



June 24, 2021

VIA E-MAIL

Dan Courtney, Chairman
Cow Creek Band of Umpqua Tribe of Indians
2731 NE Stephens St. Ste. #100
Roseburg, Oregon 97495

Re: Cow Creek Band of Umpqua Tribe of Indians' Gaming Ordinance Amendment

Dear Chairman Courtney:

This letter responds to your May 17, 2021 request on behalf of the Cow Creek Band of Umpqua Tribe of Indians for the National Indian Gaming Commission to review and approve the Tribe's amendments to its gaming ordinance.

The amendments were adopted by the Tribal Board of Directors, Resolution #2021-33, on May 16, 2021, and reflect comprehensive review and revision. Most notably, the amendments update the definitions, per-capita distributions, policies for establishing a tribal gaming commission, auditing procedures, and background and licensing procedures that are now consistent with Parts 556 and 558.

Thank you for bringing the amended gaming ordinance to our attention and for providing us with a copy. The amended ordinance is approved as it is consistent with the Indian Gaming Regulatory Act and NIGC regulations. If you have any questions, please contact Sharon M. Avery, Associate General Counsel at (202) 632-7003.

Sincerely,

A handwritten signature in blue ink that reads "E. Sequoyah Simermeyer".

E. Sequoyah Simermeyer
Chairman

cc: Dirk Doyle, Tribal Attorney, Cow Creek Band of Umpqua Tribe of Indians (via e-mail)

**RESOLUTION OF THE COW CREEK BAND OF UMPQUA TRIBE OF
INDIANS BOARD OF DIRECTORS
AMENDING AND RESTATING GAMING ORDINANCE**

WHEREAS, the Cow Creek Band of Umpqua Tribe of Indians (the "Tribe") is organized under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), the provisions of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act of December 29, 1982 (P.L. 97-391), as amended by the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of October 26, 1987 (P.L. 100-139), and the Cow Creek Tribal Constitution, duly adopted pursuant to a federally supervised constitutional ballot, on July 8, 1991; and,

WHEREAS, pursuant to Article III, Section 1 of the Tribe's Constitution, the Cow Creek Tribal Board of Directors (the "Board") is the governing body of the Tribe; and,

WHEREAS, pursuant to Article VII, Section 1 (d) of the Tribe's Constitution the Board has the power to "administer the affairs and assets of the Tribe, including Tribal lands"; and

WHEREAS, pursuant to Article VII, Section 1 (e) of the Tribe's Constitution the Board has the power to "administer ... all funds from tribal business enterprises or to assign such responsibility to such persons, committees or companies as it designates"; and,

WHEREAS, pursuant to Article VII, Section 1 (i) of the Tribe's Constitution the Board has the power to "enact ordinances and laws governing the conduct of all persons on tribally owned land; to maintain order and protect the safety, health, and welfare of all persons within the jurisdiction of the Tribe; and to enact any ordinances or laws necessary to govern the administration of justice, and the enforcement of all laws, ordinances or regulations . . ."; and,

WHEREAS, pursuant to Article VII, Section I (t) of the Tribe's Constitution the Board has the power to "have such other powers and authority necessary to meet its obligations, responsibilities, objectives, and purposes as the governing body of the Tribe"; and,

WHEREAS, the Board adopted Resolution No. 2021-06 on January 14, 2021, which amended the Tribe's Gaming Ordinance, and submitted it to the Nation Indian Gaming Commission ("NIGC") for review and approval; and,

WHEREAS, NIGC requires certain revisions, as detailed in Exhibit "A", attached hereto, and incorporated herein, before it approves the Tribe's amendment; and,

WHEREAS, the Board believes that it is in the best interests of the Tribe and its members to approve the revisions detailed in Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED that the Tribe, approves and authorizes the revisions and hereby amends and restates its Gaming Ordinance, in substantially the form as attached hereto as **Exhibit A**; and,

BE IT FURTHER RESOLVED, that any and all actions heretofore or hereafter taken by any Tribal officers, employees or agents under the authority of the foregoing resolution be, and hereby are, ratified and confirmed as essential to the core of the Tribe's sovereignty, and are the act and deed of the Tribe taken or made by said officers, employees or agents on behalf of the Tribe and within the scope of their duties to the Tribe; and,


