



May 24, 2022

VIA EMAIL

Chairman Andrew Alejandra
Paskenta Band of Nomlaki Indians
P.O. Box 709
Corning, CA 96021

Re: Paskenta Band Amended Gaming Ordinance

Dear Chairman Alejandra:

This letter responds to the March 21, 2022 submission on behalf of the Paskenta Band of Nomlaki Indians ("Tribe") informing the National Indian Gaming Commission that the Tribe amended its gaming ordinance. The amendments to the tribal gaming code were intended to update the ordinance to reflect changes in tribal law, ensure consistency with federal law and bring it in conformity with the Tribe's new gaming compact with the State of California that became effective on December 11, 2020.

25 C.F.R. § 522.2(f) requires a tribe to submit a description for resolving disputes between the gaming public and the tribe with any request for approval of a gaming ordinance. Previously, the dispute resolution process was described in the Tribe's ordinance. Resolution TC2022-5 amends the gaming ordinance to now require the gaming commission to promulgate dispute resolution regulations that meet the minimum standards set forth in the Tribe's gaming compact. Since the amended gaming ordinance specifies that any dispute resolution process must meet the minimum standards of the Tribe's gaming compact, it is my understanding that in the absence of an approved dispute resolution regulations, the dispute resolution process described in gaming compact will control.

Thank you for bringing these amendments to our attention. The amended ordinance, as noted above, is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC's regulations. If you have any questions or require anything further, please contact Josh Proper at (202) 632-0294.

Sincerely,

A handwritten signature in black ink that reads "E. Sequoyah Simermeyer". The signature is written in a cursive style.

E. Sequoyah Simermeyer
Chairman

**RESOLUTION OF THE TRIBAL COUNCIL
OF THE
PASKENTA BAND OF NOMLAKI INDIANS**

RESOLUTION #: TC2022-5

DATE APPROVED: February 17, 2022

SUBJECT: Amended and Restated Paskenta Gaming Ordinance

WHEREAS, the Paskenta Band of Nomlaki Indians (“Band”) adopted its Tribal Constitution and Bylaws (“Tribal Constitution”) on April 18, 1998 and the Secretary of the Interior or authorized delegate approved said Constitution and Bylaws on May 15, 1998;

WHEREAS, Article III, Section 1 of the Tribal Constitution provides that the governing body of the Band is the Tribal Council;

WHEREAS, Article VI, Section 1(b) of the Tribal Constitution provides that the Tribal Council is authorized to promote the health, education and general welfare of the Tribal Members and to administer charity and such other services as may contribute to the social and economic advancement of the Tribe and its Members;

WHEREAS, Article VI, Section 1(d) of the Tribal Constitution provides that the Tribal Council is authorized to promulgate and enforce resolutions and ordinances on such subjects as the activity of the Band may require that are not inconsistent with the Tribal Constitution;

WHEREAS, the Tribal Council has enacted the Paskenta Gaming Ordinance, as amended (“Gaming Ordinance”), and the Paskenta Gaming Commission Ordinance (“Gaming Commission Ordinance”) to regulate the conduct of gaming within the Paskenta Band of Nomlaki Indians Reservation and to establish the Paskenta Gaming Commission to assist in such regulatory activities, respectively;

WHEREAS, the Tribal Council wishes to amend and restate the Gaming Ordinance to include relevant provisions of the Gaming Commission Ordinance, to ensure consistency with current federal law, and to ensure consistent with the Tribal-State Gaming Compact Between the State of California and the Band, which took effect on December 11, 2020; and

WHEREAS, the Tribal Council wishes to rescind the Paskenta Gaming Commission Ordinance, No. 120-00.

NOW, THEREFORE, the Tribal Council has passed the following resolutions:

RESOLVED, that the Tribal Council approves and authorizes the Amended and Restated Paskenta Gaming Ordinance attached to these minutes.

RESOLVED, that the Tribal Council rescinds the Gaming Commission Ordinance.

RESOLVED, that the Tribal Council authorizes the Chairman to submit the Amended and Restated Paskenta Gaming Ordinance to the National Indian Gaming Commission for federal approval and to otherwise take such actions as are necessary to fulfill the purpose and intent of these resolutions.

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CERTIFICATION

THE PASKENTA BAND OF NOMLAKI INDIANS TRIBAL COUNCIL CERTIFIES THAT THESE RESOLUTIONS WERE ADOPTED ON February 17, 2022, WHERE A QUORUM WAS PRESENT, AND THESE RESOLUTIONS WERE ADOPTED BY A VOTE OF 3 FOR, 0 AGAINST, 0 ABSTAINING AND 2 NOT PRESENT, AND THAT SAID RESOLUTIONS HAVE NOT BEEN RESCINDED OR AMENDED IN ANY WAY SINCE THEIR ADOPTION

DocuSigned by:

ANDREW ALEJANDRE, TRIBAL CHAIRMAN

February 17, 2022
DATE

ABSENT

LATISHA MILLER, VICE CHAIRPERSON

February 17, 2022
DATE

ABSENT

AMBROSIA RICO, TREASURER

February 17, 2022
DATE

DocuSigned by:

KEITH RAY, SECRETARY

February 17, 2022
DATE

DocuSigned by:

NATASHA MAGANA, COUNCIL MEMBER-AT-LARGE

February 17, 2022
DATE



ORDINANCE NO. TC2022-5

PASKENTA BAND OF NOMLAKI INDIANS

**AMENDED AND RESTATED PASKENTA GAMING ORDINANCE
AND
LICENSING AND BACKGROUND INVESTIGATION PROCEDURES**

TABLE OF CONTENTS

	<u>Page</u>
Statement of Source Authority	1
Statement of Purpose	1
Short Title	1
ARTICLE I: DEFINITIONS	4
Section 1. General.....	4
Section 2. Special Terms.....	4
ARTICLE II: GAMING AUTHORIZED	7
ARTICLE III: OWNERSHIP OF GAMING	8
ARTICLE IV: USE OF GAMING REVENUES	8
Section 1. Use of Net Revenues	8
Section 2. Per Capita Payments.....	8
ARTICLE V: GAMING COMMISSION	9
Section 1. Commission Established.....	9

Section 2. Commissioners.....	9
Section 3. Commission Powers.....	11
Section 4. Executive Director	14
Section 5. Budget	15
Section 6. Notice.....	15
Section 7. Confidentiality	15
Section 8. Conduct of Commission Meetings.....	15
ARTICLE VI: AUDIT	16
Section 1. Annual Audit.....	16
Section 2. Gaming Contracts	16
ARTICLE VII: FACILITY LICENSES	16
ARTICLE VIII: PROTECTION OF THE ENVIRONMENT	17
Section 1. Environment, Public Health and Safety.....	17
ARTICLE IX: SPECIFIC AGE REQUIREMENTS FOR CLASS II AND CLASS III GAMING	17
ARTICLE X: FIREARMS CONTROL	17
ARTICLE XI: LICENSES	17
Section 1. License Requirements	17
Section 2. Employee License Tiers.....	18
Section 3. Background Investigations.....	18
Section 4. Eligibility Determination	19
Section 5. Periodic Review	19
Section 6. Reporting.....	19
Section 7. Records Retention.....	19
Section 8. Additional Requirements	20
ARTICLE XII: MINIMUM CONTROL STANDARDS	20
Section 1. Applicable Standards	20
Section 2. Annual CPA Testing of Compliance	20
Section 3. Compliance	20
Section 4. Enforcement.....	21
ARTICLE XIII: RESOLUTION OF PATRON GAMING DISPUTES	21
ARTICLE XIV: SERVICE OF PROCESS	21
ARTICLE XV: COMPLIANCE WITH FEDERAL LAW	21
ARTICLE XVI: REPEAL	21
ARTICLE XVII: SEVERABILITY	21

ARTICLE XVIII: AMENDMENT OF ORDINANCE	21
ARTICLE XIX: MISCELLANEOUS	22
Section 1. Amendments	22
Section 2. Savings Clause.....	22
ARTICLE XX: LICENSING AND BACKGROUP INVESTIGATION PROCEDURES ..	22
Section 1. Purpose.....	22
Section 2. Incorporation by Reference.....	22
Section 3. Scope.....	22
Section 4. Scope of Investigations	23
Section 5. Cooperation.....	25
Section 6. Fingerprinting	25
Section 7. Confidentiality	25
Section 8. Eligibility Determinations.....	25
Section 9. Privacy Notice.....	26
Section 10. Notice Regarding False Statements	27
Section 11. Required Information – General	27
Section 12. Required Information – Business Entities	29
Section 13. Investigative Reports	30
Section 14. Report to the NIGC.....	30
Section 15. Reporting to State Gaming Agency	31
Section 16. Granting a Gaming License	32
Section 17. Limitation.....	34
Section 18. Identification Cards.....	34
Section 19. Gaming Facility	34
Section 20. Gaming Resource Suppliers.....	35
Section 21. Financial Sources	36
Section 22. Denial, Revocation and Suspension of License.....	38
Section 23. Due Process.....	40
Section 24. Duration and Renewal.....	41
Section 25. Fees	41
ARTICLE XXII: EFFECTIVE DATE OF ORDINANCE.....	41

Statement of Source of Authority

Pursuant to authority contained in the Tribal Constitution and Bylaws (“Tribal Constitution”) on April 18, 1998 and the Secretary of the Interior approved said Constitution and Bylaws on May 15, 1998; and whereby the Tribal Council enacted the Paskenta Gaming Commission Ordinance which took effect on December 11, 2020 between the State of California and the Band; and whereby the Tribal Council resolved to authorize the Amended and Restated Paskenta Gaming Ordinance; this ordinance is promulgated pursuant to authority contained in Resolution of the Tribal Council of the Paskenta Band of Nomlaki Indians No.: TC2022-5, dated February 17, 2022.

