



November 22, 2016

By First Class Mail

Mr. Norman Wilder
Tribal Chairman, Fort Independence Indian Reservation
P.O. Box 67
Independence, CA 93526

Re: Fort Independence Indian Reservation Gaming Ordinance Amendment,
Resolution 2016-012

Dear Chairman Wilder:

This letter responds to your request, on behalf of the Fort Independence Indian Reservation, for the National Indian Gaming Commission Chairman to review and approve amendments to the Fort Independence Indian Reservation Gaming Ordinance. The submitted amendments update the language used within gaming license applications and modify the submission, timing, and retention requirements for materials generated by background investigations.

Thank you for bringing the amendments to our attention. The amendments are approved as they are consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions, please feel free to contact Staff Attorney Andrew Mendoza at 202-632-7003.

Sincerely,

A handwritten signature in black ink, which appears to read "Jonodev O. Chaudhuri". The signature is written in a cursive style and is positioned above the printed name.

Jonodev O. Chaudhuri
Chairman



FORT INDEPENDENCE INDIAN RESERVATION

P.O. BOX 67 • INDEPENDENCE, CA 93526 • (760) 878-5160 • FAX (760) 878-2311

RESOLUTION 2016-12

SUBJECT: Authorization to Submit Amendments to the Tribal Gaming Ordinance to the Chairman of the National Indian Gaming Commission

WHEREAS, the Fort Independence Indian Reservation is a federally recognized Indian Tribe listed in the Federal Register as the Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, , and

WHEREAS, the Fort Independence Reservation General Council is the Federally recognized governing body of the Fort Independence Indian Reservation, hereinafter referred to as the "Tribe", and

WHEREAS, the Tribe has a Tribal Gaming Ordinance that was approved by the Chairman of the National Indian Gaming Commission on January 11, 2008, and

WHEREAS, the Tribe has recognized the need to make amendments to the Tribal Gaming Ordinance, and

WHEREAS, the Tribe submitted two prior versions of the amended Tribal Gaming Ordinance to the National Indian Gaming Commission and received a number of comments and suggestions from the Commission's Office of General Counsel, including final comments on October 19, 2016, and

WHEREAS, the Tribe has held the discussion of the amendments at a regularly scheduled General Council meeting, and

WHEREAS, pursuant to 25 C.F.R. Part S22.3, the Tribe shall submit an amended Tribal Gaming Ordinance to the National Indian Gaming Commission Chairman for approval within 15 days of the amendment, and

NOW THEREFORE IT BE RESOLVED, that the General Council hereby approves the attached amended Tribal Gaming Ordinance and authorizes the Chairman of the Tribe to submit the amended Tribal Gaming Ordinance to the Chairman of the National Indian Gaming Commission for approval.

CERTIFICATION

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION, 2016-12, WAS ADOPTED BY THE FORT INDEPENDENCE GENERAL COUNCIL AT A DULY CALLED MEETING OF WHICH A QUORUM WAS PRESENT, HELD ON NOVEMBER 2, 2016, BY A VOTE OF 19 FOR, 0 AGAINST, & 0 ABSTENTIONS.

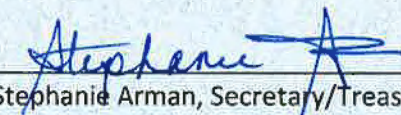
THIS RESOLUTION IS HEREBY CERTIFIED AS AUTHENTIC AND HAS NOT BEEN CHANGED OR AMENDED IN ANY WAY.



Norman Wilder, Chairman

11/3/16

Date



Stephanie Arman, Secretary/Treasurer

11/3/16

Date

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REVISED MODEL GAMING ORDINANCE

Section 101. Purpose

The Fort Independence Indian Reservation, also recognized by the United States under the name "Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California" (the "Tribe"), is a federally recognized sovereign Indian Tribe established pursuant to the Articles of Association of the Fort Independence Indian Community, as amended in 2004, exercising jurisdiction over all lands owned by the United States for the benefit of the Tribe, hereby enacts this ordinance in order to govern Class II and Class III gaming operations on the Tribe's Indian lands.

Section 102. Definitions

Unless a different meaning is clearly indicated in this Ordinance, the terms used herein shall have the same meaning as defined in the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*, and its regulations, 25 C.F.R. § 500 *et seq.* Specifically:

(a) **Board of Directors** means the Tribal Gaming Board of Directors, who shall serve as primary management officials in overseeing the General Manager and the day-to-day non-regulatory aspects of the gaming operation.

(b) **Business Committee** means the elected Chairman, Vice-Chairman and Secretary/Treasurer of the Tribe.

(c) **Class I gaming** means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.

(d) **Class II gaming** means:

(1) the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith):

(A) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,

(B) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and

(C) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull-tabs,

lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and

(2) card games that:

(A) are explicitly authorized by the laws of the State, or
(B) are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

(3) The term "Class II gaming" does not include:

(A) any banking card games, including baccarat, chemin de fer, or blackjack (21), or
(B) electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

(e) **Class III gaming** means all forms of gaming that are not class I gaming or class II gaming.

(f) **Commission** means the Tribal Gaming Commission established to perform regulatory oversight and to monitor compliance with Tribal, Federal, and applicable State regulations.

(g) **Commissioner** means a Fort Independence Gaming Commissioner.

(h) **Compact** means a Tribal-State Compact concerning class III gaming approved by the Secretary of the Interior and published in the Federal Register pursuant to 25 U.S.C. § 2710(d).

(i) **Complimentary** means a service or item provided at no cost, or at a reduced cost, to a customer.

(j) **Directly related to** means a spouse, child, parent, grandparent, grandchild, aunt, uncle, or first cousin.

(k) **Director** means a Member of the Tribal Gaming Board of Directors.