BE IT FURTHER RESOLVED, that neither this resolution nor any document or representation related herewith or therewith shall constitute a waiver of the sovereign immunity of the Tribe, or its officers acting in their official capacity within the scope of their authority; and,

BE IT FURTHER RESOLVED, that the actions authorized and taken by this Resolution are intended to advance the sovereign self-governance of the Tribe, and to protect the political integrity, economic security and health and welfare of the Tribe and its members; and,

BE IT FURTHER RESOLVED, any prior Tribal regulations, resolutions, orders, motions, legislation, codes or other Tribal law which are materially inconsistent with this Resolution are hereby repealed, but only to the extent of any such inconsistency and as applied to the specific matter in which any such inconsistency arises.

CERTIFICATION

It is hereby certified that the Cow Creek Tribal Board of Directors, governing body of the Cow Creek Band of Umpqua Tribe of Indians, composed of eleven (11) members of whom 11, constituting a quorum, were present at a meeting duly held on the 14 day of May, 2021, adopted the foregoing **RESOLUTION OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS BOARD OF DIRECTORS AMENDING AND RESTATING GAMING ORDINANCE**, by the affirmative vote of 10 for and 0 against.


Daniel Courtney
Tribal Chairman

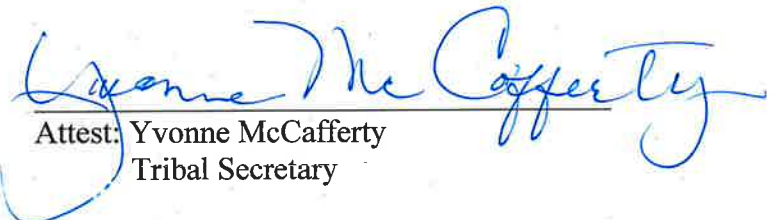

Attest: Yvonne McCafferty
Tribal Secretary

Exhibit A

COW CREEK BAND OF UMPQUA
TRIBE OF INDIANS

TRIBAL GAMING ORDINANCE

AS AMENDED AND RESTATED ON [INSERT DATE]

COW CREEK BAND OF UMPQUA TRIBE OF INDIANS
TRIBAL GAMING ORDINANCE
AS AMENDED AND RESTATED AS OF [INSERT DATE]

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COW CREEK BAND OF UMPQUA TRIBE OF INDIANS
TRIBAL GAMING ORDINANCE
AS AMENDED AND RESTATED ON [INSERT DATE]

DEFINITIONS

Unless a different meaning is clearly indicated from the context or is set forth below, the terms used in this Ordinance shall have the same meaning as defined in the Indian Gaming Regulatory Act, Public Law 100-497, 102 Stat. 2467 (Oct. 17, 1988), 25 U.S.C. 2701, et seq. ("IGRA").

"Board" means the Board of Directors of the Cow Creek Band of Umpqua Tribe of Indians.

"Chair" means the Chair of the Cow Creek Gaming and Regulatory Commission.

"Class I Gaming" means either social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as part of, or in connection with, Tribal ceremonies or celebrations.

"Class II Gaming" means Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-497; 102 Stat. 2467; codified in part at 25 U.S.C. §2701-2721, and any regulations promulgated thereunder.

"Class III Gaming" means, consistent with the Compact, 25 U.S.C. §2703(8), and any regulations promulgated thereunder, all forms of gambling that are not Class I Gaming or Class II Gaming.

"Commission (CCGRC)" means the Cow Creek Gaming and Regulatory Commission established to perform regulatory oversight and to monitor compliance with tribal, federal and applicable state regulations.

"Commissioner" means an individual board member of the Cow Creek Gaming and Regulatory Commission.

"Commission Staff" means the Cow Creek Gaming and Regulatory Commission staff, supervised by and including the Executive Director.

"Compact" means the "Tribal State Compact for Regulation of Class III Gaming between the Cow Creek Board of Umpqua Tribe of Indians and the State of Oregon" executed by the Governor of Oregon, the Chairperson of the Tribe, and the Secretary of the Interior as of February 7, 2007, and all amendments, appendices, exhibits and other attachments thereto.