Statement of Purpose

The Paskenta Band of Nomlaki Indians, acting through its Tribal Council, pursuant to the Band's inherent authority and Article VI, Section 1(d) of the Band's Constitution, hereby enacts this Ordinance in order to set the terms for class II and class III gaming operations on the Paskenta Reservation. Unless specifically indicated otherwise, all provisions of this ordinance shall apply to class II and class III gaming on the Band’s Indian lands.

Short Title

This ordinance may be cited as the "Amended and Restated Paskenta Gaming Ordinance."

ARTICLE I: DEFINITIONS

Section 1. General

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 (25 U.S.C. § 2701 et seq.) and its regulations (25 C.F.R. § 500 et seq.).

Section 2. Special Terms

In this Ordinance:

BAND: "Band" means the Paskenta Band of Nomlaki Indians.

BAND MEMBER: "Band member" means any individual who is duly enrolled in the Band in accordance with the Band's Constitution ratified on April 18, 1998 and any enrollment ordinance that may be enacted by the Band, as amended from time to time.

CLASS II GAMING: “class II gaming” includes:

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

- a. Play for prizes with cards bearing numbers or other designations;
 - b. Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
 - c. Win the game by being the first person to cover a designated pattern on such cards;
2. Pull-tabs, punch boards, tip jars, instant bingo and other games similar to bingo, if played in the same location as bingo or lotto; and
 3. Non-banking card games that:
 - a. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 - b. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.

CLASS III GAMING: “class III gaming” means all forms of gaming that are not class I or class II gaming, including, but not limited to:

1. Any house banking game, including but not limited to:
 - a. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house-banking games); and
 - b. Casino games such as roulette, craps, and keno;
2. Any slot machines, as defined in 15 U.S.C. § 1711(a)(1), and electronic or electromechanical facsimiles of any game of chance;
3. Any sports betting and pari-mutuel wagering, including but not limited to, wagering on horse racing, dog racing or jai alai; or
4. Lotteries.

COMMISSION: "Commission" means the Paskenta Gaming Commission.

COMMISSIONER: “Commissioner” means a Tribal Gaming Commissioner.

COMPACT: "Compact" means the Tribal-State Compact between the Band and the State of California authorizing class III gaming activities, as required by IGRA, 25 U.S.C. § 2701(dX1)(C) and amended from time to time.

EXECUTIVE DIRECTOR: "Executive Director" means the Executive Director of the Commission.

FACILITY LICENSE: "Facility License" means a separate license issued by the Band to each place, facility or location on Indian lands where the Band elects to allow class II or III gaming.

FINANCIAL SOURCE; "Financial Source" means any person or entity who, directly or indirectly, extends financing in connection with the Band's Gaming Facility or gaming operation.

GAMING ACTIVITY: "Gaming Activity" or "Gaming Activities" means any class I, class II, or class III gaming conducted pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. 2701 *et seq.*

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

GAMING FACILITY: "Gaming Facility" means any building in which Gaming Activities or gaming operations occur, or in which the business records, receipts, or other funds of the gaming operation are maintained (excluding off-site facilities primarily dedicated to storage of those records, and financial institutions), and all rooms, buildings, and areas, including parking lots and walkways, a principle purpose of which is to serve the activities of the Band's gaming operation, rather than providing that operation with an incidental benefit, provided that nothing herein prevents the conduct of class II gaming therein. Nothing herein shall be construed to apply in a manner that does not directly relate to the operation of Gaming Activities. For purposes of this Ordinance, the term "Gaming Facility" does not include any break room that is open to employees of the Band or its enterprises, consultants to the Band or its enterprises, and Gaming Employees.

IGRA: "IGRA" means the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 *et seq.* and its regulations, 25 C.F.R. § 500 *et seq.*

INDIAN LANDS: "Indian lands" means:

1. Land within the limits of an Indian reservation; or
2. Land over which the Band exercises governmental power and that is either:
 - a. Held in trust by the United States for the benefit of the Band or an individual; or
 - b. Held by the Band or an individual subject to restriction by the United States against alienation.

KEY EMPLOYEE: "Key Employee" means:

1. A person who performs one or more of the following functions: bingo caller, counting room supervisor, chief of security, custodian of gaming supplies or cash, floor manager, pit boss, dealer, croupier, approver of credit, or 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 fifty-thousand dollars (\$50,000.00) per year;
3. If not otherwise included, the four (4) most highly compensated persons in the gaming operation; or
4. Any other person designated by the Band as a Key Employee.

LICENSEE: "licensee" means a tribally owned class II or class III gaming operation or a person licensed by the Commission as a Primary Management Official, Key Employee, Gaming Employee, Financial Source, or vendor under the provisions of this ordinance.

NIGC: "NIGC" means the National Indian Gaming Commission established pursuant to 25 U.S.C. § 2704.

PRIMARY MANAGEMENT OFFICIAL: "Primary Management Official" means:

1. The person having management responsibility for a management contract;
2. Any person who has authority to: hire and fire employees, or to set up working policy for the gaming operation; or
3. The chief financial officer or other person who has financial management responsibility.

STATE GAMING AGENCY: "State Gaming Agency" means the entity defined in Subsection 2.18 of the Compact.

TRIBAL COUNCIL: "Tribal Council" means the five-member governing body of the Band, existing and functioning pursuant to the Band's Constitution ratified on April 18, 1998.

2020 COMPACT: "2020 Compact" means the Tribal-State Compact between the State of California and the Paskenta Band of Nomlaki Indians of California, dated August 3, 2020.

ARTICLE II: GAMING AUTHORIZED

Class II and class III gaming are hereby authorized to be conducted on the Band's Indian lands, if such gaming is conducted in accordance with this ordinance, the IGRA, the NIGC's regulations, and any other applicable laws and regulations.

ARTICLE III: OWNERSHIP OF GAMING

The Band shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance.

ARTICLE IV: USE OF GAMING REVENUES

Section 1. Use of Net Revenues

Net revenues from class II and class III gaming shall be used only for the following purposes:

- A. to fund tribal government operations and programs;
- B. to provide for the general welfare of the Band and its members;
- C. to promote tribal economic development;
- D. to donate to charitable organizations;
- E. to help fund operations of local government agencies; and
- F. to make contributions, as required by the Compact, to any revenue-sharing funds established for the benefit of the State or non-gaming Tribes.

Section 2. Per Capita Payments

- A. Net revenues from any class II and/or class III gaming activities conducted or licensed by the Band may be used to make per capita payments to Tribal members if:
 - 1. The Band has prepared a plan to allocate revenues to one or more of the uses authorized by section VI.1 of this ordinance;
 - 2. The plan is approved by the Secretary of the Interior as adequate, particularly with respect to the uses described in Article V.1 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 Band notifies its members of such tax liability when payments are made.

ARTICLE V: GAMING COMMISSION

Section 1. Commission Established

- A. The Band hereby establishes a Tribal Gaming Commission (“Commission”) to regulate the Band’s gaming operations. The Commission shall consist of up to five (5) Commissioners appointed by majority vote of the Tribal Council, including not less than three (3) Band Members, and up to two (2) non-Band members.
- 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. Commissioners shall serve for a term of three (3) years, with no limitation as to the number of terms served, except that the appointment of the Commissioners must maintain staggered terms.

Section 2. Commissioners

- A. The following persons are not eligible to serve as Commissioners: Tribal Council members, while serving as such; current employees of the gaming operation; gaming contractors (including any principal of a management, or other contracting company); persons sharing a residence with, any of the above; and persons ineligible to be Key Employees or Primary Management Officials. Non-tribal members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other money-related or honesty-related misdemeanor offense, such as fraud, cannot serve as Commissioner. Tribal members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other offense related to money or honesty, such as fraud, will only be allowed to serve as a Commissioner if the Tribal Council specifically finds that a significant amount of time has passed and the person is now of trustworthy character.
- B. The Band shall, in accordance with Tribal law, require a criminal history check with appropriate law enforcement agencies for each Commissioner, Executive Director, and applicant for employment with the Commission. For such individuals, the Band shall review the candidate’s criminal history check results and shall ensure that he or she satisfies the eligibility requirements of this ordinance and the Compact.