(l) **Indian lands** means:

(1) all lands within the limits of the Tribe's reservation;
(2) any lands title to which is either held in trust by the United States for the benefit of the Tribe or individual or held by the Tribe or individual subject to restriction by the United States against alienation and over

which the Indian Tribe exercises governmental power; and
(3) for all lands acquired into trust for the benefit of an Indian tribe after October 17, 1988, the lands meet the requirements set forth in 25 U.S.C. § 2719.

(m) **Indian Tribe or Tribe** means the Fort Independence Indian Community.

(n) **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;
- (B) Floor manager;
- (F) Pit boss;
- (O) 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; or

(3) If not otherwise included, the four most highly compensated persons in the gaming operation.

(4) Any other person designated by the Tribe as a key employee.

(o) **NIGC** means the National Gaming Commission.

(p) **Net Revenues** means gross gaming revenues of an Indian gaming operation less

- (1) Amounts paid out as, or paid for, prizes; and
- (2) Total gaming-related operating expenses, excluding management fees.

(q) **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
- (C) The chief financial officer or other person who has financial management responsibility.

(3) Any other person designated by the Tribe as a primary management official.

(r) Tribal Council means the General Council of the Fort Independence Indian Reservation.

Section 103. Gaming Authorized

Class II and Class III gaming is hereby authorized.

Section 104. Ownership of Gaming

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

Section 105. Use of Gaming Revenue

(a) Net revenues from tribal gaming shall be used only for the following purposes:

- (1) to fund tribal government operations and 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.

Section 106. Tribal Class III and Class III Minimum Internal Control Standards

The Tribe voluntarily, through this tribal gaming ordinance, shall maintain minimum internal control standards (MICS) that equal or exceed those set forth in 25 C.F.R. 542 (as in effect on October 1, 2006), or, at the option of the Tribe, any new internal control standards issued by the NIGC. The Tribe will work with NIGC to ensure compliance with MICS regulations.

Section 107. Per Capita Payments

(a) "**Per Capita Payment**" means the distribution of money or other thing of value to all members of the Tribe, or to identified groups of members, which is paid directly from the net revenues of any tribal gaming activity.

(b) The Tribe elects to make payments to each of its members from its Revenue Sharing Trust Fund ("RSTF") funds, or to encumber these funds for other uses for the benefit of the Tribe. These funds are not derived from the Tribe's gaming

operation and are not required to have any plan to implement these as "per capita" payments pursuant to 25 C.F.R. Part 290.

(c) The Tribe elects to additionally make per capita payments to tribal members from revenues derived from its gaming operations. The Tribe shall adopt a separate Revenue Allocation Plan for Gaming Revenues ("RAP") for distribution of these revenues. In doing so, the Tribe shall ensure that the Revenue Allocation Plan for Gaming Revenues ("RAP") shall comply with all applicable federal and tribal laws. No distributions shall be made until such RAP is approved by the Secretary of Interior as adequate.

Section 108. Board of Directors

(a) In addition to the General Manager for the facility, there shall be established a Tribal Gaming Board of Directors which shall serve in a management oversight role over the General Manager and the day-to-day operations of the gaming operation. In the event that the Tribe enters into a management contract approved by the NIGC, the Board may delegate some or all duties to the approved management contractor. The Board of Directors shall oversee all non-regulatory aspects of the gaming operation. Regulation of the gaming operation shall be the sole responsibility of the Tribal Gaming Commission.

(b) The Tribe recognizes the importance of an independent Tribal Gaming Board of Directors in maintaining a well-regulated gaming operation. The Tribal Gaming Board of Directors shall be and act independently from the Fort Independence Gaming Commission and the Business Committee in all matters within its purview. Terms of office for the three (3) members of the Tribal Gaming Board of Directors shall be three (3) years. Initially, the Board Chairman is to serve one (1) year. After the one (1) year is up, the term shall be three (3) years. This will give overlap in management for smooth transitions as new Board of Directors are appointed. Board of Directors shall be subject to the same background requirements as key employees and primary management officials and must be licensed accordingly. Board of Directors shall resign by written notice to the General Council through the Business Committee. All Board of Director positions shall be filled in the following procedures: The position(s) shall be distributed to the General Council Members and applications shall be accepted from those seeking to fill the open position(s). Process shall give applicants a minimum of 15 days to get applications in to the Business Committee after date notification was sent. The open position(s) shall be filled by a vote of the General Council at a Regular General Council Meeting with a time period set as soon as possible once the application period has expired. The Business Committee shall conduct a background check through any qualified background agency on all applicants that meet the qualifications outlined in this section. The Business Committee shall identify the qualified candidates after the background checks and notify who the candidates are by placing their names on the agenda by the 15th of the month before the General Council Meeting where the Council will

vote for the identified candidate(s). The candidate(s) who receives the most votes shall be the Board of Director effective the next day at 6 a.m. Their time of appointment starts then. When their term has four (4) months left, the process will start over as described above to fill the position when the scheduled term of office is complete.

The minimum requirements for consideration and appointment as a member of the Tribal Gaming Board of Directors are as follows:

Any of the following shall qualify the applicant:

- (1) Degree in Business Administration, accounting, Marketing or an equivalent field.
- (2) Minimum of two (2) years experience in business management.
- (3) Knowledge of Federal Indian Law, Indian Gaming Regulatory Act and related statutes and regulations.
- (4) Shall be a Fort Independence Tribal Member of voting age.

No person shall be eligible for consideration by the Business Committee for the following:

- (1) No convictions of moral turpitude within 10 years.
- (2) No convictions of a Felony.
- (3) Is an employee of the Gaming Operation.
- (4) Is a Business Committee Member.
- (5) Is a Gaming Commissioner.
- (6) Failure to pass the Background Check and failure to pass the Drug test disqualifies the candidate for one year from applying again.