“Facility License” means a separate license issued by the Tribe to each place, facility or location on Indian lands where the Tribe elects to allow Class II or Class III gaming.

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

“Indian Lands” means:

- (a) Land within the limits of the Cow Creek Band of Umpqua Tribe of Indians reservation; or
- (b) Land over which the Cow Creek Band of Umpqua Tribe of Indians exercises governmental power and that is either;
 - (1) Held in trust by the United States for the benefit of the Tribe or any individual member of the Tribe; or
 - (2) Held by the Tribe or any individual member of the Tribe and subject to restriction by the United States against alienation.

“Individually Owned Gaming” means any Gaming Operation Owned by any entity other than the Tribe including without limitation any private, state, or foreign entity.

“IGRA” the Indian Gaming Regulatory Act, P.L. 100-497; 102 Stat. 2467; codified in part at 25 U.S.C. §2701-2721.

“Immediate Family” shall include parents, children, spouses, significant others, brothers and sister.

“Key Employee” means:

- (a) A person who performs one or more of the following functions
 - (1) Bingo caller,
 - (2) Counting room supervisor,
 - (3) Chief of security,
 - (4) Custodian of gaming supplies or cash,
 - (5) Floor manager,
 - (6) Pit boss,

- (7) Dealer,
 - (8) Croupier,
 - (9) Approver of credit, or
 - (10) Custodian of gambling terminals or other devices operated by the management of any Gaming Operation, including persons with access to cash and accounting records for such devices;
- (b) If not otherwise included, any other person whose total cash compensation from employment in any Gaming Operation exceeds \$50,000 per year;
 - (c) If not otherwise included, the four most highly compensated persons in any Gaming Operation; or
 - (d) Any employee of any Gaming Operation that the Commission deems a Key Employee.

“Licensee” means tribally owned Class II or Class III gaming operation or a person licensed by CCGRC as a primary management official, key employee, or other gaming employee under the provisions of this ordinance.

“Management Contract” means any contract, subcontract or collateral agreement between the Tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.

“Minimum Internal Controls Standards (MICS)” means the Tribal/State “Minimum Standards for Internal Controls” attached as the Appendix to the Compact, including revisions made pursuant to §8(A) of the Compact.

“Net Revenue” means gross gaming revenues of gaming operation less:

- (a) Amounts paid out as, or paid for, prizes; and
- (b) Total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.

“NIGC” means the National Indian Gaming Commission.

“NIGC Chair” means the Chair of the National Indian Gaming Commission or his/her designee.

“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.

“Primary Management Officials” means:

- (a) The person(s) having management responsibility for a management contract.
- (b) Any Person who has authority:
 - (1) To hire and fire employees of the Gaming Operation; or
 - (2) To set up working policy for the gaming operation; or
 - (3) The chief financial officer or other person who has financial management responsibility.
- (c) Any other person designated by the Tribe as a primary management official.

“Rules” means any Rules of the Commission established pursuant to this Ordinance.

“Tribal-State Compact” means the agreement between the Tribe and State of Oregon about Class III gaming under 25 U.S.C. §2710(d).

“Tribal Official” means any Commission Member or employee of the Commission.

“Tribe” means, and “Tribal” shall refer to, the Board, acting on behalf of the Cow Creek Band of Umpqua Tribe of Indians.

CHAPTER I

PURPOSE, APPLICABILITY AND AUTHORIZATIONS

Section 1.01 Purpose. The Board of Directors of the Cow Creek Band of Umpqua Tribe of Indians, pursuant to authority granted in Article VII, the Tribe's Constitution, enacts this Ordinance in order to regulate all forms of Gaming on Indian Lands.

Section 1.02 Class I Gaming Authorized. Class I Gaming is hereby authorized to be conducted on lands within the jurisdiction of the Tribe.

Section 1.03 Class II Gaming Authorized. Class II Gaming is hereby authorized to be conducted on lands within the jurisdiction of the Tribe; provided, however, that such Class II Gaming shall be conducted only in accordance with the provisions of this Ordinance, the Rules, the Compact, and IGRA.

