



December 9, 2015

BY FIRST-CLASS MAIL

Linda Howard, Chairwoman
Yerington Paiute Tribe
171 Campbell Lane
Yerington, NV 89447

**Re: Yerington Paiute Tribe Gaming Ordinance
Adopted on May 4, 2015, by Resolution No. RY15-11**

Dear Chairwoman Howard:

This letter responds to your request on behalf of the Yerington Paiute Tribe for the National Indian Gaming Commission to review and approve the Tribe's first gaming ordinance. The gaming ordinance was adopted on May 4, 2015 by Resolution No. RY15-11.

Thank you for submitting the gaming ordinance for my review. The ordinance is approved, as it is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations.

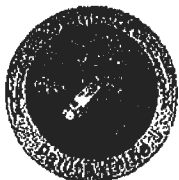
If you have any questions, please feel free to contact Armando Acosta, Senior Attorney, at 202-632-7003.

Sincerely,

A handwritten signature in black ink, which appears to read "Jonodev O. Chaudhuri".

Jonodev O. Chaudhuri
Chairman

cc: Charles R. Zeh, Esq. (*via email*: CRZeh@aol.com)



YERINGTON PAIUTE TRIBE

171 Campbell Lane
Yerington, NV 89447
Phone: (775) 463-3301
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Resolution No: RY15-11

Tribal Chairman
Linda L. Howard

Vice-Chairman
Wayne Garcia

Member
Albert Roberts

Member
Victor Sam, Sr.

Member
Eleanor Smith

Member
Delmar Stevens

Member
LaVerne Roberts

Deputy Administrator
Deborah Dunn

Secretary of Record
Shelley Cunningham

Be it resolved by the Council of the Yerington Paiute Tribe:

WHEREAS, the Yerington Paiute Tribe of Nevada adopted and ratified their Constitution according to Section 16 of the Indian Reorganization Act of June 8, 1934; (48 Stat. 984) as amended by the Act of June 15, 1935; (49 Stat. 378) and which was amended January 5, 1976; February 9, 1999; April 1, 2004 and February 13, 2013; and

WHEREAS, the Yerington Paiute Tribal Council is the recognized governing body of the Yerington Paiute Tribe according to Article III Section 1 of its Constitution; and

WHEREAS, the Council is empowered by its Constitution to provide for the health, safety and welfare of its people and to ensure certain of its lands for housing, parks, businesses, roadways and community facility/office development; and

WHEREAS, the Yerington Paiute Reservation and Colony is a small land and people based Tribe comprised of some 1600 acres of land and a population of some 500 residents, located 85 miles south of Reno, and which Reservation and is located some 10 miles north of the town of Yerington and which Colony land is located within the city limits of Yerington; and

WHEREAS, the Council is endeavoring to find ways to diversify and expand the economic base of the Tribe for the benefit of its membership; and

WHEREAS, in furtherance of its economic diversification efforts, the Council hereby finds that it is within the goals and principles of the Tribe's self-determination, economic outlook, economic diversification plans, and the health and welfare of its membership to engage in Class II and Class III Gaming on Tribal lands as permitted by Public Law 100-497, the Indian Gaming Regulatory Act, codified at 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§ 1166-1168; and

WHEREAS, the Council finds that gaming is the primary economic driver of the State of Nevada, where gaming (Class III) is legal and evident throughout the State; and

WHEREAS, the Council believes that it lies within the economic best interests of the Tribe to participate, to the extent economically feasible, in the business of gaming which is the economic driver of the State and a source of jobs, income, and economic strength for the residents of the State of Nevada; and

WHEREAS, in a document recorded on November 7, 2014, by the Secretary of State of Nevada, the Council entered into a Compact with the State of Nevada, which permits the Tribe to engage in Class III gaming on the Tribe's Tribal lands in the State of Nevada; and

WHEREAS, the next step in the process is for the Council to approve an Ordinance governing the manner in which Class II and Class III gaming may be conducted on the Tribe's Tribal lands and then to submit the Ordinance to the Chairman of the National Indian Gaming Commission for, it is hoped and expected, prompt review and approval; and

WHEREAS, the Council has been presented for its review and approval, an Ordinance providing for the conduct of Class II and Class III gaming on its Tribal lands, consistent with the Tribe's Compact with the State of Nevada, Federal law, the laws of the State of Nevada and tribal law and the Tribe's Constitution; and

WHEREAS, the Council believes that the adoption of the draft ordinance attached hereto lies within the economic interests of the Tribe and falls within the Council's Constitutional authority to adopt, approve and include within the body of the Tribe's Law and Order Code.

NOW THEREFORE BE IT RESOLVED, that the Council herein adopts this Resolution RY15-11 to formally acknowledge the importance of gaming as another business opportunity to expand the goals and principles of the Tribe's self-determination, economic outlook, economic diversification plans, and the health and welfare of its membership to engage in Class II and Class III Gaming on Tribal lands; and

BE IT FURTHER RESOLVED, that subject to the approval of the Secretary, Bureau of Indian Affairs, or his or her designee, the Council hereby adopts, ratifies and approves this gaming ordinance as Title 13- Gaming of the Tribe's Law and Order Code; and

BE IT FURTHER RESOLVED, that the Council hereby authorizes the Chairman of the Tribal Council to submit the Tribe's Gaming Ordinance to the Chairman of the National Indian Gaming Commission for review and approval as well as to the Secretary, Bureau of Indian Affairs, for review and approval at that level; and

BE IT FURTHER RESOLVED, that upon receipt of all the requisite approvals, the Gaming Ordinance shall become a part of the Tribe's Law and Order Code, set forth in Title 13-Gaming, and accordingly a part of the law of the land of the Yerington Paiute Tribe by which gaming activity may be conducted upon the land of the Yerington Paiute Tribe; and


BE IT LASTLY RESOLVED, the Council hereby declares this resolution shall be effective until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

It is hereby certified that the foregoing resolution of the governing body of the Yerington Paiute Tribe; composed of a Chairman and six members of whom:

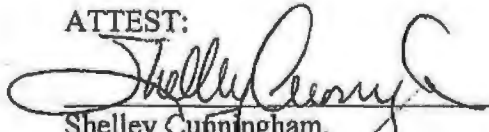
- | | | |
|-------------------|------------------|-------------------|
| 1. Linda Howard | 2. Victor Sam | 3. Delmar Stevens |
| 4. Albert Roberts | 5. Victor Sam | 6. Wayne Garcia |
| 6. Wayne Garcia | 7. Eleanor Smith | |

Six constituting a quorum were present at a meeting held on the 4th day of May 2015, and the foregoing resolution was adopted by an affirmative vote of 6 for, 0 against, 0 abstentions, pursuant to the authority contained under Article VI, Sections (e) (l) of the Constitution of the Yerington Paiute Tribe.



Linda L. Howard, Chairman
YERINGTON PAIUTE TRIBE

ATTEST:



Shelley Cunningham,
SECRETARY of RECORD

YERINGTON PAIUTE TRIBE

GAMING ORDINANCE

SET FORTH AS

TITLE 13-GAMING

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Title 13-GAMING

STATEMENT AND PURPOSE

Be it enacted by the Council of the Yerington Paiute Tribe, pursuant to its Constitution and the goals and principles of the Tribe's self-determination, economic outlook, economic diversification plans, and the health and welfare of its membership to engage in the gaming business as permitted by Public Law 100-497, the Indian Gaming Regulatory Act, codified at 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§ 1166-1168 on Tribal lands, an Ordinance that sets forth in Title 13-Gaming of the Tribe's Law and Order Code and which defines and regulates the manner in which Class II and Class III gaming may be conducted on the Tribal lands.

And further, by this enactment and authority as stated in Resolution RY15-11 that was adopted in a duly called meeting of the Council on May 4, 2015, this Gaming Ordinance is ratified by majority vote of the Council.

ARTICLE 1 - AUTHORITY, FINDINGS, AND DEFINITIONS

Section 1. **Authority.**

The Yerington Paiute Tribe (the Tribe) is a sovereign Indian tribe organized under the Indian Reorganization Act, 25 U.S.C. §§ 461, *et seq.* The Tribal Council is the governing body of the Tribe. This Ordinance is enacted on the basis of the inherent sovereign tribal powers delegated to the Tribal Council under Article III, Section 1, and Article VI, Section 1, of the Tribe's Constitution and the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701, *et seq.*

Section 2. **Findings.**

The Tribal Council of the Yerington Paiute Tribe hereby finds that:

- A. **Self-determination.** An explicit goal of Federal Indian policy, as enunciated in, amongst various places, the Indian Gaming Regulatory Act, is to promote tribal economic development, self-sufficiency and strong tribal government. The Tribe is deeply committed to these values.
- B. **Economic Pressures.** The Tribe needs additional revenues to assist it in meeting its governmental responsibilities.
- C. **Gaming as an Economic Enterprise.** Gaming is an appropriate subject for a tribal enterprise because:
 1. Congress has found that Indian tribes have the right to regulate gaming activity on Indian lands if the gaming activity is not specifically prohibited by Federal law and is conducted within a state which does not, as a matter of criminal law and policy,

prohibit such activity. 25 U.S.C. § 2701(5).

2. Congress has provided a statutory basis for the operation of gaming by Indian tribes as a mean of promoting tribal economic development, self-sufficiency, and strong tribal government. 25 U.S.C. § 2702(1).
3. Nevada law is not directly applicable on the Reservation, but Federal law depends on the policy underlying state gaming laws. In Nevada, gaming is not only lawful; it is the State's principal economic activity. Similar gaming operations operated by the Tribe would not conflict with Federal law.