(c) The Board of Directors shall perform the following duties:

- (1) Monitor and oversee the day-to-day operations of the gaming facility, whether managed by a tribal employee or by an approved management contractor;
- (2) Inspect and examine on a periodic basis all books, records, and papers of the gaming facility;
- (3) Set hours of operation for the gaming facility;
- (4) Set wager limits;
- (5) Develop marketing plans;
- (6) Oversee the interview, selection, and training of employees of the gaming operation;
- (7) Establish employee policies, rates of pay, and hours of work;
- (8) Adopt an annual operating budget, subject to Tribal Council approval;
- (9) Enter into contracts on behalf of the gaming facility, subject to Tribal Council approval and NIGC review;
- (10) Hold hearings on employee complaints, in compliance with

procedures established in the gaming ordinance and other Tribal gaming regulations or personnel policies; and

(11) Any other duties necessary to monitor and oversee the gaming operation.

(12) Establish an independent P.O. Box address separate from the Tribe.

(13) Two (2) members shall be present to establish a quorum.

(d) The Fort Independence Reservation Business Committee and Tribal Council recognize the importance of an independent Tribal Gaming Board of Directors in maintaining a well-managed gaming operation.

(e) To avoid potential conflicts of interest between the operation and regulation of the facility, the Tribe hereby finds that, at a minimum:

(1) Members of the Board of Directors are prohibited from gambling in the facility; and

(2) Members of the board of Directors are prohibited from conducting personal financial transaction in the gaming facility; and

(3) Members of the Board of Directors are prohibited from accepting complimentary items from the gaming operation other than food and beverage items.

(f) Members of the Board of Directors may be removed from office by the Tribal Council prior to the expiration of their respective terms only for neglect of duty, misconduct, malfeasance, or other acts that would render the Director unqualified for his/her position. When the Tribal Council believes that a removal is appropriate, it shall so notify the Director(s) and hold a hearing on the matter. The Tribal Council may opt to preliminarily remove the Director pending the hearing. At the hearing the Director may provide evidence rebutting the grounds for his/her removal. A vote of the Tribal Council on the validity of the preliminary removal shall be final and not subject to further appeal. A finding by the Tribal Council that the preliminary removal was wrongful shall entitle the affected Director to compensation for expenses incurred in appealing the wrongful removal, and shall entitle the Director to any pay withheld.

(g) Members of the Tribal Gaming Board of Directors shall be compensated at a level determined by the General Council

(h) Board of Directors shall elect among themselves a Chairman, Vice-Chairman and Member at Large.

(i) The Board of Directors shall keep a written record of all of its meetings.

Section 109. Gaming Commission

(a) The Tribe hereby establishes a Tribal Gaming Commission whose duty it is to regulate tribal gaming operations. The Tribal Gaming Commission shall consist of three members. There shall be among them a Chairperson, Vice-Chairperson, and at least one additional Commissioner.

(b) The purpose of the Tribal Gaming Commission is regulatory, not managerial. The Commission will conduct oversight to ensure compliance with Tribal, Federal, and, if applicable, State laws and regulations. The Commission will serve as the licensing authority for individuals employed in the gaming operation and will administer background investigations as part of the licensing process. The Commission will also have a role in monitoring compliance with the internal controls for the gaming operation and in tracking revenues. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming operation and to all records. The Commission shall have authority to take enforcement actions, including suspension or revocation of an individual gaming license when appropriate.

(c) The Tribe recognizes the importance of an independent Tribal Gaming Commission in maintaining a well-regulated gaming operation. The Commission shall be and act independently and autonomously from the Tribal Council in all matters within its purview. No prior or subsequent review by the Tribal Council of any actions of the Commission shall be required or permitted except as otherwise explicitly provided in this Ordinance.

(d) To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Tribe hereby finds that, at a minimum:

- (1) Members of the Gaming Commission are prohibited from gambling in the facility; and
- (2) Members of the Gaming Commission are prohibited from conducting personal financial transaction in the gaming facility; and
- (3) Members of the Gaming Commission are prohibited from accepting complimentary items from the gaming operation, excepting food and beverages valued at under fifty dollars.

(e) The Tribe recognizes the importance of an independent Tribal Gaming Commission in maintaining a well-regulated gaming operation. The Tribal Gaming Commission shall be and act independently from the Fort Independence Board of Directors and Business Committee in all matters within its purview. Terms of the office for the three (3) members of the Tribal Gaming Commissioners shall be three (3) years. Initially, the Chairman is to serve one (1) year. After the one (1) year is up, the term shall be three (3) years. This will give overlap in management for smooth transitions as new Gaming Commissioners are appointed. Gaming Commissioners shall be subject to the

same background requirements as key employees and primary management officials and must be licensed accordingly. Gaming Commissioner positions shall be filled in the following procedures: The position shall be distributed to the General Council Members and applications shall be accepted from those seeking to fill the open position(s). Process shall give applicants a minimum of 15 days to get applications in to the Business Committee after the date the notification was sent. The open position(s) shall be filled by a vote of the General Council at a Regular General Council Meeting as soon as possible once the application period has expired. The Business Committee shall conduct a background check through any qualified background agency on all applicants that meet the qualifications outlined in this section. The Business Committee shall identify the qualified candidates after the background checks and notify who the candidates are by placing their names on the agenda by the 15th of the month before the General Council Meeting where the Council will vote for the identified candidate(s). The candidate(s) who receive the most votes shall be the Gaming Commissioner effective the next day at 6 a.m. Their time of appointment starts then. When their term has four (4) months left, the process will start over as described above to fill the position(s) when the scheduled term(s) of office is complete.