C. The Band recognizes the importance of an independent Tribal Gaming Commission in maintaining a well-regulated gaming operation. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Band requires that, at a minimum:

1. No member of the Tribal Council may serve on the Tribal Gaming Commission;
2. No member living with, any Tribal Council member may serve on the Tribal Gaming Commission;
3. Members of the Commission are prohibited from gambling in the facility;
4. Commissioners are prohibited from accepting complimentary items from the gaming operation, excepting food and beverages which are generally made available to others or at special events held by the Band; and
5. Commissioners may only be removed from office by the 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 the position.

D. Qualifications for Commissioner.

1. To serve as a Commissioner, an individual must be at least twenty-five (25) years of age, and must be a U.S. citizen.
2. No member of the Tribal Council and no employee of any gaming operation may serve concurrently as a Commissioner.
3. No more than one member of the same immediate family may serve on the Commission at the same time.
4. Any person who has been convicted, or is currently being prosecuted for, a felony or a crime of moral turpitude, including, but not limited to, fraud, theft, and embezzlement, is not eligible to serve as a Commissioner.
5. A Commissioner must pass a background check pursuant to the Ordinance before they can access non-public areas and confidential information related to the Band's gaming operations.
6. A person who is not a member of the Band that is seeking to become a Commissioner must have experience in one or more of the following fields: accounting, law, gaming management, gaming regulation or in general regulatory oversight.

7. The Tribal Council may waive the eligibility requirements of this section in its sole discretion.
 8. Any person seeking to become a Commissioner must provide the Tribal Council with a notice of intent to be a Commissioner and a resume.
- E. Commissioners shall serve until the appointment of their successors, or until resignation, termination for cause, disqualification or death.
1. Any Commissioner may resign from office at any time. Resignations shall be made in writing delivered to the Tribal Council.
 2. Termination for cause shall be ordered by majority vote of the Tribal Council.
- F. If any vacancy is created on the Commission by virtue of resignation, death or removal of a Commissioner, the Tribal Council shall appoint a replacement for the remainder of the current term. The appointment shall be made pursuant to Tribal law regarding appointments to advisory committees.
- G. Commission Officers.
1. At all times, the Commission shall maintain from among its members a Chair, Vice-Chair, and Secretary/Treasurer. Officers shall serve for one (1) year. No officer shall serve in more than one office simultaneously.
 2. The duties and powers of the officers of the Commissions are those specified in this Ordinance and established by regulation of the Commission, and shall include any additional duties and powers as may be set by resolution of the Commission, provided that such duties and powers may not exceed powers granted to the Commission by this Ordinance.
- H. Commissioners shall be paid a stipend at a rate to be established by the Commission's annual budget, which must be approved by the Tribal Council in accordance with Article VIII of this Ordinance. Commissioners shall be reimbursed for necessary out-of-pocket expenses incurred in carrying out the duties and responsibilities of their position. Receipts or appropriate documentation shall be submitted for all expenses to be reimbursed. In no event shall compensation be based on a percentage of net profits from the Band's gaming operations.

Section 3. Commission Powers

- A. The Commission shall exercise its regulatory powers in accordance with the IGRA and NIGC Regulations, the Tribal-State compact and the Band's own gaming laws and regulations. Without limiting the generality of the foregoing, the Commission is authorized to:

1. Conduct background investigations of all prospective Tier 1 Employees and Tier 2 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. Act as the Band's 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, which shall be signed by the Chair of the Commission or their designee;
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, suspend, revoke, condition, and renew licenses for all Gaming Employees upon completion of background investigations and review of licensure eligibility;
8. Maintain records on licensees and on persons denied licenses, as well as persons otherwise prohibited from engaging in gaming activities within the Band's jurisdiction, provided that applications and background investigation reports shall be maintained for at least three (3) years from termination of employment;
9. Establish standards for licensing Tribal gaming facilities;
10. Issue facility licenses to each place, facility or location on the Paskenta Reservation where the Band authorizes gaming;
11. Inspect, examine and monitor all of the Band's gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming facilities and operations;
12. Consult with the Tribal Council to oversee and uphold public health and safety standards adopted by Tribal Council;
13. Collaborate with Tribal Council to obtain annual independent outside audits and submit these audits under the Tribal Council direction to the NIGC;
14. Ensure that net revenues from any Gaming Activities are used in compliance with IGRA and Tribal law, including the Band's revenue allocation plan;
15. Promulgate tribal gaming regulations for approval by the Tribal Council, including but not limited to regulations dealing with;

- a. criteria and procedures for licensing:
 - i. all Gaming Employees of the gaming operation;
 - ii. each place, facility or location on the Paskenta Reservation where the Band authorizes gaming, including individually owned gaming;
 - iii. persons and entities who do business with the gaming operation; including manufacturers and suppliers of machines, equipment and supplies;
 - b. protections against conflicts of interest and improper conduct among Commissioners, Commission staff, and the Executive Director;
 - c. the levying of fees and/or taxes associated with gaming license applications;
 - d. exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;
 - e. the appointment of officers to the Commission;
 - f. applicable internal control standards; and
 - g. 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.
16. Hold hearings on patron complaints and disputes, in accordance with procedures established in this ordinance and the gaming regulations;
17. Perform audits of gaming operations and all gaming related contracts that result in the annual purchase of supplies or services with a value of twenty-five thousand dollars (\$25,000) or more, except for contracts for legal or accounting services in order to ensure compliance with applicable regulations and the Gaming Ordinance, except that the Tribal Council must approve all independent auditors prior to their engagement by the Commission;
18. Monitor gaming activities and ensure compliance with the IGRA, its regulations, the Tribal-State Compact and the Band's laws and regulations;
19. Serve as a primary point of communication between the Band and outside regulatory and law enforcement agencies on matters related to the day-to-day regulation of gaming, except that the Band's Chairperson or the Chairperson's designee must be the Band's agent for purposes of service of process and any official determination, order, or notice of violation;

20. Provide independent information to the Band on the status of the Band's gaming operations;
21. Comply with any and all reporting requirements under IGRA, the NIGC's regulations, the Compact, and any other applicable law;
22. Retain a paid staff, including an Executive Director and other consultants in accordance with any personnel ordinance, policies or procedures adopted by the Band, to be paid out of the Commission's annual budget;
23. 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;
24. Establish lists of persons who have voluntarily agreed to be excluded from the Tribal gaming facilities, and who are not allowed to game in the Band's gaming facilities in order to maintain the integrity of the gaming operation;
25. 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; and
26. Delegate the above-mentioned powers to the Executive Director, provided that a delegation is not disapproved by the Tribal Council pursuant to Article VII, Section 4 of this Ordinance.

Section 4. Executive Director

- A. The Executive Director shall be responsible for the day-to-day management of the affairs of the Commission as well as overseeing the establishment and operation of all gaming activities for compliance with all applicable Federal, State and Band gaming laws and regulations. In addition, the Executive Director shall perform such duties as may be delegated by resolution of the Commission from time to time, except that the Tribal Council must, by official action, give its advance consent to a delegation of duties to the Executive Director.
 1. The Executive Director shall be hired by the Commission on an at-will basis and shall report directly to the Commission, unless directed otherwise by the Tribal Council. The Executive Director may be terminated for cause by majority vote of the Commission or the Tribal Council. Under no circumstances may the Executive Director also serve as a Commissioner.
 2. The Executive Director shall be compensated at a level determined by the Tribal Council. In order to ensure the Commission is not improperly influenced, the Executive Director's compensation shall not be based on a percentage of gaming revenue.

Section 5. Budget

At least ninety (90) days prior to the end of each fiscal year, the Commission shall prepare a budget for the next year's operation and shall submit the budget to the Tribal Council. In preparing the annual budget, all actual and anticipated surplus funds of the Commission shall be taken into account. The Tribal Council shall adopt, amend or replace the annual budget based thereon, and shall authorize the transfer of funds to the Commission of as needed for Commission operation and program purposes. Expenditures by the Commission shall be in accordance with the approved annual budget, except that the Commission may deviate from the terms of the adopted budget by a margin of not more than ten percent (10%) during the budget year without further approval of the Tribal Council.

Section 6. Notice

Before adopting, amending and repealing regulations, the Commission shall give no less than thirty (30) day notice of any such proposed action to the Tribal Council, the gaming operation(s) and all other persons whom the Commission has reason to believe have a legitimate interest in the proposed action. The notice shall invite comments and describe the general nature of the proposed action and the manner in which comments on the proposed action shall be received by the Commission.