Section 3. **Purposes.**

The purpose of this Title is to:

- A. Provide standards and regulations governing the conduct of gaming activities on the Yerington Tribal lands;
- B. Promote Tribal economic development;
- C. Enhance employment opportunities for Tribal members;
- D. Strengthen the economy of the Yerington Paiute Tribe; and
- E. Generate revenue for use in improving the health, education and general welfare of enrolled members of the Yerington Paiute Tribe and for other uses authorized under Federal law.

Section 4. **Definitions.**

For purposes of this Title:

- A. "Act" or "IGRA" means the Indian Gaming Regulatory Act of 1988, as amended at 25 U.S.C. § 2701-2721 and 18 U.S.C. §§ 1167-1168, and as it might become amended.
- B. "Applicant" means any person or entity applying for, or requesting renewal of, a license or permit described in or required by this Title.
- C. "Application" means a request for the issuance or renewal of a license or permit described in or required by this Title.
- D. "Banking Card Game" means any card game in which each player wagers against the house rather than against other players.
- E. "Bingo" means the game of chance (whether or not electronic, computer or other

technological aids are used in connection therewith) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations, in which the holder of the card covers such numbers or designations when objects similarly numbered or designated are drawn or electronically determined, and in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards. "Bingo" includes, if played at the same location, pull tabs, lotto, punch boards, tip jars, and other games similar to Bingo.

- F. "Class I Gaming" means social games played solely for prizes of minimal value or traditional forms of Tribal gaming, engaged in by individuals as part of, or in connection with, Tribal ceremonies or celebrations.
- G. "Class II Gaming" means all forms of gaming which are defined as "Class II Gaming" in the IGRA, 25 U.S.C. § 2703(7), and shall include, but not be limited to, the following forms of gaming: bingo, lotto, pull tabs and punch boards, tip jars and non-banking card games, when played in conformity with 25 U.S.C. § 2703(7).
- H. "Class III Gaming" means all forms of gaming that are not Class I Gaming or Class II Gaming, as defined in the IGRA, 25 U.S.C. § 2703(8).
- I. "Compact" means the Compact by and between the Yerington Paiute Tribe and the State of Nevada setting forth the agreement for the operation of Class III Gaming on Yerington Paiute Tribal Lands within the State of Nevada.
- J. "Entity" means any organization, including any division, department or other unit therein, and includes, but shall not be limited to, a public or private corporation, limited liability company, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, or estate.
- K. "Equipment" means any article, device, or other item, employed in gaming activity, including, but not limited to, bingo cards, lottery tickets, any electronically operated blower machine, gaming devices, gaming tables, associated paraphernalia, chips, tokens, dice and any other items employed in gaming activity.
- L. "Gaming Machine" or "Slot Machine" means any mechanical, electrical, electro-mechanical, electronic, or other device, contrivance or machine which, upon insertion of a coin, token, or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator in playing a gambling game which is presented for play by machine or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tokens, or anything of value, whether the payoff is made automatically from the machines, or in any other manner. "Slot Machine" specifically includes video facsimiles of any game of chance authorized under the Nevada Statutes. *See*, NRS 463.0152. In addition, if at any time the State broadens its definition of "slot machine" to include additional devices, then such devices shall also be "slot

machines" within the meaning of this Title.

M. "Gaming Commission" or "Commission" means the Yerington Paiute Tribe's Gaming Commission, (YPTGC) created by this Title.

N. "Gaming Device" means any equipment or mechanical, electro-mechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming or any game which affects the result of a wager by determining a win or a loss. The term includes:

1. A slot machine.
2. A collection of two or more of the following components:
 - a. an assembled electronic circuit that cannot be reasonably demonstrated to have any use other than in a slot machine;
 - b. a cabinet with electrical wiring and provisions for mounting a coin, token or currency acceptor and provisions for mounting a dispenser of coins, tokens or anything of value;
 - c. a storage medium containing the source language or executable code of a computer program that cannot be reasonably demonstrated to have any use other than in a slot machine;
 - d. an assembled video display unit;
 - e. an assembled mechanical or electro-mechanical display unit intended for use in gambling; or
 - f. an assembled mechanical or electro-mechanical unit that cannot be demonstrated to have any use other than in a slot machine.
3. Any mechanical, electrical or other device which may be connected to or used with a slot machine to alter the normal criteria of random selection or affect the outcome of a game.
4. A system for the accounting or management of any game in which the result of the wager is determined electronically by using any combination of hardware or software for computers.
5. Any combination of one of the components set forth in paragraphs (a) to (f) inclusive, of Section 4 (N)(2) and any other component that the Gaming Commission determines by regulation to be a machine used directly or remotely in connection with gaming or any game that affects the results of a wager by

determining a win or a loss.

- O. "Gaming Employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, sixteen (16) or more slot machines, a race book, sports pool or pari-mutuel wagering, including:
1. Accounting or internal auditing personnel who are directly involved in any record keeping or the examination of records associated with revenue from gaming;
 2. Boxmen;
 3. Cashiers;
 4. Change personnel;
 5. Counting room personnel;
 6. Dealers;
 7. Employees of a person required by Nevada law, NRS 464.010, to be licensed to operate an off-track pari-mutuel system;
 8. Employees of a person required by Nevada law, NRS 463.430, to be licensed to disseminate information concerning racing;
 9. Employees of manufacturers or distributors of gaming equipment within the Reservation whose duties are directly involved with the repair or distribution of gaming equipment;
 10. Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;
 11. Employees of operators of inter-casino linked systems;
 12. Floor men;
 13. Hosts or other persons empowered to extend credit or complimentary services;
 14. Keno runners;
 15. Keno writers;
 16. Machine mechanics;

17. Odds makers and line setters;
18. Security personnel;
19. Shift or pit bosses;
20. Shills;
21. Supervisors or managers; and
22. Ticket writers.

Gaming Employee does not include bartenders, cocktail waitresses or other persons engaged exclusively in preparing or serving food or beverages.

- P. "Gross Receipts" means the total receipts from the conduct of gaming activities.
- Q. "Indian Lands," "Reservation," "Colony," or "Yerington Tribal Lands" means all lands within the exterior boundaries of the Yerington Paiute Tribe over which it exercises governmental power that is either (1) held in trust for the Tribe by the United States; or (2) held by the Tribe or Indian individual subject to restriction by the United States against alienation. The terms also include any lands located within or contiguous to the boundaries of the Reservation and Colony acquired after October 17, 1988 by the Secretary of Interior in trust for the benefit of the Tribe, and newly acquired lands on which gaming activities are permitted pursuant to 25 U.S.C. §2719(b)(1).
- R. The term "Key Employee" means:
1. A person who performs one or more of the following functions:
 - a. Bingo caller;
 - b. Counting room supervisor;
 - c. Chief of security;
 - d. Custodian of gaming supplies or cash;
 - e. Floor manager;
 - f. Pit boss;
 - g. Dealer;

- h. Croupier;
 - i. Approver of credit; or
 - j. Custodian of gambling devices, including persons with access to cash and accounting records within such devices.
2. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year;
 3. If not otherwise included, the four most highly compensated persons in the gaming operation; or
 4. A Primary Management Official as additionally defined herein at CC.
- S. The term "Interstate Sports Betting Facility" means a gaming establishment wherein interstate wagers on sports events are received via telephone, computers and associated equipment on the Reservation.
- T. "License" or "Licensed" means a tribal gaming license, or having a valid tribal gaming license, issued by the Yerington Paiute Tribe, or the Gaming Commission, pursuant to this Title.
- U. "Lottery" means any scheme for the disposal or distribution of property, by chance, among persons who have paid any valuable consideration for the chance of obtaining such property, or portion of it, or for any share or any interest in such property upon any agreement, understanding or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle or gift enterprise, or by whatever name the same may be known.
- V. "National Indian Gaming Commission" or "NIGC" means the National Indian Gaming Commission created by the IGRA.
- W. "Net Revenue" means the total gross receipts from a gaming operation, less:
1. Amounts paid out as, or paid for prizes; and
 2. Total gaming-related operating expenses, excluding management fees.
- X. "Non-Banking Card Games" means any card game in which two or more players play against each other and the players do not wager against the house. Non-banking card games played in conformity with State law regulating hours of play, wage and pot limits are Class II Gaming. All other non-banking card games are Class III games.
- Y. "Non-Tribal Gaming Facility" or "Non-Tribal Gaming Operation" means any gaming

which is licensed and conducted on the Reservation by any person or entity other than the Tribe or an entity wholly owned by the Tribe.

- Z. "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, joint stock company, business trust, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal or nonprofit, doing business within the Indian lands. The Tribe is not within the definition of person.
- AA. "Pinball Machine" means a video, mechanical, electrical or electronic machine which, upon insertion of a coin or token or upon redemption of a credit, is available for play, the play or operation of which, by reason of skill, chance or a combination of both, may entitle a player to an automatic, immediate free replay or replays, which cannot be redeemed for anything of value.
- BB. "Player" means any person participating in gaming activity, who is participating with the reasonable expectation of, or for the chance of, receiving a prize of some value.
- CC. "Primary Management Official" means:
 - 1. The person(s) having management responsibility for a management contract;
 - 2. Any person who has authority:
 - a. to hire and fire employees; or
 - b. to set up working policy for the gaming operation; or
 - 3. The chief financial officer or other person who has financial management responsibility.
 - 4. Any other person designated by the Tribe as a primary management official.
- DD. "Prize" means any U.S. currency, cash or other property or things of value awarded to a player or players, or received by a player or players, as a result of their participation in a gaming activity.
- EE. "Secretary" means the Secretary of the Interior.
- FF. "State" means the State of Nevada.
- GG. "Tribal Council" means the Yerington Paiute Tribal Council.
- HH. "Trial Court" means the Yerington Paiute Trial Court.