The minimum requirements for consideration and appointment as a member of the Tribal Gaming Commission are as follows:

Any of the following shall qualify the applicant:

- (1) Degree in Business Administration, Accounting, Marketing or an equivalent field.
- (2) Minimum of 2 years of experience in business management.
- (3) Knowledge of Federal Indian Law, Indian Gaming Regulatory Act and related statutes and regulations.

No Person shall be eligible for consideration by the Business Committee for the following:

- (1) No convictions of moral turpitude within 10 years.
- (2) No convictions of a Felony.
- (3) Is an employee of the Gaming Operations.
- (4) Is a Business Committee Member.
- (5) Is a Board of Director.
- (6) Failure to pass the Background Check and failure to pass the Drug test disqualifies the candidate for one year from applying again.

(f) The Tribal Gaming Commission shall:

- (1) Conduct or cause background investigations to be conducted on, at a minimum, primary management officials and key employees;
- (2) Review and approve all investigative work conducted;

- (3) Report results of background investigations to the NIGC;
- (4) Obtain and process fingerprints, or designate a law enforcement agency to obtain and process fingerprints;
- (5) Make licensing suitability determinations, which shall be signed by the Chairman of the Gaming Commission;
- (6) Issue gaming licenses to management officials and employees of the operation, consistent with the suitability determination;
- (7) Establish standards for licensing Tribal gaming operations;
- (8) Issue facility gaming licenses to Tribal gaming operations;
- (9) Inspect, examine and monitor all gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming establishment;
- (10) Ensure compliance with all Tribal, State, and Federal laws, rules, and regulations regarding Indian gaming;
- (11) Investigate any suspicion of wrongdoing associated with any gaming activities;
- (12) Hold hearings on patron complaints, in compliance with procedures established in the gaming ordinance and other Tribal gaming regulations;
- (13) Comply with any and all reporting requirements under the IGRA, Tribal- State compact to which the Tribe is a party, and any other applicable law;
- (14) Promulgate and issue regulations necessary to comply with applicable internal control standards;
- (15) Promulgate and issue regulations on the levying of fees and/or taxes associated with gaming license applications;
- (16) Promulgate and issue regulations on the levying of fines and/or suspension or revocation of gaming licenses for violations of this Ordinance, or any other Tribal, Federal, or State, if applicable, gaming regulations; and
- (17) Establish a list of persons not allowed to game in Tribal gaming facilities in order to maintain the integrity of the gaming;
- (18) Establish a list of persons who have voluntarily asked to be excluded from Tribal gaming facility and create regulations for enforcing this exclusion;
- (19) Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of Tribal, Federal, or State statutes, ordinances, or resolutions;
- (20) Create a list of regulatory authorities that conduct vendor background investigations and licensing which the Commission recognizes as trustworthy;
- (21) Draft regulations exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;
- (22) Perform such other duties the Commission deems appropriate for the proper regulation of the Tribal gaming operation;

(23) Promulgate such regulations and guidelines as it deems appropriate to implement the provisions of this Ordinance.

(g) The Gaming Commission shall ensure that all records and information obtained as a result of an employee background investigation shall remain confidential and shall not be disclosed to persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel or others employed by the tribal gaming operation on a need-to-know basis for actions taken in their official capacities.

This Section does not apply to requests for such information or records from any Tribal, Federal or State law enforcement or regulatory agency, or for the use of such information or records by the Commission and staff in the performance of their official duties.

(h) The independence of the Tribal Gaming Commission is essential to a well-regulated gaming operation. For that reason, Commissioners may only be removed from office by the Fort Independence Tribal Council prior to the expiration of their respective terms for neglect of duty, misconduct, malfeasance, or other acts that would render a commissioner unqualified for his/her position. Any allegations of neglect of duty, misconduct, malfeasance, or other acts that would render him or her unqualified for his/her position must be substantiated by a preponderance of the evidence. Commissioners will be given an opportunity to provide evidence rebutting the evidence for their proposed removal before the removal is considered. A vote of the Fort Independence Tribal Council on the validity of the removal shall be final and not subject to further appeal. A wrongful removal shall entitle the affected Commissioner to compensation for expenses incurred in an appeal and any pay withheld.

(i) A majority of the Commission shall constitute a quorum. The concurrence of a majority of the members appointed to the Commission shall be required for any final determination by the Commission. The Commission may act in its official capacity even if there are vacancies on the Commission.

(j) Tribal Gaming Commissioners shall be compensated at a level determined by the General Council.

(k) The Commission shall keep a written record of all its meetings.

Section 110. Enforcement

(a) Jurisdiction: Except as provided in this Ordinance or the Compact, the Tribal Gaming Commission shall have jurisdiction over all violations of this Ordinance.

(b) Compliance with Federal Standards for Tribal Gaming Facility Audits: The Tribe and the Tribal Gaming Commission shall conduct annual financial audits and "Agreed-Upon Procedure" audits of its gaming operations and submit such audits to the NIGC. The NIGC, in conducting such audits, may use its standard audit procedures and the worksheets/checklists set forth in 25 C.F.R. Part 542. The Tribe and the Tribal Gaming Commission will work with NIGC to develop a process for reporting requirements and addressing any non-compliance issues (if any) that may arise in the audit process.