Section 7. Confidentiality

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. The confidentiality requirements of this paragraph, 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.

Section 8. Conduct of Commission Meetings

- A. 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.
- B. The Commission shall keep a written record of all its meetings. Commission meeting minutes must include attendance and be made available to the Tribal Council.

- C. The Commission shall hold no less than one meeting in each thirty-day period. Special meetings of the Commission may be called at the request of the Executive Director or by any Commissioner.

ARTICLE VI: AUDIT

Section 1. Annual Audit

The Commission shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the NIGC. The annual audit shall be conducted by an independent certified public accountant, in accordance with generally accepted auditing and accounting standards. The annual audit shall be made available for review, upon request, to the Tribal Council. Copies of the annual audit of each licensed gaming operation, and each audit for supplies, services or concessions of each gaming operation, shall be furnished to the NIGC within 120 days after the end of each fiscal year of the gaming operation.

Section 2. Gaming Contracts

All gaming related contracts that result in the annual purchase of supplies or services, with a value of twenty-five thousand dollars (\$25,000.00) or more annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in Section 1 of this Article.

ARTICLE VII: FACILITY LICENSES

- A. The Commission shall issue a gaming facility 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 Commission shall identify the environmental, health and public safety standards with which the place, facility or location must comply, and specify the form, conditions and content of a facility license application. The application shall include a legal description of the lands upon which the facility is located, and a certification that the site constitutes “Indian lands,” as defined in IGRA, the NIGC’s regulations, the NIGC Office of General Counsel and DOI Solicitor Offices’ Indian lands legal opinions, judicial decisions and any other applicable law.
- C. The Commission shall only issue a facility license if the application includes the required information and documentation, and sufficiently satisfies any additional conditions deemed necessary by the Band.
- D. The Commission shall submit to the NIGC Chair a notice that issuance of a facility license is under consideration by the Commission. This notice must be submitted at least 120 days before the opening of any new place, facility or location on Indian lands where class II and/or class III gaming will occur.
- E. The Commission shall submit a copy of each newly issued or renewed facility license to the NIGC Chair within 30 days of issuance, along with any other required documentation.

- F. The Band shall notify the NIGC Chair within 30 days if a facility license is terminated or expires, or if a gaming place, facility, or location closes or reopens.

ARTICLE VIII: PROTECTION OF THE ENVIRONMENT

Section 1. Environment, Public Health and Safety

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. The Tribal Council shall adopt standards for protecting the environment and the public health and safety that are consistent with its obligations under the Compact.

ARTICLE IX: SPECIFIC AGE REQUIREMENTS FOR CLASS II AND CLASS III GAMING

If the Band permits the consumption of alcoholic beverages in a gaming facility, no person under the age of twenty-one (21) years shall be permitted to be present in any area in which class II or class III gaming activities are being conducted and in which alcoholic beverages may be consumed, to the extent required by the state Department of Alcoholic Beverage Control. No person under the age of eighteen (18) years shall be permitted to be present in any room in which class II or class III gaming activities are being conducted unless the person is en-route to a non-gaming area of the gaming facility.

ARTICLE X: FIREARMS CONTROL

Possession of firearms shall be prohibited at all times in class II and class III gaming facilities operated under this Ordinance, except for possession of firearms by state, local, or tribal security or law enforcement personnel authorized by federal, state, or tribal law to possess firearms at the facilities.

ARTICLE XI: LICENSES

Section 1. License Requirements

The following persons and entities must be licensed by the Commission:

- A. All Tier 1 Employees and Tier 2 Employees, including Key Employees and Primary Management Officials, employed at any class II or class III gaming enterprise operated under this Ordinance;
- B. Gaming resource suppliers required to be licensed under the Compact;
- C. Persons extending financing, directly or indirectly, to the Band's gaming facility or gaming operations; and

- D. Each place, facility, or location where class II or class III gaming is conducted under this Ordinance.

Section 2. Employee License Tiers

The Commission or its agents shall recognize and license the following tiers of employees, as applicable:

- A. Tier 1 Employee: a Tier 1 Employee License is required for all Gaming Employees, including Primary Management Officials and Key Employees, who:
 - 1. operate, maintain, repair, or assist in any class III gaming activity, or who are in any way responsible for supervising such gaming activities or persons who conduct, operate, account for, or supervise any such gaming activity;
 - 2. are in a category under federal or tribal gaming law requiring licensing, or
 - 3. are an employee of the Commission with access to confidential information.
- B. Tier 2 Employee: a Tier 2 Employee License is required for all Gaming Employees not required to obtain a Tier 1 Employee License, including all persons whose employment duties require or authorize access to areas of the Gaming Facility that are not open to the public. Examples of employees that would qualify for a Tier 2 Employee License include but are not limited to security, food, beverage, and kitchen staff that work within a Gaming Facility, as well as other persons whose employment duties require or authorize access to areas of a Gaming Facility in which any activities related to Gaming Activities are conducted but that are not open to the public.

Tier 3 Employee: the Commission shall not license this category of employees, which includes any person employed by a tribally-owned enterprise that does not otherwise qualify as a Gaming Employee and any employee of a tribally-owned enterprise that does not require or authorize access to non-public areas of a Gaming Facility as part of that employee's job duties. Tier 3 Employees will be subject to criminal background checks in accordance with Tribal law.

Section 3. Background Investigations

- A. The Commission or its agents shall conduct an investigation of license applicants sufficient to make a determination under Section 5 of this Article.
- 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 Commission and its agents are authorized to receive state summary criminal history information, as defined in Subsection 11105(a) of the California penal Code, or a copy thereof, maintained under a person's name by the California Department of Justice and shall not knowingly furnish such records or information to a person who is not authorized

to receive the record or information. In conducting a background investigation, the Commission or its agent shall keep confidential the identity of each person interviewed in the course of the investigation.

- D. When a Primary Management Official or Key Employee is employed by the Band, a complete application file, containing all of the information required for a license application, shall be maintained.

Section 4. Eligibility Determination

- A. Before a Tier 1 Employee License is issued, 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 5. Periodic Review

The Commission shall review and, if appropriate, renew each license it issues at least every two (2) years after issuance.

Section 6. Reporting

To the extent required by IGRA and the Compact, the Commission shall promptly forward applications, background investigation reports and related information to the NIGC and the State Gaming Agency and notify the NIGC and the State Gaming Agency of its decisions to deny, issue, suspend, or revoke licenses.

Section 7. Records Retention

- A. The Tribal Gaming Commission shall retain, for no less than three years from the date a Primary Management Official or Key Employee is terminated from employment with the Band, the following documentation:
 - 1. Application for licensing;
 - 2. Investigative Reports; and

3. Eligibility Determinations.

Section 8. Additional Requirements

The Tribal Council shall adopt, and the Commission shall implement, regulations providing for such additional licensing and background investigation requirements and procedures as it deems appropriate, provided that such additional requirements are at least as stringent as those contained in IGRA (i.e., 25 U.S.C. § 2710(b)(2)(F) and 25 C.F.R. Parts 556 and 558) and the Compact.

ARTICLE XII: MINIMUM CONTROL STANDARDS

Section 1. Applicable Standards

The Commission shall formally adopt and make applicable to the Band's gaming operation internal control standards that:

- A. Provide a level of control that equals or exceeds those set forth in 25 CFR Part 542 and 25 CFR Part 547, as published or as revised by mutual agreement between the NIGC and the Band; and
- B. Contain standards for currency transaction reporting that that equals or exceeds those contained in with 31 CFR Part 103; and
- C. Establish internal control standards for class II and class III games that are not addressed in the MICS, if any.

Section 2. Annual CPA Testing of Compliance

In order to verify that the gaming operation is in compliance with the internal control standards adopted pursuant to section 1 of this article, an independent certified public accountant ("CPA") shall be engaged annually to perform "Agreed-Upon Procedures".

Section 3. Compliance

The Commission shall monitor and enforce compliance with the internal control standards adopted pursuant to section 1 of this article. In addition, the Commission shall, for purposes of enforcing compliance with the internal control standards, have authority to:

- A. Monitor all class II and class III gaming on a continuing basis;
- B. Inspect and examine all premises on which class II or class III gaming is conducted; and

- C. Demand access to and inspect, examine, photocopy, and audit all papers, books, and records respecting gross revenues of all class II and class III gaming or any other matters necessary to ensure and enforce compliance with the MICS.

Section 4. Enforcement

Any failure to adopt internal control standards pursuant to section 1, to perform Agreed-Upon Procedures pursuant to section 2, to prevent or obstruct the exercise of any of the Commission's authority under section 3 or to comply with the internal control standards once adopted is a violation of this Ordinance. The Commission shall have the authority to remedy violations of this article.