- II. "Tribal Gaming Facility" or "Tribal Gaming Operations" means any Class II or Class III Gaming operation or facility which is owned by the Tribe or a wholly owned entity of the Tribe.
- JJ. "Tribe" means the Yerington Paiute Tribe.

ARTICLE 2 - AUTHORIZATION OF TRIBAL GAMING

Section 1. **Tribal Gaming Authorized.**

- A. Class I Gaming is authorized on Indian lands, and may be conducted by any person. Class I Gaming shall not be regulated by this Title.
- B. Class II Gaming is authorized on Indian lands. Class II Gaming shall be regulated by the YPTGC and shall only be operated consistent with the provisions of this Title and the IGRA.
- C. Class III Gaming is authorized on Indian lands. Class III Gaming shall be regulated by the YPTGC and shall only be operated consistent with this Title, the Compact, and the IGRA.
- D. Notwithstanding any provision in this Title to the contrary, any proposal to open a new Class II or Class III Gaming operation on the Reservation is prohibited unless it is first authorized and approved by the Tribal Council, and thereafter licensed and regulated by the Gaming Commission pursuant to this Title.

Section 2. **Tribal Gaming.**

The Tribal Council hereby authorizes one or more tribally-owned gaming establishments to offer those forms of gaming which are approved under the Compact, the Title or both, or which may be approved in the future under the Compact, as amended, the Title or both.

Section 3. **Tribe to Be Sole Gaming Proprietor.**

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any Class II or III gaming activity on the Reservation, unless the Tribe elects to allow individually owned gaming. This provision shall not preclude the Tribe from entering into a lawful management contract under 25 USC § 2711.

Section 4. **Separate License for Each Location; Environmental Compliance.**

A. **Separate License Required.**

The Tribe shall issue a separate license to each place, facility, or location on Indian lands, where Class II or III gaming is conducted under this Title.

B. Environment and Public Health and Safety.

1. 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.
2. The Tribal Council, Commission and Tribal Police Department 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.

Section 5. Use of Net Gaming Revenue.

A. 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:

1. Net revenues from any [class II and/or class III] gaming activities conducted or licensed by the Tribe may be used to make per capita payments to enrolled Tribal members if:
 - a. The Tribe has prepared a plan to allocate revenues to one or more of the five uses authorized by Subsection (A) above;
 - b. The plan is approved by the Secretary of the Interior as adequate, particularly with respect to the uses described in Subsections (A)(1) and (A)(3) above.
 - c. 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 of the health, education, or welfare of the minor or other legally incompetent person; and
 - d. The per capita payments are subject to Federal taxation and the Tribe

notifies its members of such tax liability when payments are made.

Section 6. **Compliance with Law; Inclusion of the Compact.**

- A. **Applicable Law.** All Class II and III gaming operations on the Reservation shall be conducted in accordance with Article 2, Sections 1 and 4. In addition, this Title shall be construed in a manner which conforms to applicable law.
- B. **Incorporation of Compact.** The Compact as enacted and as it may be amended, shall be incorporated into this Title. In the event of any inconsistencies between the Compact and any amendment hereof and any provision of this Title, the Compact shall govern.

Section 7. **Agent for Service of Process.**

The Tribe designates the Tribal Chairman as the agent for service of any official determination, order or notice of violation.

ARTICLE 3 - YERINGTON PAIUTE TRIBE GAMING COMMISSION

Section 1. **Commission Established.**

The Tribal Council hereby establishes a Tribal Gaming Commission to be known as the Yerington Paiute Tribal Gaming Commission (YPTGC), which shall be responsible for the successful, safe, lawful, and honest operation of the Tribe's Class II and III gaming operations on the Reservation.

Section 2. **Structure of the YPTGC or Gaming Commission.**

- A. **Number.** The Gaming Commission shall consist of three members, at least one of whom must be an enrolled member of the Yerington Paiute Tribe. The Tribal Council shall designate the Chairman of the Gaming Commission.
- B. **Appointment.** The three members of the Gaming Commission and one alternate shall be those persons whom the Tribal Council deems qualified, giving due weight to the candidate's education, experience, and integrity.
- C. **Term.** Initial appointments to the Gaming Commission shall be for the following terms: Chairman– three years; one member – two years; one member – one year; alternate member – three years. Thereafter, all appointments shall be for three-year terms, provided that if a vacancy occurs for any reason, the Tribal Council shall appoint a replacement for the remainder of the replaced person's term.
- D. **Suspension or Removal.** Gaming Commission members may only be suspended or removed by a vote of at least four members of the Council (with the Chairman of the Council entitled to vote in the event of a tie), for good cause, upon written notice and the opportunity to be heard before the Tribal Council. Decisions for removal by the Tribal Council are final. No appeal may be taken.

- E. Registered Agent. The Chairman of the Gaming Commission shall be the agent for service of process for the Gaming Commission.
- F. Qualification for Membership. No person shall be appointed to the YPTGC unless, after reviewing that person's prior activities, criminal record, reputation, habits and associations, the Tribal Council is satisfied that such person:
1. Is of good character, honesty, and integrity;
 2. Does not pose a threat to the public interest of the Tribe or its members or to the effective regulation of gaming;
 3. Does not create or enhance the dangers of unsuitable, unfair or illegal practices in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;
 4. Has no interest in any gaming activity on the Yerington Paiute Tribal Colony/Reservation Lands or in any other activity that may be in conflict with the tribal gaming operations;
 5. Has adequate business probity, competence and experience in gaming or generally is qualified by reason of training, education, experience or any combination of experience in law, finance, or marketing; and
 6. Is familiar with IGRA.
- G. Limitation on Membership. No person may serve on the YPTGC if;
1. The person's other employment or responsibilities conflict or could potentially conflict with the duties and responsibilities to create an impression or appearance of impropriety in the fulfillment of the duties and responsibilities of a Commissioner;
 2. The person is an employee of a Gaming Operation or the person's other employment or responsibilities create an impression or appearance of impropriety in the fulfillment of the duties and responsibilities of a Commissioner;
 3. The person is a:
 - a. Member or officer of the Tribal Council;
 - b. Judge in any Tribal Court; or
 - c. A convicted felon.

4. Commissioners may not gamble in any gaming Establishment on the Reservation. No Commissioner may accept gratuities or any other thing of value from any Licensee or Applicant.

Section 3. **Powers and Duties of the Gaming Commission.**

The Gaming Commission shall have the following powers and duties:

- A. **General Powers.** The Gaming Commission shall administer the provisions of this Title and shall have all powers necessary therefore as prescribed below:
 1. Promulgate such rules and regulations as may be necessary and desirable for the proper implementation of this Title;
 2. Identify and define the rules of play for each Class II and Class III game permitted;
 3. License, supervise, inspect and oversee all gaming activities and persons employed in gaming activities conducted on Tribal lands;
 4. Conduct or contract with other government agencies or private entities to conduct background investigations;
 5. Carry on a continuous study and investigation of Class II and Class III Gaming on Indian lands for the purpose of:
 - a. Ascertaining any defects in abuses of the standards and regulations in this Title or applicable rules and regulations;
 - b. Formulating recommendations for changes in the standards and regulations in this Title or applicable rules and regulations; and
 - c. Preventing abuses and evasions of the standards and regulations prescribed by this Title and applicable rules.
 6. Report to the Tribal Council on any matters related to gaming that are deemed by the YPTGC to constitute an emergency requiring immediate action;
 7. Take any action it deems necessary and appropriate for violation(s) of this Title or of applicable rules and/or regulations, prosecution, referral for prosecution, or civil suit;
 8. Consistent with approved budgets, and as further provided in Article 4, Section 2, employ such persons and legal counsel as are necessary to carry out the specific and general powers and duties of the Gaming Commission; and

9. In accordance with Article 4, Section 2, prepare and submit an annual budget to the Tribal Council for approval in accordance with the Tribe's standard practice for approving the budgets.
- B. Subpoena Power; Hearings and Disposition. The Gaming Commission shall have the authority to subpoena witnesses and documents, conduct administrative hearings, and assess civil fines or penalties upon persons who violate the provisions of this Title, any provision of the Compact, or any provisions of IGRA, provided that such person shall be given adequate notice and an opportunity to be heard before the Gaming Commission.
1. Any person assessed a fine or penalty under this Section shall have the right to file a petition for judicial review to the Trial Court, provided that a written complaint seeking review of the Gaming Commission's decision is filed with the Tribal Court within thirty (30) days of the Gaming Commission's decision. If a timely complaint is not filed, then the Gaming Commission's decision imposing the fine or penalty shall be final and not subject to further review. The Tribal Court shall, however, have jurisdiction to enforce any assessed fine or penalty imposed by the Gaming Commission.
 2. Any person or entity engaging in or conducting gaming on Tribal lands is thereby deemed to have consented to the jurisdiction of the Yerington Paiute Trial Court.
- C. Compact. The Gaming Commission shall carry out each of the responsibilities and duties set forth for the Gaming Commission in the Compact.
- D. Record-Keeping. For a minimum of three (3) years, the Gaming Commission shall maintain complete records regarding the following:
1. Applications, financial statements, fingerprints, contracts, Licenses, suspensions and cancellation notices and correspondences of all Applicants, including Management Contractors, Key Employees, Primary Management Officials, Gaming Establishments and Gaming Device suppliers;
 2. Meeting minutes from all Gaming Commission meetings;
 3. Compact compliance;
 4. Reports relating to customer disputes, complaints or other issues that affect the integrity of the Gaming Operation(s);
 5. Gaming Commission budget and expenditures;
 6. Tribal Council communications and correspondence; and

7. Any other records or documents the Gaming Commission deems necessary or appropriate.
- E. Reports. Unless otherwise authorized by the Tribal Council, the Gaming Commission shall make monthly reports to the Tribal Council within thirty (30) days after the end of each month. Such reports shall contain the following information:
1. Number and types of Licenses issued during the previous thirty-day period;
 2. Information regarding License denials, suspensions or revocations;
 3. Report(s) of any events of non-compliance, breach or violations of this Title, the Compact, IGRA, a License or any other law or regulation; provided, however, that these reports are not the subject of or relating to a pending investigation of the Gaming Commission, or hearing before the Gaming Commission;
 4. A report of Gaming Commission expenditures for the prior thirty-day period;
 5. A summary of any Gaming Commission travel and training;
 6. The number of and purpose for any special Gaming Commission meeting(s);
 7. All other information that the Gaming Commission deems relevant in order to keep the Tribal Council informed and current on all gaming matters; and
 8. Reports as required to be maintained and submitted by the Compact.