(c) Prohibited Acts: In addition to other civil and criminal offenses provided for in this Ordinance, the following acts are prohibited by any Person and subject any violator to the civil or criminal penalties specified herein:

- (1) Participating in any Gaming which is not authorized by this Ordinance.
- (2) Knowingly making a false statement in connection with any Contract to participate in any Gaming Activity.
- (3) Attempting to bribe any Person participating in any Gaming Activity.
- (4) Offering or accepting a loan, financing or other thing of value between a member of the Board of Commissioners or employee of the Tribal Gaming Commission and any Person participating in any Gaming Activity.
- (5) Promoting or participating in any illegal Gaming Activity.
- (6) Failing to keep sufficient books and records to substantiate receipts, disbursements and expenses incurred or paid from any Gaming Activity authorized pursuant to this Ordinance.
- (7) Falsifying any books or records that relate to any transaction connected with any Gaming Activity pursuant to this Ordinance.
- (8) Conducting or participating in any Gaming Activity, which results in Cheating.
- (9) Allowing participation in Gaming Activity by or with an intoxicated or disorderly Player.
- (10) Allowing or participating in the sale of liquor when such sale is prohibited by Tribal law.
- (11) Accepting consideration other than money, or chips for participation in any Gaming Activity.
- (12) Using bogus or counterfeit chips or Charitable Gaming Tickets, or to substitute or use any cards, Charitable Gaming Tickets or Gaming equipment that has been marked or tampered with.
- (13) Employing or possessing any Cheating device or to facilitate Cheating in any Gaming Activity.
- (14) Willfully using any fraudulent scheme or technique to change the odds of any Game of Chance.
- (15) Soliciting, directly or indirectly, or using inside information on the nature or status of any Gaming Activity for the benefit of an individual.
- (16) Tampering with a Gaming Device, attempting to conspire to manipulate the outcome or the payoff of a Gaming Device, or otherwise

unlawfully tampering with or interfering with the proper functioning of the machine.

(17) Alter or counterfeiting a Gaming license.

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

(19) Operating, using or making available to the public any illegal Gaming Device, apparatus, material or equipment.

(20) Selling, holding out for sale or transporting into or out of the jurisdiction of the Tribe any illegal Gaming Device, apparatus, material or equipment.

(21) Assisting or allowing a Person who is under the age of Eighteen (18) to participate in a Gaming activity.

(22) Possessing any illegal narcotics or controlled substances on any licensed Gaming site.

(23) Stealing or attempting to steal funds or other items of value from any Gaming Facility or from the Tribal Gaming Commission.

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

(d) Criminal Violation: Any Indian who violates or fails to comply with any provision of this Ordinance, or who fails or neglects to comply with any order, decision of the Tribal Gaming Commission, shall be charged and given due process pursuant to this Ordinance and the Gaming Regulations adopted by the Tribal Gaming Commission pursuant to this Ordinance. If such Indian is found to be guilty of a crime, he may be required to pay a fine not to exceed Five Thousand Dollars (\$5,000). Each day during which any such violation or failure to comply continues shall constitute a separate violation of this Ordinance.

(e) Civil Violation: Any non-Indian who violates or fails to comply with any provision of this Ordinance, or who fails or neglects to comply with any final order of the Tribal Gaming Commission, shall be charged and given due process pursuant to this Ordinance, and the Gaming Regulations adopted by the Tribal Gaming Commission pursuant to this Ordinance. If the non-Indian is found liable, he may pay a civil fine not to exceed Five Thousand Dollars (\$5,000) for each violation thereof. Each day during which any such violation or failure to comply continues shall constitute a separate violation of this Ordinance. The amount of any such civil fine may be recovered in a civil action in an appropriate court of civil jurisdiction.

(f) Cumulative Fines: All civil fines accruing under this Ordinance shall be cumulative and a suit for the recovery of one fine shall not bar or affect the recovery of any other fine, or judgment, penalty, forfeiture or damages, nor bar the power of the Tribal Court to punish for contempt, nor bar any criminal

prosecution against any officer, director, agent, or employee of any Licensee, or any other Person.

(g) Purpose of Civil Penalties: The civil fines imposed under this Ordinance are intended to be remedial and not punitive and are designed to compensate the Tribe for the damage done to the peace, security, economy and general welfare of the Tribe and the Rancheria, and to compensate the Tribe for costs incurred by the Tribe in enforcing this Ordinance. The civil fines under this Ordinance are also intended to encourage all people into complying with this Ordinance and Tribal Gaming Commission regulations and not to punish such people for violation of such laws and regulations.

(h) Civil Action for Penalties: In enforcing the civil infraction provisions of this Ordinance, the Tribal Gaming Commission shall proceed, in the name of the Tribe, against a Person for violation of such provision by civil complaint in any court of competent jurisdiction, or, if applicable, only in such other forums as the Tribe has agreed to by Contract. The Tribal Gaming Commission in such action shall have the burden of showing, by the preponderance of the evidence, that such Person violated the applicable provision of this Ordinance.

(i) Seizure and Forfeiture of Property: Property utilized in violation of this Ordinance shall be subject to seizure and forfeiture by order of the Board of Commissioners pursuant to such procedures and rules as the Board of Commissioners shall promulgate.

(j) Reporting of Offenders: The Tribal Gaming Commission, upon final conviction of any Person under this subsection, shall report the name of the Person convicted to the Tribal Council, State Gaming Board and NIGC.

Section 111. Ethics

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

- (1) Members shall not hold financial interests that conflict with the conscientious performance of their duties as managers and regulators.
- (2) Members shall not engage in financial transactions using nonpublic information or allow the improper use of such information by others on their behalf to further any private interest.
- (3) Members shall not solicit or accept any gift or other item of monetary value, including complimentary items or services (see Section 112, below), from any person or entity seeking official action or inaction from,

doing business with, or conducting activities regulated by the member's organization, or whose interests may be substantially affected by the performance or nonperformance of the Members' duties.

(4) Members shall make no unauthorized commitments or promises of any kind purporting to bind the Tribe.

(5) Members shall not use their positions for private gain.

(6) Members shall act impartially, in accordance with all relevant Tribal, Federal, and State laws (where applicable), and shall not give preferential treatment to any private organization or individual, including to any persons related to Members.