Section 1.04 Class III Gaming Authorized. Class III Gaming is hereby authorized on lands within the jurisdiction of the Tribe; provided, however, that class III Gaming shall be conducted only in accordance with the provisions of this Ordinance, the Rules, the Compact, and IGRA.

Section 1.05 Ownership of Gaming.

- (a) The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance, except ~~as expressly provided~~where such responsibility is designated to another entity in this Ordinance.
- (b) No person or entity, other than the Tribe, shall conduct gaming without obtaining a license from Cow Creek Tribal Gaming and Regulatory Commission.
- (c) CCGRC may issue a license for individually-owned gaming so long as:
 - (1) The individually owned gaming operation is licensed and regulated pursuant to this Ordinance;
 - (2) The income to the Tribe from an individually owned gaming operation is used only for the purposes listed in this Ordinance;
 - (3) Not less than 60 percent of the net revenues of the individually-owned gaming operation is income to the Tribe;
 - (4) The owner of the individually owned gaming pays an annual assessment to NIGC pursuant to 25 C.F.R. §514.1; and
 - (5) CCGRC applies licensing standards that are at least as restrictive as those established by State law governing similar gaming.
 - (6) CCGRC determines that the owner of the individually owned gaming would be eligible to receive a State license to conduct the same activity within the jurisdiction of the surrounding State. The State law standards shall apply with respect to purpose, entity, pot limits, and hours of operation.

Section 1.06 Use of 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.

Section 1.07 Per Capita Payments.

- (a) Net revenues from any gaming activities conducted or licensed by the Tribe may be used to make per capita payments to Tribal members if:
 - (1) The Tribe has prepared a plan to allocate revenues to one or more of the five uses authorized by section 1.06 of this ordinance;
 - (2) The plan is approved by the Secretary of the Interior as adequate, particularly with respect to the uses described in sections 1.06(a)(1) and 1.06(a)(3) of this ordinance;
 - (3) The interests of minors and other legally incompetent persons who are entitled to receive any of the per capita payments are protected and preserved, and the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minor or other legally incompetent person; and
 - (4) The per capita payments are subject to Federal taxation and the Tribe notifies its members of such tax liability when payments are made.

**CHAPTER II
ADMINISTRATION AND ENFORCEMENT**

Section 2.01 Establishment of Commission.

- (a) The Tribe hereby establishes a Tribal Gaming Commission ("Commission") to regulate the Tribe's gaming operations. The

Commission shall consist of five (5) members, including a Chair, Vice-Chair and at least three (3) additional Commissioners.

- (b) The Commission will conduct oversight to ensure compliance with Tribal, federal and, if applicable, state laws and regulations. It will serve as the licensing authority for individuals employed in the gaming operation and will administer background investigations as part of the licensing process. The Commission will also have a role in monitoring compliance with the gaming operation's internal controls and in tracking gaming revenues. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming operation and to all of its records. The Commission shall have authority to take enforcement actions, including suspension or revocation of an individual gaming license, when appropriate.
- (c) Commissioner positions shall be filled through appointment by a majority vote of the Board.
- (d) Commissioner shall serve for five (5) years and each term shall be staggered annually, so that one (1) position on the Commission is open for a vote every year. A Commissioner may be removed from office prior to the end of his/her term for cause by a Two-Thirds vote of the Board. Vacancies on the Commission shall be promptly filled by the Board.
- (e) The Tribe recognizes the importance of an independent Tribal Gaming Commission in maintaining a well-regulated gaming operation. The Commission shall be independent of, and act independently and autonomously from, the Board in all matters within its purview. No prior, or subsequent, review by the Board of any actions of the Commission shall be required except as otherwise explicitly provided in this ordinance to avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Tribe requires that, at a minimum:
 - (1) No member of the Board, or employee of the Commission, may serve on the Tribal Gaming Commission;
 - (2) Members of the Commission are prohibited from gambling in the facility;
 - (3) Commissioners may only be removed from office by a two-thirds vote of the Board, prior to the expiration of their respective terms, for neglect of duty, misconduct, malfeasance or other acts that would render a Commissioner unqualified for the position.
- (f) Nominees for Commissioner positions must satisfy the eligibility standards set forth for primary management officials and key employees. All requisite

background investigations shall be performed under the direction of the Cow Creek Gaming and Regulatory Commission.