ARTICLE XIII: RESOLUTION OF PATRON GAMING DISPUTES

The Commission shall promulgate regulations governing the resolution of patron gaming disputes over the play or operation of any game, including refusal to pay to any patron any alleged winnings from any Gaming activities. Such regulations must meet the minimum standards set forth in the Compact, if any.

ARTICLE XIV: SERVICE OF PROCESS

The Band designates the Band's Chairperson as its agent for service of any official determination, order, or notice of violation.

ARTICLE XV: COMPLIANCE WITH FEDERAL LAW

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

ARTICLE XVI: REPEAL

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

ARTICLE XVII: SEVERABILITY

If any provision of this Ordinance shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XVIII: AMENDMENT OF ORDINANCE

This Ordinance may be amended or repealed by unanimous vote of the Tribal Council.

ARTICLE XIX: MISCELLANEOUS

Section 1. Amendments.

This ordinance may be amended by a majority vote of the Tribal Council at a duly scheduled meeting with a quorum present, consistent with the Tribal Constitution.

Section 2. Savings Clause.

If any provision of this ordinance is found to be contrary to any tribal or federal law by a court of competent jurisdiction, only that provision shall be stricken and all other provisions of this ordinance shall remain in effect.

ARTICLE XX: LICENSING AND BACKGROUND INVESTIGATION PROCEDURES

Section 1. Purpose

This Licensing and Background Investigation Regulation ("Regulation") describes the procedures to be followed by the Paskenta Gaming Commission (the "Commission") when conducting background investigations and issuing licenses in connection with any class II or class III gaming facilities operated on the Paskenta Reservation pursuant to the Band's Gaming Ordinance.

Section 2. Incorporation by Reference

This Regulation supplements the provisions of the Band's Gaming Ordinance, the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.) and its regulations (25 C.F.R. § 500 et seq.) ("IGRA"), and the gaming compact between the Band and the State of California (the "Compact"), which are incorporated herein. In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance, IGRA or the Compact, the provisions of the Gaming Ordinance or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance or the Compact.

Section 3. Scope

The following persons and entities are required to be licensed by the Commission, and as a basis for issuing a license the Commission must conduct or cause to be conducted a background investigation of those persons listed in subparagraphs A — C below:

- A. All Gaming Employees, including Key Employees and Primary Management Officials, employed at any class II or class III gaming enterprise operated under this Ordinance;
- B. Gaming resource suppliers required to be licensed under Subsection 6.4.5 of the Compact;

- C. Persons extending financing, directly or indirectly, to the Band's gaming facility or gaming operations; and
- D. Each place, facility, or location where class II or class III gaming is conducted under this Ordinance.

Section 4. Scope of Investigations

For all persons seeking a Tier 1 Employee License or a Tier 2 Employee License, the Commission shall conduct or cause to be conducted all necessary background investigations reasonably required to determine that an applicant is eligible for a license in accordance with the standard set forth in Section IX of this Regulation. The information submitted by an applicant for a Tier 1 or Tier 2 Employee License may be verified by written or oral communication. The disposition of all potential problem areas noted and disqualifying information obtained shall be documented by the Commission.

- A. For all persons seeking a Tier 1 Employee License, the minimum procedures for conducting background investigations on applicants for licenses are as follows:
 - 1. Criminal history check, including a check of records maintained by the Federal Bureau of Investigations and the California Department of Justice;
 - 2. Based on the results of the criminal history records check, as well as information acquired from an applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past 10 years;
 - 3. Civil history check;
 - 4. Financial and credit check;
 - 5. Reference check;
 - 6. Previous business and employment check;
 - 7. Relative check;
 - 8. Business and personal associates check;
 - 9. Fingerprint check;
 - 10. Educational verification;
 - 11. Inquire into any previous or existing business relationships with the gaming industry, including with any tribes with gaming operations, by contacting the entities or tribes;

12. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
 13. Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.
- B. For all persons seeking a Tier 2 Employee License, the minimum procedures for conducting background investigations are as follows:
1. Criminal history check, including a check of records maintained by the Federal Bureau of Investigations and the California Department of Justice;
 2. Reference check;
 3. Employment check; and
 4. Fingerprint check.
- C. When a Primary Management Official or Key Employee is employed by the Band, a complete application file, containing all of the information listed in Section XII, shall be maintained.
- D. The Commission, and its investigators, shall keep confidential the identity of each person interviewed in the course of conducting a background investigation.

Section 5. Cooperation

The Commission shall cooperate with the State Gaming Agency in sharing as much background information as possible, in order to maximize investigative efficiency and thoroughness and to minimize investigative costs.

Section 6. Fingerprinting

The Commission shall be deemed to be the Band's law enforcement agency for the purpose of taking fingerprints and conducting criminal history checks under this Regulation. The Commission may elect to process fingerprint cards directly on behalf of the Band or to process fingerprint cards through the State Gaming Agency or the NIGC and may execute such documents as may be necessary to enter into such an arrangement. Fingerprint cards shall be submitted to the Federal Bureau of Investigations and the California Department of Justice in order to obtain criminal history record information.

Section 7. Confidentiality

The identity of third parties interview during the course of background investigations shall be kept confidential.

Section 8. Eligibility Determinations

The Commission shall review an applicant's prior activities, criminal record, if any, and reputation habits and associations to make a finding concerning an applicant's eligibility for a license. A license may not be issued unless the Commission is satisfied the applicant is a person of good character, honesty and integrity. The Commission shall not license a person if the Commission determines that the licensing of the person: poses a threat to the public interest or to the effective regulation of gaming; creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming or the carrying on of business and financial arrangements incidental thereto; or will undermine public trust that tribal gaming is free from criminal and dishonest elements and would be conducted honestly. The Commission may, after consultation between the Executive Director and Commissioners, license a person previously convicted of a crime if the Commission determines that the individual's past criminal conduct does not violate the standards of character set forth in the preceding sentence.

In making findings concerning the eligibility of license applicants, the Commission shall take into consideration any of the following circumstances:

- A. If the applicant knowingly and intentionally provided false statements or information or omitted relevant information on the application, or otherwise misrepresented or failed to disclose a material fact to the Commission;
- B. If the prior activities, criminal record, reputation, habits, and association indicate that the person may be a threat to the public interest or to the effective regulation and control of gaming;

- C. If association with or employment of this applicant mates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;
- D. If the applicants has violated, failed, or refused to comply with the provisions, requirements, conditions, limitations, or duties imposed by any provision of the Compact or Gaming Ordinance, or possessed knowledge that such violation has occurred upon any premises occupied or operated by any such person or over which he or she has/had substantial control;
- E. If the applicant knowingly caused, aided, abetted, or conspired with another to cause any person or entity to violate any of the laws of any state, the provisions of the Compact or the Gaming Ordinance;
- F. If the applicant has ever obtained a license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
- G. If the applicant has ever been convicted of, or forfeited bond upon a charge or plead guilty to forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payment or reports to any Tribal, State, or U.S. Government agency at any level, or filed false reports therewith, or of any similar offense(s), or of bribing or otherwise unlawfully influencing a public official or employee of a Tribe, a State, or the U.S. Government, or of any felony or misdemeanor involving any gaming activity physical harm to individuals or moral turpitude;
- H. If the applicant is subject to current prosecution or pending charges, or a conviction under appeal for any of the offenses listed above. Upon request of the applicant, the Commission may defer decision on the application pending the results of such prosecution or appeal;
- I. If the applicant has demonstrated a willful disregard for compliance with a gaming regulatory authority in any jurisdiction or has ever had a gaming license issued by any State, Tribe or foreign gaming regulatory agency suspended, revoked or denied; or
- J. If the applicant has failed to provide any information requested by the Commission within fourteen (14) days of the request for the information.

Section 9. Privacy Notice

- A. The following notice, or substantially similar wording contained in such standardized application forms as may be adopted by California Tribes and the State of California pursuant to the compact, shall be placed on the license application form before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided. Solicitation of the information on this form is authorized by 25 U.S.C. § 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Paskenta Gaming Commission, the State Gaming Agency, and 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 Band or the National Indian Gaming Commission 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, the State Gaming Agency, or the National Indian Gaming Commission 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 hire you for a Primary Management Official or Key Employee position..

- B. Existing licensees shall be notified in writing that they shall either:
 - 1. Complete a new application form that contains a notice regarding false statements; or
 - 2. Sign a statement that contains the Privacy Act notice; or routine uses described in that notice.

Section 10. Notice Regarding False Statements

- A. 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 application may be grounds for denial or revocation of a license. Also, you may be punished by fine or imprisonment. (U.S. Code, title 18, section 1001.)*
- B. The Commission shall notify in writing existing licensees that they shall either:
 - 1. Complete a new application form that contains a notice regarding false statements; or
 - 2. Sign a statement that contains the notice regarding false statements.