(7) Members shall ensure that Tribal property and gaming assets shall be properly segregated and safeguarded, and that such property and assets shall not be used for unauthorized activities.

(8) Per Capita distributions, if any, are not considered financial interests that would conflict with the conscientious performance of duty by a manager or regulator.

(9) Members shall not engage in outside employment or activities, including seeking or negotiating for future employment, which conflict with their official duties and responsibilities.

(10) Members shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

(11) Members shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards listed herein.

(12) Members shall disclose any real or apparent financial or personal conflicts. If there is a real conflict or the appearance of one, the member shall not take part in any decision related to the conflict.

Section 112. Complimentary Items

(a) The use of complimentary items shall be governed by regulations established by the Tribal Gaming Commission.

(b) No Key Employee, Primary Management Official, Tribal Council member, member of the Gaming Board of Directors or Tribal Gaming Commission, or any person directly related to or sharing a residence with the persons, shall be authorized to receive complimentary items other than food and beverages valued at under five dollars, or, if at a public event held at the gaming facility, the free food and beverages offered to the general public.

(c) Complimentary Items shall be included in the annual budget for the gaming operation, with maximum limits specified, and shall be subject to approval by the Tribal Council.

Section 113. Audit

- (a) The Tribe shall cause an annual outside independent audit of gaming operations to be conducted, and shall submit the resulting audit reports to the National Indian Gaming Commission.
- (b) All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection (a) above.

Section 114. Environment and Public Health and Safety

- (a) Gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety;
- (b) The Fort Independence Tribal Council shall adopt standards that assure adequate protection of the environment and the public health and safety.

Section 115. Patron Dispute Resolutions

Patrons who have 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, and at the discretion of the Commission, the petitioner may be allowed to present evidence. The Gaming Commission shall hold a hearing within 30 days of receipt of petitioner's complaint. Petitioner may have counsel present at such hearing. The Commission shall render a decision in a timely fashion and 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. All claims by patrons shall be limited to a maximum recovery of \$500.00 per occurrence, and a cumulative limit of \$1,500.00 per patron in any twelve (12) month period, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize. The Commission's decision shall constitute the complainant's final remedy.

Section 116. Facility Licenses

- (a) The Tribal Gaming Commission shall issue a separate license to each place, facility, or location on Indian lands where Class II and/or Class III gaming is conducted under this ordinance.
- (b) The Tribal Gaming Commission shall issue a separate license to each place, facility, or location on Indian lands where Class II and/or Class III gaming is conducted under this ordinance once every 3 years. The Tribal Gaming Commission shall specify the form, conditions and content for the application for such licenses, which shall be submitted by the chief management official of the

facility, and the initial application shall include a legal description of the lands whereon the facility is located, and a certification that said premises constitute "Indian lands" as specified in the Indian Gaming Regulatory Act, and shall identify the environmental, health, and public safety standards with which the facility must comply, and a certification that the facility is in compliance therewith each subsequent application for the renewal of such facility license shall identify any changes or additions to said legal description and applicable environmental, health and safety standards, and include current certifications of compliance therewith. The Tribal Gaming Commission shall only issue such licenses if the applications include the required information and certifications and such further conditions as the Tribal Gaming Commission shall have specified.

Section 117. Agent for Service of Process

The Tribe hereby designates the Tribal Chairman as agent for service of process, who may be contacted at:

P.O. Box 67
Independence, CA 93526

Section 118. Compliance with Federal Law

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

Section 119. Repealed

To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed.

Section 120. Tribal Access to Financial Information

A copy of the Tribal gaming operation annual audit will be made available for review, upon request by any tribal member to:

The Business Committee of the
Fort Independence Indian Community of the Paiute Indians of
Fort Independence, California
P.O. Box 67
Independence, CA 93526

Section 201. Licenses for Key Employees and Primary Management Officials

The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any gaming enterprise operated on Indian lands. The Tribe will issue licenses and

perform background investigations on such key employees and primary management officials according to requirements at least as stringent as 25 C.F.R. Parts 556 and 558.

Section 202. License Application Forms

(a) The following notice shall be placed on the application form for a key employee or a primary management official:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §§ 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe being unable to license you for a primary management official or key employee position.

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

(b) The following additional notice shall be placed on the application form for a key employee or a primary official before it is filled out by an applicant:

A false statement on any part of your application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment. (U.S. Code, Title 18, section 1001)

(c) The Commission shall notify in writing existing key employees and primary management officials who have not completed an application containing the notices set forth above that they shall either:

- (1) Complete a new application form that contains both the Privacy Act and false statement notices; or
- (2) Sign a statement that contains the Privacy Act and false statement notices and consent to the routine uses described in that notice.

Section 203. License Fees

The Tribe may charge a license fee, to be set by the Tribal Gaming Commission, to cover its expenses in investigating and licensing Key Employees and Primary Management Officials of the gaming operation.

Section 204. Fingerprints

Each applicant for a Key Employee or Primary Management Official shall be required to have fingerprints taken as part of the application procedure. Fingerprints shall be taken by Inyo County Sheriff's Department or the Fort Independence Gaming Commission. Fingerprints will then be forwarded to the NIGC for processing through the FBI and NCIC to determine the applicant's criminal history, if any.