(g) The Commission shall:

- (1) Conduct background investigations, or cause such investigations to be conducted, for primary management officials and key employees;
- (2) Review and approve all investigative work conducted in connection with the background investigations of primary management officials and key employees;
- (3) Create and maintain investigative reports based on the background investigations of primary management officials and key employees;
- (4) Designate a law enforcement agency to obtain and process fingerprints and conduct a criminal history check that shall include a check of criminal history records information maintained by the Federal Bureau of Investigation;
- (5) Make licensing eligibility determinations;
- (6) Submit a notice of results to the NIGC of the background investigations done for each primary management official and key employee applicant;
- (7) Issue gaming licenses to primary management officials and key employees of the operation, if warranted by the eligibility determination;
- (8) Establish standards for licensing Tribal gaming facilities;
- (9) Issue gaming licenses to Tribal gaming facilities;
- (10) Inspect, examine and monitor all of the Tribe's gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming facilities and operations;
- (11) Ensure compliance with all Tribal, federal and applicable state laws, rules and regulations regarding Indian gaming;
- (12) Investigate any suspicion of wrongdoing associated with any gaming activities;
- (13) Hold hearings on patron complaints, in accordance with procedures established in this ordinance and the Tribal gaming regulations;

- (14) Comply with any and all reporting requirements under IGRA, the NIGC's regulations and any tribal-state compact to which the Tribe is a party, and any other applicable law;
 - (15) Promulgate and issue regulations necessary to comply with applicable internal control standards;
 - (16) Promulgate and issue regulations on the levying of fees and/or taxes associated with gaming license applications;
 - (17) Promulgate and issue regulations on the levying of fines and/or the suspension or revocation of gaming licenses for violations of this ordinance or any Tribal, federal or applicable state gaming regulations;
 - (18) Establish a list of persons not allowed to game in the Tribe's gaming facilities in order to maintain the integrity of the gaming operation;
 - (19) Establish a list of persons who have voluntarily agreed to be excluded from the Tribal gaming facilities, and create regulations for enforcing the exclusions;
 - (20) Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of Tribal, federal or state statutes, ordinances, regulations, codes or resolutions;
 - (21) Create a list of regulatory authorities that conduct background investigations of, and licenses, vendors who are recognized as trustworthy;
 - (22) Draft regulations exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;
 - (23) Perform such other duties the Commission deems appropriate for the proper regulation of the Tribal gaming operation; and
 - (24) Promulgate such regulations and guidelines as deemed appropriate to implement the provisions of this ordinance, so long as they are in furtherance of, and not in conflict with, any provisions of this ordinance.
- (h) The Commission shall ensure that all records and information obtained as a result of an employee background investigation, including but not limited

to, the identity of each person interviewed in the course of an investigation, shall remain confidential and shall not be disclosed to any persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel and/or others employed by the Tribal gaming operation on a need-to-know basis, for actions taken in their official capacities.

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

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

Section 2.02 Restrictions on Commissioners. The following persons are not eligible to serve as Commissioners: Board members, while serving as such; employees of the Commission; current employees of the gaming operation; gaming contractors (including any principal of a management, or other contracting company); person ineligible to be key employees or primary management officials. Non-tribal members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other money-related or honesty-related misdemeanor offense, such as fraud, cannot serve as Commissioner. Tribal members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other offense related to money or honesty, such as fraud, will only be allowed to serve as a Commissioner if the Board specifically finds that a significant amount of time has passed and the person is now of trustworthy character.

Section 2.03 Compensation of Commissioners. Commissioners shall be compensated at a level determined by the Board. In order to ensure the Commission is not improperly influenced, a Commissioner's compensation shall not be based on a percentage of gaming revenue. Commissioners shall be reimbursed for actual expenses incurred on Commission business, including necessary travel expenses, outside of regular meetings.

Section 2.04 Selection of Chairperson/Vice Chairperson. At the annual meeting the Commission shall select, from its membership, a Commission Chairperson and Vice Chairperson. The Chairperson shall have the power to convene special meetings of the Commission upon twenty-four (24) hours written or actual notice to Commissioners. The Vice Chairperson will perform the duties of the Chairperson in their absence.

