be in a manner, which adequately protects the environment and the public health and safety and shall comply with any otherwise applicable Tribal and federal laws, including the Secretarial Procedures relating to environmental protection and health and safety.

Amendment # 26: Section 22 is hereby amended to read:

Law Enforcement; Fingerprinting and Criminal Background Checks

Each applicant for a Key Employee or Primary Management Official shall be required to have fingerprints taken as part of the license application procedure. Fingerprints shall be taken by the Commission. Fingerprints will then be forwarded to the NIGC for processing through the FBI and NCIC to determine the applicant's criminal history, if any. Nothing herein shall prohibit the Commission from accessing CLETS as provided by the Compact or Secretarial Procedures.


BE IT FURTHER RESOLVED, that the Tribal Council hereby directs the Chairman to take steps to submit these amendments to the Chairman of the NIGC for review and approval, and to take all such action that is necessary to make the amendments effective in accordance with federal law.

[CERTIFICATION ON FOLLOWING PAGE]

CERTIFICATION

We, the undersigned, as the governing body of the Rincon Band of Luiseño Indians, do hereby certify that the Rincon Business Committee is composed of five (5) members of whom 3 constituting a quorum were present at a meeting duly held on October 7, 2014, by a vote of 3 in favor, 0 against, 2 absent, and 0 abstaining.

Bo Mazzetti, Chairman


Stephanie Spencer, Vice Chairwoman

Steve Stallings, Council Member


Laurie E. Gonzalez, Council Member


Frank Mazzetti III, Council Member