Section 205. Background Investigations

- (a) The Tribal Gaming Commission is responsible for conducting background investigations and suitability determinations.
- (b) The Tribal Gaming Commission shall request from each primary management official and from each key employee all of the following information:

- (1) 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 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- (3) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (b)(2) of this section;
- (4) Current business and residence telephone numbers, and all cell phone numbers;
- (5) A description of any existing and previous business relationships with other Indian Tribes, including ownership interests in those businesses;
- (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (8) For each felony, crime of moral turpitude, theft related offense for which there was an ongoing prosecution or a conviction at any time, the charge, the name and address of the court involved, and the date and disposition if any;
- (9) For each misdemeanor conviction or ongoing misdemeanor

prosecution (excluding minor traffic violations), and/or bankruptcy filed within 10 years of the date of the application, the name and address of the court involved and the date and disposition, if any;

(10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (b)(8) or (b)(9) of this section, the criminal charge, the name and address of the court involved and the date and disposition if any;

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

(12) A photograph taken within the last year;

(13) Fingerprints obtained in accordance with Section 204; and

(14) Any other information the Tribe deems relevant.

(c) When a primary management official or key employee is employed by the Tribe, a complete application file, containing all the information listed in Section 205(b), shall be maintained.

Section 206. Procedures for Conducting a Background Check on Applicants

(a) As part of its review procedure, the Commission or its agent shall employ or engage a private investigator to conduct a background investigation on each applicant sufficient to allow the Gaming Commission to make an eligibility determination under section 207 below. The investigator shall:

(1) Verify the applicant's identity through items such as a social security card, drivers license, birth certificate, or passport;

(2) Contact each personal and business reference provided in the License Application, when possible;

(3) Obtain a personal credit check;

(4) Conduct a civil history check;

(5) Conduct a criminal history check via the submission of the applicant's fingerprints to the NIGC, and further obtain information from the appropriate court regarding past felony and/or misdemeanor convictions and criminal charges within the last ten years;

(6) Inquire into any previous or existing business relationships with the gaming industry and Indian tribes by contacting the entities or tribes;

(7) Verify the applicant's history and status with any licensing agency by contacting the agency; and

(8) Take other appropriate steps to verify the accuracy of the information, focusing on problem areas noted.

(b) The investigator shall create an investigative report noting the steps taken, information gained, potential problem areas, and disqualifying information.

(c) The Gaming Commission and its investigator shall promise to keep confidential the identity of each person interviewed in the course of the investigation and shall not be disclosed to any persons who are not directly involved in the licensing and employment processes, other than disclosure as required under Federal, Tribal, or State law.

Section 207. Eligibility Determination

(a) Before a license is issued to a primary management official or key employee, the Tribal Gaming Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations and make a finding concerning the eligibility of a key employee or primary management official for a gaming license.

(b) If the Tribal Gaming Commission determines that licensing of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming or has any convictions listed in Section 108 (b), the tribal gaming operation shall not license that person in a key management or primary management official position.

Section 208. Procedures for Forwarding Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

(a) When a key employee or primary management official is employed to work at a gaming operation authorized by this ordinance, the Commission shall conduct a background investigation, forward the report to the NIGC pursuant to section 209, and make an eligibility determination pursuant to section 207.

(b) The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

Section 209. Report to the National Indian Gaming Commission

(a) Before issuing a license to a primary management official or key employee, the Tribal Gaming Commission shall prepare an investigative report on each background investigation and notice of results for the National Indian Gaming Commission.

(1) An investigative report shall include all of the following:

- (A) Steps taken in conducting a background investigation;
- (B) Results obtained;
- (C) Conclusions reached; and
- (D) The bases for those conclusions.

(2) The notice of results shall include:

- (A) The applicant's name, date of birth, and social security number;
- (B) The date on which the applicant began, or will begin, working as a primary management official or key employee;
- (C) A summary of the information presented in the investigative report, including:
 - (i) licenses that have previously been denied;
 - (ii) gaming licenses that have been revoked, even if subsequently reinstated;
 - (iii) every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
 - (iv) every felony offense of which the applicant has been convicted or any ongoing prosecution; and
- (D) A copy of the eligibility determination made in accordance with Section 207.

(b) The Commission shall forward the notice of results to the National Indian Gaming Commission within 60 days after an employee begins work and before a license is issued.

(c) If a license is not issued to an applicant, the Tribal Gaming Commission:

- (1) Shall notify the NIGC; and
- (2) Shall forward copies of its eligibility determination and notice of results to the NIGC for inclusion in the Indian Gaming Individuals Records System.

(d) With respect to all employees, and in particular key employees and primary management officials, the Tribal Gaming Commission shall retain applications for licensing, investigative reports and eligibility determinations for inspection by the Chairman of the NIGC or his or her designee for no less than three (3) years from the date of termination of employment.

Section 210. Granting a Gaming License

(a) All primary management officials and key employees of the gaming operation must have a gaming license issued by the Tribe.

(b) A license may be issued by the Tribal Gaming Commission to a primary management official or key employee applicant after submitting the notice of results of the applicant's background investigation of the NIGC as required by Section 209.

(c) 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 a license from the NIGC, and those objections are received within 30 days of the NIGC receiving a notice of results of the applicant's background investigation. The Tribal Gaming Commission shall take the NIGC's objections into account when reconsidering a license application. If the Tribe has issued the license before receiving the Commission's statement of objections, notice and hearing shall be provided to the licensee as provided by 25 C.F.R. § 558.4.

(d) The Tribe shall make the final decision whether to issue a license to such applicant and shall provide notice of license issuance to the NIGC within 30 days of issuance.

Section 211. License Suspension

(a) If, after the issuance of a gaming license, the Tribal Gaming Commission receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment, the Tribal Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

(b) The Tribal Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license, regardless of the basis for the revocation.

(c) After a revocation hearing, the Tribal Gaming Commission shall decide to revoke or to reinstate a gaming license. The Commission shall notify the NIGC within 45 days of receiving notice from the NIGC pursuant to paragraph (a) of this section.

(d) A right to hearing shall vest only upon receipt of a license granted under an ordinance approved by the NIGC Chair.