Nothing in this Section shall authorize or permit the Gaming Commission to provide the Tribal Council with any information pertaining to a pending investigation of the Gaming Commission, or hearing before the Gaming Commission. All such information shall be kept confidential.

- F. Regulation of Patron Disputes. The Gaming Commission shall promulgate necessary rules and regulations in order to resolve any disputes which arise in connection with lawful gaming activities conducted pursuant to the Tribal Gaming Title between the gaming public and the Tribe or its employees or management contractors. The Gaming Commission's rules and regulations shall comply with the following minimum standards:
1. Subject to the procedures set forth in Article 9, Section 6, any disputes that arise between the gaming public and the Tribe or its management contractors shall go before the Gaming Commission, which shall convene and hold a hearing within thirty (30) days of receiving notice of the dispute.
 2. The Gaming Commission shall issue a written decision within thirty (30) days after the conclusion of the hearing, and shall grant or deny such relief as legally and equitably due.

3. Any decision of the Gaming Commission regarding a Patron dispute may be appealed to the Tribal Court utilizing the same procedures set forth in Article 9, Section 6(C) of this Title.
- G. Establishment of a List of Barred Persons. The Gaming Commission may bar any person from working or gaming at the Tribe's gaming facilities if, in the view of the Gaming Commission, such person's history, associations, reputation, or habits poses a threat to the integrity of Tribal gaming activities and any person of the State of Nevada's list of excluded persons, *i.e.*, black book. The list may be shared with other public or private agencies under Subsections (H) and (I) below.
- H. Coordination With Other Agencies. The Commission shall coordinate its activities and cooperate with other relevant agencies including the NIGC and other Federal agencies, and any agencies of the State with which the Tribe cooperates pursuant to its compact(s). The Commission may provide any information to such agencies which must or may be provided under applicable law.
- I. Coordination with Private Entities. The Commission shall supervise, oversee, and, to the extent appropriate, coordinate its activities with, any contract manager, and any other contractors, vendors, suppliers, or other private entities with any involvement in any aspect of gaming operations.
- J. Technical Standards. The Gaming Commission shall promulgate, review, and revise as necessary technical standards and rules of each game of chance operated by the Tribe
- K. Legal remedies. The Gaming Commission may in its own name bring any civil action or criminal complaint in the courts of the Tribe, State or the United States to enforce the provisions of this Title, the Act or the Compact, or to enjoin or otherwise prevent any violation of this Title, the Act, or the Compact, occurring on the Reservation or Colony.
- L. Emergency Action by Gaming Commission Members. If emergency action is required to protect the public interest in the integrity of gaming operations, and there is insufficient time to convene a meeting of the Gaming Commission, the Chairman of the Gaming Commission, or any other Member of the Gaming Commission acting in the absence of the Chairman, may issue in the name of the Gaming Commission any order which the Gaming Commission has the power to issue to any employee or contractor of the gaming operation or to any other person within the jurisdiction of the Tribe to take any action or cease and desist from any action as may be required to protect such interest. Any such emergency order must be reviewed by the Gaming Commission at its earliest opportunity, whereupon it may be confirmed or vacated by the Gaming Commission. An unreviewed or unconfirmed emergency order issued under this Section will lapse within 10 days, and must state that is the case on its face.
- M. Compensation. The Chairperson, Gaming Commission members, and Gaming Commission employees may be compensated, provided that the terms and conditions of

such compensation shall be set by the Tribal Council.

Section 4. **Gaming Commission Operations.**

- A. **Quorum and Voting.** Two Gaming Commission members shall constitute a quorum. The Chairman may vote and shall preside over all meetings. Action by the Gaming Commission should be by consensus, but if consensus cannot be achieved, shall be by majority vote. Whenever Gaming Commission action is by majority vote, majority and minority views shall be expressed in writing, shall be retained in the records of the Gaming Commission and shall be reported to the Council.
- B. **Recusal.** No member of the Gaming Commission shall participate in any decision directly involving his pecuniary interest, the gaming license, employment, or the direct monetary interest of his or her spouse, child, parent, or sibling, by blood or adoption. A recused member of the Gaming Commission may voluntarily recuse himself and decline to participate in any Gaming Commission action or decision when the member, in his own discretion, believes he could not act fairly or without bias, or that there would be an appearance that he could not so act.
- C. **Vice-Chairman; Alternative and Temporary Members.** The Gaming Commission shall select one of its members to serve as Vice-chairman. If the Chairman is unavailable because of recusal or any other reason, the Vice-chairman shall serve as acting Chairman. If the Vice-chairman is also unavailable, the third member of the Gaming Commission may serve as acting Chairman. The alternate member shall serve temporarily as a member of the Gaming Commission only when necessary for the Gaming Commission to achieve a quorum. The Tribal Council may appoint additional, alternative or temporary members, which may include non-tribal members, as needed to obtain a quorum, on such terms as the Tribal Council deems appropriate.
- D. **Meetings.**
1. Regular meetings of the Gaming Commission may be held only upon notice to the Members or at such times and places as the Gaming Commission determines. Special meetings may be called by the Chairman or in his absence by the Vice-chairman. Neither the business to be transacted at, nor the purpose of any regular or special meeting need be specified in any notice of the meeting.
 2. Any action required or permitted to be taken at a meeting of the Gaming Commission may be taken without a meeting if each member signs a written consent to the action. Such consent shall be filed with the minutes of the Gaming Commission.
 3. Members of the Gaming Commission may participate in a meeting by conference telephone or similar communications equipment by which all persons participating in the meeting can hear each other.

ARTICLE 4 - FINANCIAL MATTERS

Section 1. Application of Net Revenues.

Net revenues from any gaming activity are not to be used for any purpose other than to fund Tribal government operations or programs, provide for the general welfare of the Tribe and its members (including per capita payments conforming to the Act at 25 USC § 2710(b)(3)), promote the Tribe's economic development, contribute to charitable organizations, help fund operations of local Tribal government agencies, or to further other purposes permitted under the Act and as permitted by the Compact.

Section 2. Budgets.

The Gaming Commission shall propose to the Tribal Council an annual operating budget, and may in accordance with the budget employ staff necessary to fulfill its responsibilities, and may retain legal counsel, consultants, and other professional services, including investigative services, to assist it. Such expenses of the Gaming Commission shall be assessed against the gaming operation. The Tribal Council shall, however, insure from other sources, if necessary, sufficient funding is timely provided to enable the Gaming Commission to discharge its responsibilities herein.

Section 3. Audits.

- A. All gaming authorized under this Title shall be audited by an independent certified public accountant, at least annually, and copies of the annual audit shall be provided to the Tribal Council and the Gaming Commission. The results of these audits shall also be submitted annually to the NIGC.
- B. All gaming-related contracts that result in the purchase of supplies, services, or concessions for \$25,000 in any year (except contracts for professional, legal or accounting services) shall be specifically included within the scope of such audit. The Gaming Commission or Tribal Council may call for special audits at any time.
- C. Tribal Access to Financial Information. A copy of the Tribal gaming operation's annual audit shall be made available for review upon request to the Tribal Council through the Tribal Council Chairman.

ARTICLE 5 - GAMING FACILITIES AND LOCATION LICENSES

Section 1. Authority to License.

- A. Class II and Class III Facilities. Subject to the approval of the Tribal Council according to Article 2, Sections 1 through 4, the Gaming Commission shall have the authority to license and regulate any Class II and Class III Gaming operations on the Yerington Paiute

Tribal lands. All Class II and Class III Gaming operations and the location or place of the Class II and Class III Gaming must be licensed and approved before such gaming may be conducted on the premises and at the location. The licensing and regulation of Class III Gaming shall also be consistent with the Compact.

- B. Class I Gaming. Class I Gaming shall not be regulated by this Title or the Compact. No licensing shall be required of Class I Gaming.

Section 2. **Types of Licenses Issued.**

- A. Licenses. The Gaming Commission may issue licenses for gaming on the Yerington Paiute Tribe's lands for the following:

1. Any Class II or Class III Tribal gaming facility;
2. Subject to this Title and the Compact, any Class II or Class III non-tribal gaming facility;
3. Any Management Contractor, Primary Management Official, or Key Employee; or
4. Any other license required by the IGRA, the Compact or both.