Section 2.05 Quorum. A majority of the Commission shall constitute a quorum. The concurrence of a majority of the Commissioners 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.

Section 2.06 **Gifts or Other Compensation.** The Commissioners and members of the Board and their immediate families shall receive no compensation, gift, reimbursement or payment of any kind from any person doing business or desiring to do business with the Tribe, relating to Gaming, nor with any person wishing to obtain an unfair advantage in any Gaming, except as approved by a vote of the majority of the Board. Any property received in violation of this Section, including cash payments, shall be immediately forfeited to the Tribe and the offending Person(s) shall be prosecuted to the full extent possible for accepting a bribe. The Commission and the Board shall cooperate to the fullest extent possible with any applicable law enforcement agency to pursue prosecution of such Person(s) under applicable law.

CHAPTER III LICENSING PROCEDURES

Section 3.01 **Gaming License Required.** The Commission is hereby authorized to issue all Licenses for the conduct of all Gaming, other than Class I Gaming, authorized under this Ordinance or any other License related to Gaming, which the Commission may require. The licensing requirements of this Ordinance are in addition to any state certificates or licenses required by the Compact.

- (a) **Persons.** The following Persons must obtain Licenses as a precondition to employment in or management of any Gaming Operation:
 - (1) Any Management Entity or Controlling Shareholder. Any Person deemed a Controlling Shareholder must comply with the same licensing requirements as if such Person were a Primary Management Official; however, if any Controlling Shareholder is a non-natural person, such Controlling Shareholder shall be subject to Management Entity licensing procedures;
 - (2) All Primary Management Officials;
 - (3) All Key Employees; and
 - (4) Any other employee or class of employees as determined by the Commission.

- (b) **Facilities.** The Tribe shall issue a separate license to each place, facility or location on Indian lands where Class II or Class III gaming is conducted under this ordinance.
- (c) **License Application Forms.** The following notice shall be placed on the Tribe's license application form for a key employee or a primary management official before it is filled out by an applicant:

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

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

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

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

Section 3.02 License Fees. The Tribe may charge a license fee, to be set by the Commission, to cover its expenses in investigating and licensing key employees and primary management officials of the gaming operation.

CHAPTER IV BACKGROUND INVESTIGATIONS

Section 4.01 Required Background Investigations. Background investigations shall be conducted by the Commission on all Persons specified in Section 3.01 of this Ordinance.

Section 4.02 Standards for Background Investigations. The Commission shall supervise and direct all background investigations to ensure that Gaming Operations shall not employ or contract with persons whose prior activities, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of Gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of such Gaming. Such investigations shall be conducted according to requirements at least as stringent as those set forth at ~~25~~**25** C.F.R parts 556 and 558, Section 4.03 of this Ordinance and the Compact. If the Commission or Board determines that employment of a Person poses a threat to the public interest or to the effective regulation of Gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming, a Gaming Operation shall not employ that person. The Oregon State Police shall conduct all background investigations in accordance with Article VII(A)(4)(A & B) of the Compact. In the case of background investigations of Primary Management Officials and Key Employees, the report required by 25 C.F.R part 558, shall be prepared and submitted to the NIGC, and shall contain the required eligibility determination. All background investigations shall meet the standards for such investigations imposed by this Ordinance, IGRA and the Compact and shall be updated as required under this Ordinance, IGRA and the Compact, as applicable. Nothing herein shall prevent the conduct by the Commission or the Board of more comprehensive background investigations than those required under IGRA or the Compact.

Section 4.03 Background Investigations.

- (a) The Tribe shall perform a background investigation for each primary management official and key employee in its gaming operation. The investigation must be sufficient to allow the Commission to make an eligibility determination under Section 4.05 of this ordinance.
- (b) The Commission is responsible for conducting the background investigations of primary management officials and key employees. The background investigation shall include a check of criminal history records information maintained by the Federal Bureau of Investigations.
- (c) The Tribe shall request fingerprints from each primary management official and key employee. The Tribe or the Oregon State Police

(OSP) and Douglas County Sheriff's Office (DCSO) may process fingerprints.