Section 11. Required Information – General

The Commission shall request from each applicant all of the following information:

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

- B. Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
- C. 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 this Section;
- D. Current business and residence telephone numbers, and all cell phone numbers;
- E. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- F. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those business;
- G. 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;
- H. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any,
- I. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten (10) years of the date of the application; the name and address of the court involved and the date and disposition;
- J. 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 paragraph (h) or (i) of this Section, the criminal charge, the name and address of the court involved and the date of disposition;
- K. The name and address of any licensing or regulatory agency with which the person has filed an application for any occupational license or permit, whether or not such license or permit was granted;
- L. A current photograph;
- M. Any other information the Commission deems relevant; and
- N. Fingerprints consistent with procedures adopted by the Commission in accordance with NIGC regulations.

Section 12. Required Information – Business Entities

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

The Commission shall request the following information from an applicant that is a business entity seeking to be licensed as a Gaming Resource Supplier:

- A. Name of business, business address, business telephone number(s), federal tax identification number (or social security number, if a sole proprietorship), main office address (if different from business address), any other names used by the applicant in business, and type of service(s) applicant will provide;
- B. Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship or other entity;
- C. 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 then the state of incorporation.
- D. Trade name, other names ever used and names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;
- E. General description of the business and its activities;
- F. Whether the applicant will be investing in, or loaning money to, the gaming operation, and if so, how much;
- G. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- H. A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial or management interests in any non-gaming activity;
- I. Names, addresses and telephone numbers of three (3) business references with whom the company has regularly done business for the last five (5) years;
- J. 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;
- K. If the business has ever had a license revoked for any reason, the circumstances involved;

- L. 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;
- M. A list of the business' funding sources and any liabilities of \$50,000 or more;
- N. A list of the principals of the business, their social security numbers, addresses, telephone numbers, titles and percentage of ownership in the company; and
- O. Any further information the Band deems relevant.

Section 13. Investigative Reports

- A. The Band 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 14. Report to the NIGC

Before issuing a license to a Primary Management Official or Key Employee, the Tribal Gaming Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC.

- A. The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Band.
- B. The notice of results shall include the following information:
 - 1. The applicant's name, date of birth and social security number;
 - 2. The date on which the applicant began, or will begin, working as a Primary Management Official or Key Employee;
 - 3. A summary of the information presented in the investigative report, including:
 - a. licenses that have previously been denied;
 - b. gaming licenses that have been revoked, even if subsequently reinstated;

- c. every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
 - d. every felony offense of which the applicant has been convicted or any ongoing prosecution; and
4. A copy of the eligibility determination made in accordance with the Ordinance.
- C. With respect to Key Employees and Primary Management Officials, if a license is not issued to an applicant, the Commission shall notify the NIGC and may forward copies of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records Systems.
 - D. With respect to Key Employees and Primary Management Officials, the Commission shall retain applications for employment and reports (if any) of background investigations 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 15. Reporting to State Gaming Agency

- A. Except for an applicant for licensing as a non-key gaming employee, as defined by agreement between the Commission and the State Gaming Agency, the Commission shall require the applicant to also file an application with the State Gaming Agency, prior to issuance of a license, for a determination of suitability for licensure under the California Gambling Control Act.
- B. Upon receipt of a completed license application and a determination, by the Commission that it intends to issue a license, the Commission shall transmit to the State Gaming Agency a notice of intent to license the applicant, together with all of the following:
 - 1. A copy of the license application materials and information received by the Commission from the applicant;
 - 2. An original set of fingerprint cards;
 - 3. A current photograph; and
 - 4. Except to the extent waived by the State Gaming Agency, such releases of information, waivers, and other completed and executed forms as have been obtained by the Commission.
- C. Upon receiving notice of the State Gaming Agency's denial of an application for a determination of suitability, the Commission shall promptly notify the Tribal Council and, if the Commission objects to the denial, request an opportunity for the Band to be heard and diligently exercise its right to a hearing.

- D. With respect to non-key gaming employees, as defined by agreement between the Commission and the State Gaming Agency, the Commission shall provide the State Gaming Agency with the name, badge identification number, and job descriptions of all such employees on a monthly basis, within seven (7) days of the end of each month.

Section 16. Granting a Gaming License

All Primary Management Officials and Key Employees of the gaming operation must have a gaming license issued by the Band.

- A. The Commission is responsible for granting and issuing gaming licenses to Primary Management Officials and Key Employees.
- B. Key Employees and Primary Management Officials.
 - 1. 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 Article XIV.
 - 2. If, within a 30-day period after the NIGC receives a report, the NIGC notifies the Commission that it has no objection to the issuance of a license pursuant to a license application filed by a Key Employee or a Primary Management Official for whom the commission has provided an application and investigative report to the NIGC, the Commission may issue a license to such applicant.
 - 3. The Commission shall respond to a request for additional information from the Chairman of the NIGC concerning a Key Employee or a Primary Management Official who is subject of a report. Such a request shall suspend the 30-day period until the Chairman of the NIGC receives the additional information. The Commission shall make the final decision whether to issue a license to such applicant.
 - 4. The Commission must reconsider a license application for a Primary Management Official or Key Employee if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within 30 days of the NIGC receiving a notice of results of the applicant's background investigation.
 - 5. Commission shall take the NIGC's objections into account twhen reconsidering a license application.
 - 6. 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 Article XXII.

7. The Commission shall notify the NIGC of the issuance of a license to a Primary Management Official or Key Employee within 30 days of issuance.
8. The Band shall not employ an individual in a Primary Management Official or Key Employee position who does not have a license after 90 days of beginning work at the gaming operation.
9. The Band will make the final decision whether to issue a license to an applicant for a Primary Management Official or Key Employee position.

C. All Gaming Employees, Including Primary Management Officials. If an applicant has completed a license application to the satisfaction of the Commission, and the Commission has conducted a preliminary background investigation, the Commission may issue a temporary license and impose such conditions thereon as it deems appropriate pending completion of the licensing process, provided that the Commission has no information suggesting the applicant would either be automatically disqualified from obtaining a license or that would cause a reasonable person to investigate further before issuing a license. A temporary tribal gaming license shall remain in effect until suspended or revoked, or a final determination is made on the application by the Commission, or for a period of up to one (1) year, whichever comes first. The Commission may issue a regular license to a person who meets the eligibility standards set out in Section VIII of this Regulation after receiving a determination of the applicant's suitability from the State Gaming Agency. In the event the State Gaming Agency denies an applicant a determination of suitability or refuses to renew a determination of suitability, the Commission shall revoke any temporary license issued to the applicant and deny the applicant a license, except that the Commission shall have discretion to renew a license if the person has been continuously employed by the Band for at least three (3) years prior to the effective date of the Compact and also meets the following criteria:

1. The person holds a valid and current license issued by the Commission that must be renewed at least biennially;
2. The person is not an employee or agent of any other gaming operation; and
3. The State Gaming Agency's denial of the person's application for a determination of suitability is based solely on activities conduct or associations that antedate the filing of the person's initial application to the State Gaming Agency for a determination of suitability.

In addition, the Band may employ or retain in its employ a person whose application for a determination of suitability, or for a renewal of such a

determination, has been denied by the State Gaming Agency, if the person is an enrolled member of the Band, and if:

4. The enrolled member of the Band holds a valid and current license issued by the Commission that must be renewed at least biennially;
5. The enrolled member of the Band is not an employee or agent of any other gaming operation; and
 - a. The enrolled member was eligible for an exemption under section 6.4.4, subdivision (d) of the 1999 Compact, was granted a license by the Tribal Gaming Agency while the 1999 Compact was in effect, and the State Gaming Agency's denial of the application is based solely on activities, conduct, or associations that antedate the Tribal Gaming Agency's first grant of a license to the tribal member pursuant to the 1999 Compact; or
 - b. The denial of the application by the State Gaming Agency is based solely on activities, conduct, or associations that antedate by at least ten (10) years, the filing of the enrolled member of the Band's initial application to the State Gaming Agency for a determination of suitability.

Section 17. Limitation

The gaming operation shall not employ or continue to do business with a person who does not have a license that is not a temporary license after ninety (90) days.

Section 18. Identification Cards

All persons who are required to be licensed pursuant to the Gaming Ordinance shall be required to wear, in plain view at all times while in a gaming facility licensed by the Commission, identification badges issued by the Commission. The identification badges must display the person's photograph, identification number, name and expiration date of his or her license.

Section 19. Gaming Facility

- A. The Commission shall issue a separate license to each facility where class II or class III gaming is conducted under this Ordinance. The license shall be posted in a conspicuous and public place in the gaming facility at all times.
- B. The Commission shall determine and, if appropriate, certify that each gaming facility, or the modification or expansion of a gaming facility, meets the Band's building and safety code and the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. Based on an inspection by qualified building and safety experts.
- C. The Commission shall give reasonable notice of each inspection to the State's designated agent or agents, who may accompany any such inspection. The Commission and the State's designated agent or agents shall exchange any

inspection reports within ten (10) days after completion of the report and simultaneously forward copies of such reports to Band's Chairperson.