- B. Designation on License. Licenses that are issued for Class II or Class III Gaming shall indicate on the face of the license the type and class of the license. A combined Class II and Class III license may be issued if appropriate.

ARTICLE 6 - BACKGROUND INVESTIGATIONS FOR PRIMARY MANAGEMENT OFFICIAL, KEY EMPLOYEES AND OTHER EMPLOYEES

Section 1. **Statement of Responsibilities.**

The Tribe is responsible for the conduct of background investigations and suitability determinations. The Gaming Commission shall have primary responsibility for conducting and causing to be conducted the background investigations, except that the Tribal Council shall have such responsibility for members of or candidates for appointment to the Gaming Commission.

Section 2. **Work Permits for All Gaming Employees at Tribal Class III Gaming Facilities.**

The Gaming Commission may issue work permits to all Gaming Employees employed at a Tribal Class III Gaming facility in accordance with the requirements of a Compact. No person may be employed as a Gaming Employee who is determined by the Tribal Gaming Commission, the Nevada Gaming Commission, or State Gaming Control Board to be a person who would be unsuitable to hold or retain a Nevada work permit in a similar situation, off reservation gaming operation. Applications for work permits shall be processed in accordance with Article VIII of

the Compact. The requirements of this Section shall apply only to Class III gaming facilities.

Section 3. **Work Permits For Non-Gaming Personnel.**

All persons who are not Gaming Employees but work at any facility where authorized gaming occurs or is supervised or administered, must obtain a non-gaming work permit. Such work permits shall be issued upon determining that the employee is not a threat to the effective regulation of gaming and creates no risk or enhances no danger of unfair or illegal practices, methods or activities in the conduct of gaming on the Reservation. All applicants for work permits shall provide the information required by the Commission.

Section 4. **Primary Management Officials and Key Employees, (Collectively, Key Employees) License Requirements.**

- A. **Association to Class II and III Gaming.** No person or entity employed or retained in the capacity of a Primary Management Official or a Key Employee may be associated with a Class II or Class III Tribal gaming operation unless such person/entity has obtained a license from the Tribal Gaming Commission. Prior to issuing a license, the Gaming Commission shall conduct, or cause to be conducted, a background investigation that meets the requirements of this Title and applicable Federal law. Applicants shall pay all fees required by the IGRA, this Title, and when applicable, the State of Nevada.
- B. **Licensee Qualities.** A license shall not be granted unless the Tribal Gaming Commission has reviewed the results of the background investigation and is satisfied that the Applicant:
1. Is of good character, honesty, and integrity;
 2. Does not pose a threat to the public interest of the Tribe or its members or to the effective regulation of gaming;
 3. Does not create or enhance dangers of unsuitable, unfair, or illegal practices in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto; and
 4. Is in all other respects qualified to be licensed if found suitable consistent with the declared policy of the Yerington Paiute Tribe.
- C. **Authority to Test Licensee's Character and Fitness.** An application for a license constitutes a request for a determination of the Applicant's general character, integrity and ability to participate or engage in, or be associated with gaming. Any written or oral statement made in the course of an official proceeding of the Gaming Commission or the National Indian Gaming Commission by any member thereof or any witness testifying under oath that is relevant to the purpose of the proceeding is absolutely privileged and does not impose liability constituting a ground for recovery in any civil action.

- D. Exclusion. Neither this Subsection nor Article 6, Section 5 shall apply to employees who are subject to the work permit requirements of Section 2 and 3.

Section 5. **Application For Gaming License.**

- A. Applicable Fees, Renewals and Taxes. Consistent with Article 2, Section 4, no Class II or Class III Gaming may be conducted without the issuance of a Class II or Class III license issued and approved by the Tribe's Gaming Commission for each location upon which Class II or Class III Gaming is to be conducted. The issuance of each such license shall be subject to the approval of the Tribal Council.
1. Any person or entity including, but not limited to, a Key Employee, (hereinafter, Applicant) applying for a Tribal gaming license pursuant to this Title, shall submit with the application, the established application fee, plus the annual renewal fee, if applicable, prescribed by Subsection 3, below, provided that applicants seeking a gaming license to operate 20 or fewer slot machines, only, shall submit an application and fee applicable to limited slot operations, together with the annual renewal fee, if any.
 2. In addition to the application fee prescribed in Subsection (A)(1), above, any Applicant for a Class II or Class III Gaming license shall also pay for the costs of all background investigations conducted by the NIGC and the Tribe's Gaming Commission, or its authorized delegate. In addition, an applicant for a Class III Gaming license shall also be required to pay any costs incurred by the Tribe for obtaining the necessary background investigations and approval of all Gaming Employees, Key Employees and other persons subject to review by the State of Nevada under the Compact.
 3. A Licensee shall, at least sixty (60) days prior to the expiration of the License, apply for renewal, as required by the Tribe's Gaming Commission, and shall submit with the application for renewal a renewal fee as established by the Commission. For slots only facilities of 20 slots or less, the renewal fee shall be separately established by the Commission.
 4. In addition to the fees prescribed in this Section, any Class II or Class III licensee shall pay all applicable taxes and fees imposed by the Tribe's Tax Code, including, if enacted, any and all applicable gaming taxes and licensing fees imposed.
 5. The failure to pay any fee or tax prescribed herein, or any other provision of Federal or Tribal law shall be grounds for the denial, suspension or revocation of a gaming license by the Tribe's Gaming Commission, provided that after a License is initially approved, it shall not be suspended or revoked by the Commission without first according the Licensee prior notice and an opportunity to be heard.
 6. Any Applicant for a gaming license shall be required to complete an application

form and thereafter, to keep the information contained on the application updated, to provide materials, assistance or other information required by the Commission, and to fully cooperate in any investigation conducted by or on behalf of the Commission. Applicants must immediately notify the Commission in the event of a change or addition to any information submitted with the application.

7. The assignment or transfer of any license or permit granted herein is strictly prohibited without the prior written consent of the Commission and a finding that the assignee/transferee is independently qualified to have a License or permit under this Title.
8. The issuance of a License pursuant to this Title does not create a property interest in such a License for the benefit of the Licensee. The opportunity for an Applicant or Licensee to be involved in gaming on the Reservation is a privilege and not a right.

B. Required Notices to Applicants. To the extent an application is subject to review by the National Indian Gaming Commission pursuant to the IGRA or the regulations of the National Indian Gaming Commission, the application form shall provide the following notices:

1. Privacy Notice:

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.

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

3. 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 license. Also, you may be punished by fine or imprisonment (U.S. Code, Title 18, Section 1001).

4. All applicants shall sign an acknowledgment that they have reviewed and read the Privacy Notice and the Notice Regarding False Statements, which shall be placed on the same page immediately following the Notice.
5. To the extent any person or entity, including any Key Employee, has not received the notice required by this Subsection, the Gaming Commission shall notify in writing all such licensees or putative licensees that they shall either:
 - a. complete a new application that contains the required types of notice; or
 - b. sign a statement that contains the notices and thereby consent to the routine uses described in said notices.

C. Application Form Minimal Requirements. In addition to the requirements of Subsection (B), herein, the application form for both Class II and Class III Gaming applications, including Key Employees, shall require, at a minimum, the following information:

1. The Applicant's full name, other names used (oral or written), Social Security Number(s), birth date, place of birth, citizenship, gender, all languages spoken or written.
2. Currently and for the previous five (5) years, a list of all business and employment positions held, all businesses in which the applicant has an ownership interest, and all business and residence addresses during that period.
3. Currently and for the previous five (5) years, disclosure of all drivers' license numbers ever assigned to the Applicant, and the state by which they were assigned.
4. The names and current addresses of at least three personal references, including at least one personal reference who was acquainted with the Applicant during each period of residence listed under Subsection (C)(3) of this Subsection.
5. Current business and residential telephone numbers and all cell phone numbers.
6. A description of any existing and previous business relationships with other Tribes, including ownership interests in those businesses.
7. A description of any existing and previous business relationships with the gaming industry generally, including ownership interest in those businesses.

8. 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.
9. 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, of the charge.
10. For each misdemeanor conviction or ongoing misdemeanor prosecution within ten (10) years of the date of the application (excluding minor traffic violations), the name and address of the court involved, and the date and disposition of the charge.
11. For each criminal charge (excluding minor traffic violations), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to Subsection (C)(9) or (C)(10) of this Section, the name and address of the court involved, the date of the offense, a short description of the charge, and the disposition, if any.
12. The name and address of any licensing or regulatory agency with which the applicant has filed an application for an occupational license or permit, whether or not such license or permit was granted.
13. A current photograph.
14. Fingerprints consistent with procedures adopted by the BIA/Tribal Police or the Commission consistent with 25 C.F.R. §522.2(h). The Tribe shall request fingerprints from each Primary Management Official and Key Employee. Fingerprints shall be taken by the BIA/Tribal Police, or the State Police of the state in which the applicant resides, and shall be sent by the agency taking the fingerprints to the Federal Bureau of Investigation National Criminal Information Center to determine the applicant's criminal history, if any. The Commission may also submit an Applicant's fingerprint card to any Tribal, local or State criminal history check center or system as the commission deems necessary or appropriate. Reports obtained from such fingerprint checks shall be incorporated in the Applicant's file.
15. For Class III Gaming applicants, any additional information required by the Compact.
16. Any other information required by the NIGC, or which the Tribal Gaming Commission deems relevant.
17. Fingerprints obtained in accordance with procedures adopted by the Tribe pursuant to 25 CFR § 522 (h).