- (d) The Commission shall request from each primary management official and key employee all of the following information:
 - (1) Full name, others names used (oral or written), social security number, birth date, place of birth, citizenship, gender and all languages (spoken and/or written), as required by Article VII(A) of the Compact;
 - (2) Currently, and for the previous five (5) years; business and employment positions held, ownership interests in those businesses, business and residential addresses, and driver's license numbers;
 - (3) The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (d)(2) of this section;
 - (4) Current business and residential telephone numbers, and all cell phone numbers;
 - (5) A description of any existing and previous business relationships with other tribes, including any ownership interests in those businesses;
 - (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - (7) The name and address of any licensing or regulatory agency with which the person has filed an application for license or permit related to gaming, whether or not such license or permit was granted;
 - (8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date of disposition, if any;
 - (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved and the date of disposition, if any;

- (10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of application, and is not otherwise listed pursuant to paragraphs (d)(8) or (d)(9) of this section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;
 - (11) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
 - (12) A photograph;
 - (13) Any other information the Tribe deems relevant; and
 - (14) Fingerprints consistent with the requirements of 25 C.F.R. §522.2(h). The Tribe, the Oregon State Police and/or the Douglas County Sheriff's Office are hereby identified as the agencies with authority to process fingerprints of Key Employees and Primary Management Officials of all Gaming Operations
- (e) When a Primary Management Official or Key Employee is employed by the Tribe, a complete application file, containing all of the information listed in Section 4.03(d), shall be maintained.
 - (f) The Commission, and its investigators, shall keep confidential the identity of each person interviewed in the course of conducting a background investigation.

Section 4.04 Investigative Reports.

- (a) A Tribe shall create and maintain an investigative report for each background investigation of a primary management official or key employee.
- (b) Investigative reports shall include all of the following information:
 - (1) Steps taken in conducting the investigation;
 - (2) Results obtained;
 - (3) Conclusions reached; and

- (4) The basis for those conclusions.

Section 4.05 Eligibility Determinations. The Commission shall review an Applicant's prior activities, criminal record, reputation, habits and associations to make a finding concerning the eligibility of a Management Entity, Controlling Shareholder, Key Employee, or Primary Management Official for employment in a Gaming Operation. With respect to a Management Entity or Controlling Shareholder, the Commission may consider, as part of its eligibility determination, previous oral representations made to members of the Tribe, the Commission or the Board by the Applicant.

- (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 ordinance, determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming, 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 4.06 Notice of Results of Background Investigations.

- (a) Before issuing a license to a primary management official or key employee, the Commission shall prepare a notice of results of the applicant's background investigation to submit to NIGC.
- (b) The notice of results must be submitted to NIGC no later than sixty (60) days after the applicant begins working for the Tribe.
- (c) The notice of results shall include the following information:
 - (1) The applicant's name, date of birth and social security number;
 - (2) The date on which the applicant began, or will begin, working as a primary management official or key employee;

- (3) A summary of the information presented in the investigative report, including:
 - (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 ten (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
- (4) A copy of the eligibility determination made in accordance with Section 4.05.

Section 4.07 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 Commission is responsible for granting and issuing gaming licenses to primary management officials and key employees.
- (c) The Commission may license a primary management official or key employee applicant after submitting a notice of results of the applicant's background investigation to the NIGC, as required by Section 4.06.
- (d) The Commission shall notify the NIGC of the issuance of a license to a primary management official or key employee within thirty (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 ninety (90) days of beginning work at the gaming operation.
- (f) The Commission must reconsider a license application for a primary management official or key employee if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within thirty (30) days of the NIGC receiving a notice of results of the applicant's background investigation.
- (g) The Commission shall take the NIGC's objections into account when reconsidering a license application.

- (h) The Tribe will make a final decision whether to issue a license to an applicant for a primary management official or key employee position.
- (i) If the Commission has issued a license to a primary management official or key employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as required by Section 4.9

Section 4.08 Denying Gaming Licenses.

- (a) The Commission shall not license a primary management official or key employee if an authorized Tribal official determines, in applying the standards in Section 4.05 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 Commission does not issue a license to an applicant for a primary management official or key employee position, or revokes a previously issued licenses 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 4.09 Gaming License Suspensions and Revocations.