- D. The Band is responsible for ensuring that any gaming facility condition noted in an inspection that does not meet the standards set out in paragraph B of this Section is caroled.
- A. If the State's designated agent or agents object to a certification by the Band's building and safety code experts that a gaming facility meets the standards set out in paragraph B of this Section, the Band shall make good faith efforts to address the State's concerns, but if the State does not withdraw its objection the matter will be resolved in accordance with the dispute resolution provisions of Section 9 of the Compact.

Section 20. Gaming Resource Suppliers

- A. The Band shall license any gaming resource supplier prior to the sale, lease, or distribution, or further sale, lease, or distribution, of any gaming resources to or in connection with the Band's gaming facilities. As the term is used herein, the term "gaming resource supplier" means any person or entity who, directly or indirectly, does, or is deemed likely to, manufacture, distribute, supply, vend, lease, purvey, or otherwise provide, to the Gaming Operation or Gaming Facility at least twenty-five thousand dollars (\$25,000) in Gaming Resources in any twelve (12)-month period, or who, directly or indirectly, receives, or is deemed likely to receive, in connection with the gaming operation or Gaming Facility, at least twenty-five thousand dollars (\$25,000) in any consecutive twelve (12)-month period, provided that the Tribal Gaming Agency may exclude a purveyor of equipment or furniture that is not specifically designed for, and is distributed generally for use other than in connection with, Gaming Activities, if, but for the purveyance, the purveyor is not otherwise a Gaming Resource Supplier as defined herein, the compensation received by the purveyor is not grossly disproportionate to the value of the goods or services provided, and the purveyor is not otherwise a person who exercises a significant influence over the Gaming Operation.
- B. The Commission shall employ or otherwise engage an investigator to complete an investigation of applicants seeking licensure as a Gaming Resource Supplier. This investigation shall include, at a minimum, the following steps:
 - 1. Verification of the vendor's business' incorporation status and qualifications to do business in the state where the gaming operation is located;
 - 2. Obtaining a business credit report, if available, and conducting a Better Business Bureau check on the vendor;

3. Conducting a check of the vendor's business' credit history;
 4. Calling and questioning each of the references listed in the vendor application;and
 5. Conducting an investigation of the principals of the vendor's business, includingfacilitating a criminal history check, obtaining criminal history check results, obtaining a credit report, and interviewing the personal references listed.
- C. The investigator shall complete an investigative report covering each of the steps taken in the background investigation of the Gaming Resource Supplier and its principals, andpresent it to the Commission.
- D. The Band shall not enter into, or continue to make payments pursuant to, any contract or agreement for the provision of gaming resources with any person whose application to the State Gaming Agency for a determination of suitability has been denied or has expired without renewal.
- E. The license and determination of suitability of a Gaming Resource Supplier shall be reviewed at least every two (2) years for continuing compliance. In connection with such a review, the Commission shall require the Gaming Resource Supplier to update all information provided in the previous application.
- F. Any agreement between the Band and a Gaming Resource Supplier shall be deemed to include a provision for its termination without further liability on the part of the Band, except for a bona fide repayment of all outstanding sums (exclusive of interest) owed as of, or payment for services or materials received up to, the date of termination, upon revocation or non-renewal of the supplier's license by the Commission based on a determination of unsuitability by the State Gaming Agency. For purposes of licensing such suppliers, "gaming resources" do not include professional accounting services, legal services or the supplying of food and beverage to the Gaming Facility or to other enterprises owned by the Band.

Section 21. Financial Sources

- A. Each Financial Source shall be licensed by the Commission prior to extending financing in connection with the Band's Gaming Facilities or gaming operations..
- B. Every Financial Source required to be licensed by the Commission shall, contemporaneously with the filing of its tribal license application, apply to the State Gaming Agency for a determination of suitability. In the event the State Gaming Agency denies or revokes the determination of suitability, the Commission shall deny or revoke the Financial Source's license within thirty (30) days of receiving notice of denial or revocation from the State Gaming Agency.

- C. A license issued under this section shall be reviewed at least every two (2) years for continuing compliance. In connection with that review, the Commission shall require the Financial Source to update all information provided in the Financial Source's previous application. For purposes of this section, that review shall be deemed to constitute an application for renewal.
- D. Any agreement between the Band and a Financial Source shall be deemed to include a provision for its termination without further liability on the part of the Band, except for the bona fide repayment of all outstanding sums (exclusive of interest) owed as of the date of termination, upon revocation or non-renewal of the Financial Source's license by the Commission based on a determination of unsuitability by the State Gaming Agency. The Band shall not enter into, or continue to make payments pursuant to, any contract or agreement for the provision of financing with any person whose application to the State Gaming Agency for a determination of suitability has been denied or has expired without renewal.
- E. A Gaming Resource Supplier who provides financing exclusively in connection with the sale or lease of gaming resources obtained from that supplier may be licensed solely in accordance with licensing procedures applicable, if at all, to Gaming Resource Suppliers, and need not be separately licensed as a Financial Source under this section.
- F. The Commission may elect to license a person or entity as a Financial Source without requiring it to apply to the State Gaming Agency for a determination of suitability under this section if the Financial Source has already been issued a determination of suitability that is then valid. In that case, the Commission shall immediately notify the State Gaming Agency of its licensure of the person or entity as a Financial Source, and shall identify in its notification the State Gaming Agency determination of suitability on which the Commission has relied in proceeding under this subdivision (F). Subject to the Commission's compliance with the requirements of this subdivision, a Financial Source licensed under this subdivision may, during and only during the period in which the determination of suitability remains valid, engage in financing in connection with the Band's Gaming Activities and operations, without applying to the State Gaming Agency for a determination of suitability. The issuance of a license under this subdivision is in all cases subject to any later determination by the State Gaming Agency that the Financial Source is not suitable or to a tribal gaming license suspension or revocation pursuant to section 6.5.1, and does not extend the time during which the determination of suitability relied on by the Commission is valid. A license issued under this subdivision expires upon the revocation or expiration of the determination of suitability relied on by the Commission. Nothing in this subdivision affects the obligations of the Commission, or of the Financial Source under the Compact.
- G. Except where subdivision (F) applies, within twenty-one (21) days of the issuance of a license to a Financial Source, the Commission shall transmit to the State

Gaming Agency a copy of the license and a copy of all tribal license application materials and information received by it from the applicant which is not otherwise.

H. Exclusions:

1. The Commission may, at its discretion, exclude from the licensing requirements of this section, financing provided by:
 - a. A federally regulated or state-regulated bank, savings and loan, or other federally- or state-regulated lending institution;
 - b. Any agency of the federal, state, or local government, or any investor who, alone or in conjunction with others, holds less than 10% of any outstanding indebtedness evidenced by bonds issued by the Band;
 - c. A real estate investment trust (as defined in 26 U.S.C. § 856(a)) which is publicly traded on a stock exchange, registered with the Securities and Exchange Commission, and subject to the regulatory oversight of the Securities and Exchange Commission; and
 - d. An entity or category of entities that the State Gaming Agency and the Tribal Gaming Agency jointly determine can be excluded from the licensing requirements of this section without posing a threat to the public interest or the integrity of the Band's gaming operations.
2. In any case where the Commission elects pursuant to exclude a Financial Source from the licensing requirements of this section, the Commission shall give no less than thirty (30) days' notice thereof to the State Gaming Agency, and shall give the State Gaming Agency reasonable advance notice of any extension of financing by the Financial Source in connection with the Band's Gaming Facilities or operations, and upon request of the State Gaming Agency, shall provide it with sufficient documentation to support the Commission's exclusion of the Financial Source from the licensing requirements of this section.
3. The Commission shall work collaboratively with the State Gaming Agency to resolve any reasonable concerns regarding the initial or ongoing excludability of an individual or entity as a Financial Source.