Section 6. **Background Investigation and Report(s) of Applicants.**

A. **Background Investigator Contents.** The Commission shall conduct, or cause to be conducted by an investigator appointed by it, a background investigation for each Applicant for a gaming license. The investigation must be sufficient to allow the Gaming Commission to make an eligibility determination under Section 4(B) of this Article. In conducting a background investigation, the Commission or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation. The Commission or its investigator shall, at a minimum:

1. Verify all information on the application, including, but not limited to, the applicant's identity through items such as the social security number, driver's license, birth certificate or passport;
2. To the extent deemed pertinent, interview or obtain references from current and prior employers and immediate supervisors for the preceding five (5) years;
3. To the extent deemed necessary, interview any or all personal references;
4. Obtain a criminal history record;
5. Interview the applicant;
6. Conduct a credit check. Conduct a civil history check for past or outstanding judgments, current liens, past or pending law suits, and any other information deemed relevant;
7. Conduct a criminal history records check by submitting the applicant's fingerprints to the NIGC or to another law enforcement agency for forwarding to the FBI to perform a criminal history records check utilizing the FBI's data base;
8. 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;
9. 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;
10. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
11. Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.

- B. **Background Investigative Report.** The Tribe shall create and maintain an investigative report for each background investigation of a Primary Management Official or Key Employee. The investigator shall make a written report of the investigation to the Commission, including therein the steps taken in conducting the investigation, the names, addresses and relationship to the applicant of any persons interviewed, the information obtained from each person interviewed regarding the Applicant's reputation, habits and associations, the apparent candidness (or lack thereof) of the persons interviewed, and any other information garnered or learned about the Applicant and the source of the information, and shall particularly identify all potential problem areas and sources of the information.

Section 7. **Eligibility Determination.**

The Commission shall review the report and any additional information known to it, taking into account the Applicant's prior activities, criminal record, if any, and reputation, habits and associations, and shall make a determination concerning the eligibility for employment in a gaming operation. If the Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a Tribal gaming operation shall not employ that person in a Key Employee or Primary Management Official position or issue a gaming license thereto:

- A. Before a license is issued to a primary management official or key employee, an authorized Tribal Official 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 authorized Tribal official, in applying the standards adopted in this Title, 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, he or she 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 8. **Notice of Results of Background Investigations.**

- A. Before issuing a license to a primary management official or key employee, the Tribal Gaming Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC.

1. 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 investigation 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 Article 6, Sections 4(B) and 10.

Section 9. **Granting Gaming Licenses.**

- A. All primary management officials and key employees of the gaming operation must have a gaming license issued by the Tribe.
- B. The Tribal Gaming Commission is responsible for granting and issuing gaming licenses to primary management officials and key employees.
- C. The Tribal Gaming 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 8 above.
- D. The Tribal Gaming 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. The Tribe shall not employ an individual in a primary management official or key employee position who does not have a license after 90 days of beginning work at the gaming operation.
- F. The Tribal Gaming 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 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.

1. The Tribal Gaming Commission shall take the NIGC's objections into account when reconsidering a license application.
- G. The Tribe will make the final decision whether to issue a license to an application for a primary management official or key employee position.
- H. If the Tribal Gaming 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 12 below.

Section 10. **Denying Gaming Licenses.**

- A. The Tribal Gaming Commission shall not license a primary management official or key employee if an authorized Tribal official determines, in applying the standards in Section 7 above for making a license eligibility determination, that licensing the person:
1. Poses a threat to the public interest;
 2. Poses a threat to the effective regulation of gaming; or
 3. Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming.
- B. When the Tribal Gaming Commission does not issue a license to an applicant for a primary management official or key employee position, or revokes a previously issued license after reconsideration, 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 11. **Gaming License Suspensions and Revocations.**

- A. If, after a license is issued to a primary management official or a key employee, the Tribe receives notice from the NIGC that the primary management official or key employee is not eligible for employment, the Tribal Gaming Commission shall do the following:
1. Immediately suspend the license;

2. Provide the licensee with written notice of the suspension and proposed revocation; and
 3. Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.
- B. The right to a revocation hearing vests only when a license is granted under this Title approved by the NIGC Chair.
- C. Following a revocation hearing, the Tribe shall decide whether to revoke or reinstate the license at issue.
- D. The Tribe shall notify the NIGC of its decision to revoke or reinstate a license within forty-five (45) days of receiving notification from the NIGC that a primary management official or key employee is not eligible for employment.

Section 12. **Records Retention.**

- A. The Tribal Gaming 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. Applications for licensing;
 2. Investigative Reports; and
 3. Eligibility Determinations.

Section 13. **Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission; Issuance of Temporary License.**

- A. **Issuance of Temporary License; Transmittal of Application to NIGC Chairman.** If the Commission determines that an Applicant is eligible for a license, it may issue a temporary license if it finds that the applicant must start work immediately, pending a review of the applicant's eligibility by the National Indian Gaming Commission and/or by the State of Nevada under the Compact, as applicable. Within ten (10) days of the issuance of a temporary license or upon a determination of eligibility, whichever occurs first, the Tribal Gaming Commission shall forward copies of the Applicant's employment/license application, and background investigation report and related information to the National Indian Gaming Commission and to the State of Nevada if required under the Compact.
- B. **Transmittal of Investigative Report to NIGC and State.** In addition to the determination

required in Article 6, Section 4(B) and 10, the Gaming Commission shall prepare and forward to the NIGC, and to the State if required under the Compact, investigative report of Article 6, Section 6(B) on each background investigation. An investigative report shall include all of the following:

1. Steps taken in conducting a background investigation;
 2. Results obtained;
 3. Conclusions reached; and
 4. The basis for those conclusions. The Tribal Gaming Commission shall submit, with the report, a copy of the eligibility determination made under this Section.
- C. Notice of Temporary License Not Issued. If a temporary license is not issued to an applicant or if the Gaming Commission determines an applicant is not eligible for a license, the Gaming Commission:
1. Shall notify the NIGC and the State if required by the Compact; and
 2. Shall forward copies of its eligibility determination and investigative report to the National Indian Gaming Commission for inclusion in the Indian Gaming Individual's Record System.
- D. Retention of Records for Applicants. With respect to Gaming License Applicants, including Key Employees, the Gaming Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the NIGC or his/her designee for no less than three (3) years from the date of termination of employment or termination or expiration of a gaming license.
- E. Key Employee Personnel File: When a Key Employee or Primary Management Official is employed by the Tribe, a complete application file, containing all the information listed in Article 6, Sections 6(B) and 13(B), shall be maintained.

ARTICLE 7 - LICENSING OF KEY EMPLOYEES, PRIMARY MANAGEMENT OFFICIALS AND VENDORS

Section 1. **Granting a Gaming License.**

- A. Conditions Precedent to Issuance of License. Before issuing a gaming license to an Applicant including a Key Employee or Primary Management Official, the Gaming Commission must have forwarded to the NIGC, the results of the background investigation and information about the Applicant obtained by the Commission in determining eligibility.

- B. Issuance of License. If, within a thirty (30) day period after the National Indian Gaming Commission receives the information required in Article 6, Section 5(C), the National Indian Gaming Commission notifies the Tribe that it has no objection to the issuance of a regular license to the Applicant; the Tribal Gaming Commission may, but is not required to issue a regular license to such applicant. In addition, the Gaming Commission, at its sole discretion, may impose any qualifications to such a license as it deems appropriate or may refuse to issue such license despite an applicant's qualifications.
- C. NIGC Request for Information. The Gaming Commission shall respond to a request for additional information from the Chairperson of the National Indian Gaming Commission concerning an Applicant who is the subject of a report. Such a request shall suspend the thirty (30) day period under Subsection (B), of this Section until the Chairperson of the National Indian Gaming Commission receives the additional information.
- D. Eligibility Determination After NIGC Response. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to an Applicant for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Commission shall make the final decision whether to issue a license to such Applicant.
- E. Inclusion of State; Review Under Compact. Notwithstanding any provision herein to the contrary, to the extent the Gaming Commission is required by the Compact to submit relevant background and licensing information for Class III Gaming applicants to the State, the Gaming Commission may not issue a permanent license until after the applicable requirements of the Compact are met.

Section 2. **Common Requirements.**

- A. Minimum Age Requirements. No person shall be employed by a Tribal gaming enterprise operated on Yerington Paiute Tribal lands who is under the age 18, except that, no person shall be employed as a Gaming Employee or Key Employee who is under the age of 21.
- B. License Required. No person shall be employed as a Primary Management Official or a Key Employee in a Class II or Class III Gaming activity who has not first applied for and obtained a Tribal gaming license pursuant to this Title and, for Class III Gaming, in compliance with the terms and conditions of the Compact.
- C. Licensing of Vendors. Any person or entity proposing to sell, lease, or otherwise provide electronic games of chance, other gaming devices, or gaming services to the Tribe is required to obtain a gaming license from the Tribe. The standards with respect to such licenses are the same as those applicable to Key Employees, except that if the applicant is a corporation, trust, or partnership, applications must be made by any person or entity holding ten percent (10%) or more of any beneficial or legal interest in such entity.

- D. Identification Badge. Every Gaming Employee employed at a Tribal gaming facility operated on Yerington Paiute Tribal lands shall wear an identification badge during work hours that conspicuously states his or her full name, title, and place of employment.