- (a) If, after a license is granted to a primary management official or a key employee under an ordinance approved by the NIGC, the Tribe receives notice from the NIGC that the primary management official or key employee is not eligible for employment, the 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) Following a revocation hearing, the Tribe shall decide whether to revoke or reinstate the license at issue.
- (c) 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 4.10 Records Retention. The Commission shall retain, for no less than three (3) years from the date a primary management official or key employee is terminated from employment with the Tribe, the following documentation:

- (a) Application for licensing;
- (b) Investigative reports; and
- (c) Eligibility determinations.

Section 4.11 Vendors Licensed by Recognized Regulatory Authorities. The Commission may adopt regulations naming specific licensing authorities that it recognizes and may authorize exemptions to the vendor licensing process for vendors who have received a license from one of the named regulatory authorities.

Section 4.12 Compliance with Federal Law. The Tribe shall comply with all federal laws, including the Bank Secrecy Act, 31 U.S.C. §5311 *et seq.*

CHAPTER V AUDITS

Section 5.01 Audits.

- (a) The Tribe shall cause to be conducted independent audits of gaming operations annually and shall submit the results of those audits to the NIGC.
- (b) Annual audits shall conform to generally accepted auditing standards.
- (c) All gaming-related contracts that result in the purchase of supplies, services or concessions for more than \$25,000 in any year (except

contracts for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under Section 5.01(a) of this Ordinance.

- (d) Copies of the annual audit of each licensed gaming operation, and each audit for supplies, services or concessions of each gaming operation, shall be furnished to the NIGC with one-hundred-twenty (120) days after the end of each fiscal year of the gaming operation.

CHAPTER VI MISCELLANEOUS

Section 6.01 Environment and Public Health and Safety.

- (a) Each gaming facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public.
- (b) The Commission 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 6.02 Patron Disputes. Patrons with complaints against the gaming establishment shall have as their sole remedy the right to file a petition for relief with the Commission. Complaints shall be submitted in writing. The Commission shall hold a hearing within thirty (30) days of receipt of the petitioner's complaint. The petitioner may have counsel present at the hearing. The petitioner may be allowed to present evidence at the discretion of the Commission. 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. ~~All claims by patrons shall be limited to a maximum recovery of [REDACTED] per occurrence, and a cumulative limit of [REDACTED] 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.

- (a) Any Person who has any dispute, disagreement or other grievance with the Gaming Operation that involves currency, tokens, coins, or any other thing of value, may seek resolution of such dispute from the following persons and in the following order:
 - (1) A member of the staff relevant of the Gaming Operation:

- (2) The supervisor in the area of the relevant Gaming Operation in which the dispute arose;
- (3) The manager of the relevant Gaming Operation; and
- (4) The Commission.

Section 6.03 Patron Rights Regarding Disputes. When a Person brings a dispute for resolution pursuant to Section 6.02, the complainant has the right to explain his or her side of the dispute, and to present witnesses in connection with any factual allegations. At each level, if the dispute remains unresolved, the complainant shall be informed of the right to take the dispute to the next higher level as set forth in Section 6.02. Resolution of any dispute by the personnel of a Gaming Operation shall always involve two (2) or more staff members. All disputes, whether resolved or not, shall be reported in detail by the staff persons involved to their supervisor, or, in the case of the General Manager of the Gaming Operation, to the Commission.

Section 6.04 Commission Action on Patron Disputes. All disputes which are submitted to the Commission shall be decided by the Commission based on information provided by the complainant, including any witnesses for, or documents provided by or for, the complainant. The decision of the Commission shall be in writing, shall be issued within thirty (30) days of submission of the matter to the Commission, and shall be provided to the General Manager of the Gaming Operation and to the complainant.

Section 6.05 Agent for Service. All notices and papers to be served on the Commission, including those mentioned in Section 4.9 shall be delivered to:

The Tribal Attorney
Cow Creek Band of
Umpqua Tribe of Indians
2371 NE Stephens St. Ste #100.
Roseburg, Oregon 97470
Phone #541-672-9405
Fax #541-677-5527

Section 6.065 Repeal. To the extent that they are inconsistent with this Ordinance, all prior Tribal gaming Ordinances are hereby repealed.