Section 212. Employee Appeal Process

(a) All employee disputes shall be documented and handled by the appropriate supervisor. If the dispute is not resolved, then the following shall take place:

- (1) The employee shall ask for a determination from the Board of Directors to satisfy this dispute. If the outcome is unsatisfactory to the employee, then they shall refer to Section 212 (a) (2).
- (2) After exhausting the preceding remedies from the Board of Directors, the employee shall ask for a determination from the Business Committee to satisfy the dispute. If the outcome is unsatisfactory to the employee, then they shall refer to Section 212 (a) (3).

- (3) After exhausting the preceding remedies from the Business Committee, the employee shall ask for a determination from the General Council to satisfy the dispute. The General Council shall have the final say as to the disposition of this dispute.

Section 301. Licenses for Vendors

(a) Vendors of gaming services or supplies with a value of \$25,000 or more annually must have a vendor license from the Tribal Gaming Commission in order to transact business with the Tribal gaming operation. Contracts for professional legal and accounting services are excluded from this section.

(b) Gaming vendors are vendors who provide gaming supplies and services, including cash-related services.

(c) Non-gaming vendors provide services that do not have the ability to impact the integrity of the Tribal gaming operations, such as media advertising, facility maintenance workers, linen and laundry services, and food and beverage suppliers. The Tribal Gaming Commission shall create a regulation detailing which vendors fall into this category and shall maintain a register of the non-gaming vendors that it licenses. The regulation may exempt from licensing requirements non-gaming vendors who: 1) are a Tribal, Local, State, or Federal government agencies; 2) are regulated by the State of California or the Tribe; or 3) will provide goods of insubstantial or insignificant amounts or quantities if the Tribal Gaming Commission determines that licensing of the vendor is not necessary to protect the public interest.

Section 302. Submission of a Vendor License Application

In order to obtain a gaming vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include its officers, directors, management, owners, partners, non-institutional stockholders that either own 10% or more of the stock or are the 10 largest stockholders, and the on-site supervisor or manager under the agreement with the Tribe, if applicable.

Section 303. Contents of the Vendor License Application

(a) Applications for gaming vendor licenses must include the following:

- (1) Name of business, business address, business phone, federal tax ID number (or SSN if a sole proprietorship), main office address if different from business address, any other names the applicant has done business under, type of service applicant will provide;
- (2) Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity;
- (3) If the applicant is a corporation, the state of incorporation, and the

- qualification to do business in the State of California if the gaming operation is in a different State than the State of incorporation.
- (4) Trade name, other names ever used, names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;
 - (5) General description of the business and its activities;
 - (6) Whether the applicant will be investing in or loaning money to the gaming operation and, if so, how much;
 - (7) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - (8) A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial, or management interests in non-gaming activities or, if the vendor does extensive business with tribes, then a list of the top ten (10) tribes;
 - (9) Names, addresses, and phone numbers of three business references with whom the company had regularly done business for the last five years;
 - (10) The name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 - (11) If the business has ever had a license revoked for any reason, the circumstances involved;
 - (12) A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition if any;
 - (13) List the business' funding sources and any liabilities of \$50,000 or more.
 - (14) A list of the principals of the business, their social security numbers, addresses and telephone numbers, title, and percentage of ownership in the company; and
 - (15) Any further information the Tribe deems relevant.

(b) The following notice shall be placed on the application form for a vendor and its principals:

Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the Tribe's vendor license.

(c) A vendor may submit a copy of a recent license application to another jurisdiction if it contains the information listed above. The vendor will be required to submit in writing any changes in the information since the other license

application was filed and any information requested by the Tribe not contained in the other application.

Section 304. Vendor Background Investigation

The Tribal Gaming Commission shall employ or otherwise engage a private investigator complete an investigation of the gaming vendor. This investigation shall contain, at a minimum, the following steps:

- (a) Verify of the business' incorporation status and qualification to do business in the State where the gaming operation is located;
- (b) Obtain a business credit report, if available, and conduct a Better Business Bureau check on the vendor;
- (c) Conduct a check of the business' credit history;
- (d) Call each of the references listed in the vendor application; and
- (e) Conduct an investigation of the principals of the business, including a criminal history check, a credit report, and interviews with the personal references listed.

Section 305. Vendor License Fee

The Tribe may charge a license fee, to be set by the Tribal Gaming Commission, to cover its expenses in investigating and licensing vendors of the gaming operation.

Section 306. Vendor Background Investigation Report

The private investigator shall complete an investigative report covering each of the steps taken in the background investigation of the gaming vendor and its principals and present it to the Tribal Gaming Commission.

Section 307. Exemption for Vendors Licensed by Recognized Regulatory Authorities

All federally or state regulated banks are exempt from the requirements of obtaining a license under this Ordinance. The Tribal Gaming Commission may adopt regulations naming specific licensing authorities that it recognizes and may authorize exemptions to the vendor licensing process for vendors which have received a license from one of the named regulatory authorities.

Section 308. Licenses for Non-Gaming Vendors

For non-gaming vendors, the Tribal Gaming Commission is authorized to create a less stringent vendor licensing process, including a due diligence check rather than a full background investigation as laid out in Section 304. The Gaming Commission may investigate such vendors when appropriate and may conduct audits in addition to monitoring Tribal purchases.

Section 309. Sovereign Immunity

Nothing contained in this Ordinance is intended to nor does in anyway limit, alter, restrict, or waive the Tribe's sovereign immunity from unconsented suit or action.

Section 310. National Indian Gaming Commission Approval

The NIGC shall approve this amended ordinance after it has been approved and passed by the Fort Independence General Council by Resolution

Section 311. Code of Ethics for Business Committee

The Fort Independence Business Committee is prohibited from Gambling and conducting personal financial transaction within the Gaming establishment.