Section 3. **License Suspension and Revocation.**

- A. Temporary Suspension. If, after the issuance of a temporary or permanent gaming license, the Gaming Commission receives from the NIGC, the State, or any other source reliable information indicating that an Applicant is not eligible for employment under Article 6, Section 4(B) and 10, the Gaming Commission shall suspend such license and shall notify the Licensee in writing of the suspension and the proposed revocation.
- B. Notice of Hearing. The Gaming Commission shall notify the Licensee of a time and a place for a hearing on the proposed revocation of a license. The hearing following the Gaming Commission's action to suspend, shall be held no later than forty-five (45) days from the date of the action, unless the Gaming Commission grants an extension of time for the hearing to be held or the Licensee agrees to an extension.
- C. Decisions. After a revocation hearing, the Gaming Commission shall decide to revoke or to reinstate a gaming license. The Gaming Commission shall notify the NIGC, and the State if required by the Compact, of its decision.
- D. Non-Appealable. Decisions by the Gaming Commission to suspend or revoke a temporary license are not appealable.
- E. Appeal. Decisions by the Gaming Commission to suspend or revoke a regular license may be appealed to the Tribal Court by filing an appeal to the Tribal Council within thirty (30) days of a final decision of the Gaming Commission according to Article 9, Section 6. Unless a complaint is timely filed under this Section, the Gaming Commission's decision shall be final, and the Tribal Court shall have no jurisdiction to review the Gaming Commission's action. If a timely complaint is filed, the complaint shall be heard according to the provisions of Article 9, Section 6, Hearings and Appeals.
- F. Decision. A copy of the Gaming Commission's decision, and if applicable, the Tribal Court's decision, regarding the revocation of a license shall be sent to the NIGC, and to the State if required by the Compact.

ARTICLE 8 - CLASS II GAMING

Section 1. **Definitions.**

- A. List of Class II Terms. Except as otherwise provided in this Title, the Compact or the regulations of the NIGC, the following terms are defined as follows:
1. "Bingo" means bingo as defined in Article 1, Section 4 of this Title.

2. "Bingo Occasion" means a single session or gathering at which a series of successive bingo games are played.
3. "Card Games" means non-banking card games played in conformity with Nevada State law regulating hours, wages and pot limitations.
4. "Class II Electronic Aid" means and includes an electronic device or machine that is approved by the National Indian Gaming Commission or a Federal court for use as a Class II game pursuant to 25 U.S.C. §2703(7).
5. "Game Card" and "Bingo Card Game" mean a regular or special Bingo Card.
6. "Lotto" means a game of chance played for prizes with cards bearing numbers or other designations in which the player holding the card covers such numbers or designations when objects similarly numbered or designated are drawn or otherwise randomly determined, in which the game is won by the first player to cover a pre-designated arrangement on the card.
7. "Pull Tabs" means factory covered tickets which are purchased and opened by customers revealing a predetermined winning arrangement.
8. "Punch Board" means a small board that has many holes, each filled with a rolled up printed slip to be punched out upon payment of a player fee, in an effort to obtain slips that entitle the player to a designated prize.
9. "Regular Bingo Card" means a board card issued to a person upon payment of admission fee which affords a person the opportunity to participate in all regular bingo games played at a bingo occasion.
10. "Special Bingo Card" means a disposable, specially marked bingo card which affords a person the opportunity to participate in a special bingo game for special prizes, or a game card generated by and appearing on the screen of a computer employed by the gaming facility and assigned to a player for a bingo game(s).
11. "Special Bingo Game" means any bingo game which is not a regular bingo game and which is played with special bingo cards whether or not for special prizes.
12. "Tip Jars" means a game of chance, wherein a person upon payment of a fee, is permitted to reach into, tip a jar containing printed slips, and extract one slip in an effort to obtain a slip that entitles the player to a designated prize.

Section 2. **Persons Authorized to Conduct Class II Gaming.**

No person or entity shall own, operate or conduct a Class II Gaming activity on Indian lands unless

that person or entity has first received a license to conduct a Class II Gaming activity from the Gaming Commission. The initial license of any Class II Gaming operation must also be approved by the Tribal Council.

Section 3. **Ownership of Class II Gaming Activity.**

- A. Except as expressly provided otherwise herein, or in the Compact, the Yerington Paiute Tribe shall have the sole propriety interest in any Class II Gaming operation or facility conducted on Indian lands.
- B. Notwithstanding subparagraph A above, in the event that Article 2, Section 3 of this Title is amended to permit non-tribally owned Class II Gaming, then the Gaming Commission, with the prior approval of the Tribal Council, may license a Class II Gaming activity owned in whole or in part, by a person or entity other than the Yerington Paiute Tribe, provided that (a) the licensing standards for individually owned Class II Gaming shall be at least as restrictive as those established by State law governing similar gaming within the jurisdiction of the State; and (b) no license may be issued to such a person or entity unless the person or entity has first expressly agreed in writing on a form prescribed by the Tribal Gaming Commission that:
 - 1. The gaming activity shall be subject to the regulations prescribed in the Section.
 - 2. Not less than sixty percent (60%) of the net revenues from the gaming activity shall be income to the Tribe.
 - 3. The person who owns the gaming activity or entity:
 - a. Is eligible to receive a license from the State of Nevada to conduct the same gaming activity on lands subject to State jurisdiction; and
 - b. Shall pay an appropriate assessment to the National Indian Gaming Commission for the regulation of the gaming activity, as required by 25 U.S.C. §2717(a)(l).
 - 4. A license to own or operate a Class II Gaming establishment shall not be granted unless the Applicant has satisfied the Gaming Commission that:
 - a. He has adequate business ability, confidence and experience in gaming, and the proposed gaming operation will generate new revenue for the Tribe; and
 - b. The proposed financing of the operation is adequate for the nature of the proposed operation and from a suitable source, and lender or other source of money or credit that the Gaming Commission finds does not meet appropriate standards may be deemed unsuitable.

5. The Gaming Commission may in its discretion grant a license to a corporation that has complied with the provisions of this Title.
 6. The Gaming Commission may in its discretion grant a license to a limited partnership that has complied with this Title.
 7. No person or limited partnership, except one whose sole limited partner is a publicly traded corporation which has registered with the Gaming Commission, or business trust organization or other association of a quasi-corporate character, is eligible to receive or hold any license, or be a Licensee or operator under this Title unless all persons having any direct or indirect interest therein of any nature whatsoever, whether financial, Administrative, policy making or supervisory, are individually qualified to be licensed under the provisions of this Title.
 8. The Gaming Commission may limit the number of persons who may be financially interested in any corporation or other organization or association licensed under this Title, consistent with 25 U.S.C. §2700, *et seq.*, and establish such other qualifications for licenses as it may, in its discretion, deem to be in the public interest and consistent with the declared policy of the Tribe and the IGRA.
- C. Income to the Tribe from the gaming activity shall only be used for the purposes described in Article 2, Section 5 of this Title.

Section 4. **Management Contracts.**

The Tribe may enter into a management contract for the operation and management of Class II tribal gaming operations. Each such contract must comply with the provisions of this Title, other applicable provisions of Tribal law including, but not limited to, tribal employment preference laws, and provisions of Federal law (including, but not limited to, 25 U.S.C. §2711).

Section 5. **Games Permitted.**

- A. The Tribe and/or any licensed Class II owner and operator may conduct any Class II games and any combination of Class II games.
- B. A schedule of the Class II games to be conducted and a description of prizes offered must be conspicuously posted at each entrance to the Class II facility each week in which games will be conducted at least 24 hours prior to the start of the first game scheduled.

Section 6. **Bingo Game Cards.**

- A. Each facility shall provide the game cards to be used for each bingo game conducted and each card shall be marked to indicate the issuing facility.
- B. Special bingo cards must be issued separately from regular bingo cards, and must be

specially marked to indicate the particular special bingo game, including the date and the facility of issuance. In the case of computer-generated cards, the computer must be programmed to lock on a card at the start of the game, prior to calling of the first number or designated symbol, so as not to permit altering or changing of the card during the game and every winning card must be verified. A special bingo card shall be valid only for the designated game.

Section 7. **Player Limitation.**

The number of persons permitted to play any Class II game shall be determined by the owner, operator or manager as is appropriate, except that:

- A. The number of people permitted in the facility or in any room in the facility shall not exceed the limitation of the number permissible under the applicable fire, building or other safety codes or standards.
- B. The number of people permitted to play any bingo game shall not exceed the number of seats available in the room(s) in which the game is being played.

Section 8. **Entry Prohibited.**

No person may enter any room in which a bingo game is being played unless the person is a player, except facility employees and persons present by authority of the Gaming Commission, for purposes of inspection or regulatory duties.

Section 9. **Hours of Operation; Notice By Gaming Commission.**

- A. Class II Gaming may be conducted twenty-four (24) hours a day, seven days a week, unless the Gaming Commission, by license, regulation or otherwise, limits the hours of operation of any Class II Gaming facility.
- B. Unless notified otherwise by the Gaming Commission, each licensed Class II Gaming facility shall have the right to operate twenty-four (24) hours a day, seven (7) days a week.

ARTICLE 9 - CLASS III GAMING

Section 1. **Persons Authorized to Conduct Class III Gaming.**

No person or entity shall conduct a Class III Gaming activity on Indian lands unless that person or entity has first complied with the terms and conditions of the Compact and has received a license to conduct a Class III Gaming activity from the Gaming Commission. The initial license of any Class III tribal gaming operation must also be approved by the Tribal Council.

Section 2. **Persons Authorized to Own a Class III Gaming Operation.**

- A. Except as expressly provided otherwise herein, the Yerington Paiute Tribe shall have the sole proprietary interest in any Class III Gaming operation or facility.
- B. In the event that Article 2, Section 3 of this Title is amended to permit non-tribally owned Class II Gaming, the Gaming Commission, with the prior approval of the Tribal Council, may license a Class III Gaming facility owned in whole or in part by a person or entity other than the Yerington Paiute Tribe, provided that the Compact permits non-Tribally owned gaming and provided, further, the licensing standards for individually owned Class III Gaming shall comply with the Compact, and all other applicable provisions of Federal law are satisfied. Any such gaming activity shall be subject to regulations prescribed by the Gaming Commission which shall be consistent with the Compact and applicable provisions of the IGRA.
 - 1. The gaming activity shall be subject to the regulations prescribed in this Section.
 - 2. Not less than sixty percent (60%) of the net revenue from the gaming of non-Tribal gaming facilities or operations shall be income to the Tribe.

Section 3. **Authorized Operations.**

Class III Gaming is prohibited on the Reservation unless such gaming is licensed and authorized pursuant to the provisions of the Compact and this Title.

A. Operation of Class III Gaming Facilities.

- 1. A tribal or non-tribal gaming facility may operate Class III Gaming at one or more facilities on the Yerington Paiute Tribe's lands if:
 - (a) the proposed facility is granted a gaming license and is otherwise in compliance with the requirements of this Title;
 - (b) the proposed facility is in compliance with the Compact; and
 - (c) the Class III Gaming operation proposal complies with all other applicable laws and regulations.

Section 4. **Management Contracts.**

The Tribal Council may enter into a management contract for the operation and management of Class III tribal gaming activities. Each such contract must comply with the provisions of this Title, the Compact, other applicable provisions of tribal law (including, but not limited to, tribal employment preference laws), and provisions of Federal law (including, but not limited to, 25 U.S.C. §2711).

Section 5. **Games Permitted.**

- A. Any Class III game or games permitted pursuant to the Compact may be conducted on the Reservation, subject to the restrictions and conditions set by the Gaming Commission.
- B. Conduct of any Class III game that is first legalized within the State of Nevada after the date of the Compact then in effect, or which heretofore becomes permitted on Indian lands under Federal law, pursuant to the Compact or amendments thereto may be authorized by the Gaming Commission by regulation. Class III Tribal gaming activities may include internet gambling and inter-state sports betting, to the extent permitted by State law.

Section 6. **Hearings and Appeals.**

- A. **Licensing Decisions.** Any person or entity whose application for a gaming related license is denied, or whose license has been suspended or revoked, may request a hearing before the Gaming Commission by written request submitted within 15 days following receipt of notice of the action of the Gaming Commission. The Gaming Commission shall hold a hearing within 45 days of the filing of the request and as provided in Article 7, Section 3.
- B. **Patron Dispute Resolution.** Patrons with complaints against the gaming establishment shall have as their sole remedy the right to file a petition for relief with the Tribal Gaming Commission. Complaints shall be submitted in writing. The Commission shall hold a hearing within 30 days of the 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. After the hearing, the Commission shall render a decision in a timely fashion. All such decisions will be final when issued. Any patron complaint must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint. The Commission's decision shall constitute the complainant's final remedy.
- C. **Appeal to Tribal Court.** Any rulings of the Gaming Commission or assessment by the Gaming Commission of a penalty under Section 6 may be appealed within thirty (30) days of the Gaming Commission's decision to Tribal Court, in an action naming the Gaming Commission as sole defendant. In any such action, the Tribal court shall give appropriate deference to the expertise of the Gaming Commission. The sovereign immunity of the Gaming Commission is waived, only with respect to such action, but only if filing deadlines are strictly followed, and only to the extent of either an order affirming the Gaming Commission 's decision, or:
 - 1. In a licensing dispute, to an order awarding or reinstating a License;
 - 2. In a patron dispute regarding a particular wager, an order that a patron is entitled to a jackpot or payoff, or to return the wagered amount; or
 - 3. Regarding assessment of penalties, to an order reversing, abating, reducing, or enhancing a penalty assessed by the Gaming Commission.

The Tribal Court may impose conditions on the above awards of relief. In no event may the Tribal Court assess prejudgment interest, costs, or attorney's fees against the Gaming Commission. All determinations of the Tribal Court under this Section are final, and subject to no further appeal.

- D. Confidential Information. Where Gaming Commission action is based upon confidential information, which may not as a matter of law or policy be disclosed to the aggrieved person, such circumstances shall not be grounds for reversal of the Gaming Commission's decision, and the aggrieved person shall have no right to such confidential information in proceedings before either the Gaming Commission, Tribal Court, or any other forum. The public interest in the integrity of gaming is such that the burden of proof with respect to gaming issues, especially regarding fitness for licensing, shall be upon the individual.
- E. Hearing Procedures. The Gaming Commission, Tribal Council, or Tribal Court System may adopt such additional procedures and rules for the conduct of hearings as either deems necessary or convenient so long as they are consistent with this Title and other provisions of applicable law.

Section 7. **Prohibited Acts and Penalties.**

- A. Prohibited Acts. It shall be a violation of this Title for any person to:
 - 1. Conduct or participate in any Class II gaming operation on the Reservation other than at a licensed gaming facility and in the case of Class III gaming, conduct or participate in any Class II gaming operation other than at a facility licensed and owned by the Tribe.
 - 2. Receive, distribute, apply, or divert any property, funds proceeds, other assets of the Gaming Operation to the benefit of any person except as authorized by this Title, the Compact or the Act.
 - 3. Tamper with any equipment used in conduct of Tribal Gaming Operations, or do any other act in connection with Tribal Gaming Operations, with the intent to cause any person to win or lose any wager other than in accordance with the publicly announced rules of such Gaming Operation.
 - 4. Alter or misrepresent the outcome or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.
 - 5. Place, increase, or decrease a bet or to determine the course of play after acquiring knowledge not available to all players of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet, or to aid anyone in acquiring such knowledge.
 - 6. Claim, collect, or take, or attempt to claim, collect or take, money or anything of

value in or from a gaming device, with intent to defraud, without having made a wager, or to claim, collect, or take an amount greater than the amount won.

7. Place, increase, or reduce a bet after acquiring knowledge of the outcome of the game of chance or other event which is the subject of the bet, including past posting, pressing, and pinching bets.
8. Manipulate, with the intent to cheat, any component of an electronic game of chance or gaming device in a manner contrary to the designed and normal operational purpose for the component.
9. Use, anything other than coins or tokens approved by the Commission, or other lawful legal tender, or use a coin not of the same denomination as the coin is intended to be used in the gaming device.
10. Possess or use any device or means to cheat while at the Gaming Facility.
11. Engage in Class II or III gaming if under the age of 21, or assist, permit, or facilitate gaming by such person.

B. Civil Penalties. Any person who violates any provision of this Title, including the provisions of the Compact, shall be subject to civil penalties including exclusion from employment or other involvement with any Gaming Operation, denial or revocation of a Tribal Gaming License, exclusion from attendance at any Gaming Facility, exclusion from the Reservation if a non-member of the Tribe, or with respect to any person subject to jurisdiction of the Tribe, to impose such fines of not more than \$5,000 for each violation. The Commission established pursuant to this Title, shall have the jurisdiction of the Tribe to impose such penalties, except with respect to exclusion from the Reservation, which the Commission may recommend for the action by the Tribal Council.

Section 8. Violations.

A. Crimes; Criminal Penalties.

1. It shall be unlawful for any person to:
 - (a) Operate or participate in gaming on Indian lands in violation of the provisions of this Title or in violation of rules and/or regulations promulgated pursuant to this Title;
 - (b) Knowingly make false statement in an application for employment with a gaming activity or enterprise, or in an application for a license to operate a gaming activity or enterprise on the Yerington Paiute Tribal lands;
 - (c) Bribe or attempt to bribe, or unduly influence or attempt to unduly

influence, any person who licenses, operates, conducts, assists, or is otherwise employed in a gaming activity or enterprise located on the Yerington Paiute Tribal lands; or

- (d) Violate any other provisions of Tribal law, applicable State or Federal law on the premises of any Gaming Facility.
- 2. Any Indian who violates a provision of this Title or of other tribal law relating to gaming activities may be fined not more than \$1,000, and/or imprisoned for up to one (1) year for each violation. A separate violation occurs on each day that a violation arises or continues. Any non-Indian who violates a provision of this Title shall be subject to a civil fine, and may be excluded from the Indian lands within the jurisdiction of the Yerington Paiute Tribe as well as prosecuted Federally or by the State of Nevada, if appropriate.
- 3. Any property used in the commission of a violation of a provision of this Title may be seized by the Gaming Commission or its agents. The owner of the property shall be afforded an opportunity to object and be heard in accordance with principles of due process according to the Appeals and Hearing's process of Article 9, Section 6. If no objection is raised or the objection is not sustained, the Tribe may dispose of the seized property.

Section 9. **Validity of this Title.**

A. **Severability.**

- 1. If any provision or provisions of this Title is/are held invalid by a court of competent jurisdiction, this Title shall continue in effect as if the invalid provision(s) was/were not a part hereof.
- 2. If any provision of this Title is inconsistent with any provision of the Compact, the terms of the Compact shall control.

B. **Effective Date of Title.** This Title shall take effect upon enactment by the Tribal council and approval by the NIGC pursuant to the IGRA and regulations applicable thereunder; and ultimately by the Bureau of Indian Affairs, Department of Interior. Any and all prior ordinances regulating gaming on Tribal lands are repealed as of the date this Title takes effect.