Section 22. Denial, Revocation and Suspension of License

- A. A license shall be suspended, revoked or denied upon the occurrence of any of the following:
 1. Notification by the NIGC, or by any other reliable source, that the licensee is not eligible for a license under Section IX of this Regulation;

2. Notification by the State Gaming Agency that it intends to deny an application for a determination of suitability or a renewal of determination of suitability;
 3. The Commission has probable cause to believe that the licensee has, by act or omission, violated provisions of the Compact, the Gaming Ordinance, the Band's Gaming Regulations, any condition of a Conditional Gaming License, or any other Federal, State or Tribal laws or regulations;
 4. The Commission has reason to believe that the continued licensing of a person constitutes an immediate threat to the public interest or to the public health, safety or welfare;
 5. The Commission has reason to believe that the licensee is involved in any theft, misappropriation, misuse or abuse of Tribal assets;
 6. The licensee engages in any conduct that brings discredit or embarrassment to the Band's gaming operations or the Band, or interferes with the normal operation of the Band's gaming facilities;
 7. The licensee fails to disclose any required information on any State or Tribal gaming license application;
 8. The licensee fails to respond to a request from the Commission within fourteen (14) days of the date of the initial request;
 9. The Commission determines that licensing the person poses a threat to the effective regulation of gaming;
 10. The Commission determines that licensing the person creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and/or activities in the conduct of gaming; or
 11. The licensee's employment with the Band's gaming operations is terminated, voluntarily or involuntarily.
- 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
- C. If, after a license is issued to a Primary Management Official or a Key Employee, the Band receives notice from the NIGC that the Primary Management Official or Key Employee is not eligible for employment, the Tribal Gaming Commission shall:

1. Immediately suspend the license;
 2. Provide the licensee with written notice of the suspension and proposed revocation pursuant to Article XXII; and
 3. Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license pursuant to Article XXII.
- D. Following a revocation hearing, the Band shall decide whether to revoke or reinstate the license at issue.
- E. The Band 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 23. Due Process

The denial, suspension or revocation of a license pursuant to Section XXII of this Regulation shall require:

- A. Written, certified, return receipt requested or personally hand-delivered notification of the denial, suspension or pending revocation be given to the licensee ten (10) days in advance of the proposed action;
- B. Such written notification shall include information concerning the licensee's right to a hearing, shall specify the date, time and place for the hearing, and shall also advise the licensee that failure to appear for a scheduled hearing shall forfeit any further right to appeal;
- C. The Commission shall make a ruling within three (3) days, and the licensee shall be notified in writing, within three (3) days of the ruling, of the ruling and the licensee's right to file a petition with the Commission for a rehearing within fifteen (15) days of the receipt of the written notification;
- D. If the licensee files a petition for a rehearing within fifteen (15) days of receipt of the written notification described in the preceding paragraph, the Commission shall review any additional information submitted by the licensee with the petition and notify the licensee in writing of its decision, which shall be a final decision.
- E. Notwithstanding subparagraph A above, the Commission may suspend or revoke a license without advance notice if in the opinion of the Commission, the continued licensing of the person:
 1. Falsified a license application;
 2. Poses an immediate threat to the integrity of the Band's gaming operations;

3. Poses a threat to public health or safety; or
4. May violate the Commission's licensing or other standards.

Section 24. Duration and Renewal

All regular licenses shall be effective for two (2) years from the date of issue. Renewal applications must be received by the Commission at least thirty (30) days prior to the expiration of the license. Upon receiving a renewal application, the Commission shall inform the applicant of his or her obligation to apply to the State Gaming Agency for renewal of his or her determination of suitability. Any licensee applying for renewal may continue to be employed or engaged under the expired license until the Commission takes action on the renewal application. Applicants for renewal shall provide updated material as requested by the commission but shall not be required to resubmit information already available to the Commission. Additional background investigations may be performed at the discretion of the Commission. Updated criminal history checks are required.

Prior to renewing a license the Commission shall forward to the State Gaming Agency copies of the renewal application and related document. With respect to gaming facilities, the Commission shall provide verification to the State Gaming Agency that it has reviewed and, if appropriate, renewed a gaming facility's license.

Section 25. Fees

The Commission shall establish a fee schedule for licenses and, subject to Tribal Council approval, may establish tiers of licensing fees that are applicable to Gaming Resource Suppliers. Application fees shall be nonrefundable, regardless of whether or not a license is issued. Such fees shall be made payable to the Paskenta Band of Nomlaki Indians of California.

ARTICLE XXI: EFFECTIVE DATE OF ORDINANCE

This ordinance shall become effective upon adoption by a majority vote of the Tribal Council at a duly scheduled meeting. Adoption of the ordinance explicitly repeals any and all previously enacted Paskenta Gaming Commission Ordinance, previously effective as of December 11, 2020, and all of its amendments.

THE PASKENTA TRIBAL COUNCIL CERTIFIES THAT A MEETING WAS DULY CALLED, NOTICED AND CONVENED ON February 17, 2022 WHERE A QUORUM WAS PRESENT AND THIS RESOLUTION WAS ADOPTED BY A VOTE 3 FOR, 0 AGAINST, and 0 ABSTENTIONS.

Andrew Alejandre, Chairman

DATE: February 17, 2022

ATTESTED BY:

Keith Ray, Secretary

DATE _____



ORDINANCE NO. TC2022-5

PASKENTA BAND OF NOMLAKI INDIANS
P.O. BOX 398 – ORLAND, CA 95963
PHONE: (530) 865-2010 OR (530) 865-3119
FAX: (530) 865-1870 OR (530) 865-2345

Originally approved as

AMENDED AND RESTATED PASKENTA GAMING ORDINANCE NO. 2000-419A,
amended by
AND
LICENSING AND BACKGROUND INVESTIGATION PROCEDURES

TABLE OF CONTENTS

	<u>Page</u>
<u>Statement of Source Authority</u>	<u>1</u>
<u>Statement of Purpose</u>	<u>1</u>
<u>Short Title</u>	<u>1</u>
<u>ARTICLE I: DEFINITIONS</u>	<u>4</u>
<u>Section 1. General</u>	<u>4</u>
<u>Section 2. Special Terms</u>	<u>4</u>

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ARTICLE II: GAMING AUTHORIZED 8

ARTICLE III: OWNERSHIP OF GAMING..... 8

ARTICLE IV: USE OF GAMING REVENUES 8

 Section 1. Use of Net Revenues 8

 Section 2. Per Capita Payments..... 9

ARTICLE V: GAMING COMMISSION..... 9

 Section 1. Commission Established..... 9

 Section 2. Commissioners..... 10

 Section 3. Commission Powers..... 12

 Section 4. Executive Director 15

 Section 5. Budget..... 15

 Section 6. Notice..... 15

 Section 7. Confidentiality 16

 Section 8. Conduct of Commission Meetings..... 16

ARTICLE VI: AUDIT 16

 Section 1. Annual Audit..... 16

 Section 2. Gaming Contracts 16

ARTICLE VII: FACILITY LICENSES..... 17

ARTICLE VIII: PROTECTION OF THE ENVIRONMENT..... 17

 Section 1. Environment, Public Health and Safety 17

ARTICLE IX: SPECIFIC AGE REQUIREMENTS FOR CLASS II AND CLASS III GAMING 18

ARTICLE X: FIREARMS CONTROL 18

ARTICLE XI: LICENSES..... 18

 Section 1. License Requirements..... 18

 Section 2. Employee License Tiers..... 18

 Section 3. Background Investigations..... 19

 Section 4. Eligibility Determination 20

 Section 5. Periodic Review 20

 Section 6. Reporting..... 20

 Section 7. Records Retention 20

 Section 8. Additional Requirements 21

ARTICLE XII: MINIMUM CONTROL STANDARDS 21

 Section 1. Applicable Standards 21

 Section 2. Annual CPA Testing of Compliance 21

Section 3. Compliance 21

Section 4. Enforcement 22

ARTICLE XIII: RESOLUTION OF PATRON GAMING DISPUTES 22

ARTICLE XIV: SERVICE OF PROCESS 23

ARTICLE XV: COMPLIANCE WITH FEDERAL LAW 23

ARTICLE XVI: REPEAL 23

ARTICLE XVII: SEVERABILITY 23

ARTICLE XVIII: AMENDMENT OF ORDINANCE 23

ARTICLE XIX: MISCELLANEOUS 23

Section 1. Amendments 24

Section 2. Savings Clause 24

ARTICLE XX: LICENSING AND BACKGROUP INVESTIGATION PROCEDURES .. 24

Section 1. Purpose..... 24

Section 2. Incorporation by Reference..... 24

Section 3. Scope..... 24

Section 4. Scope of Investigations 25

Section 5. Cooperation..... 28

Section 6. Fingerprinting 28

Section 7. Confidentiality 28

Section 8. Eligibility Determinations..... 28

Section 9. Privacy Notice..... 29

Section 10. Notice Regarding False Statements 30

Section 11. Required Information – General 31

Section 12. Required Information – Business Entities 32

Section 13. Investigative Reports 34

Section 14. Report to the NIGC..... 34

Section 15. Reporting to State Gaming Agency 35

Section 16. Granting a Gaming License 36

Section 17. Limitation..... 39

Section 18. Identification Cards..... 39

Section 19. Gaming Facility 39

Section 20. Gaming Resource Suppliers..... 40

Section 21. Financial Sources..... 41

Section 22. Denial, Revocation and Suspension of License..... 43

Section 23. Due Process..... 45

Section 24. Duration and Renewal..... 46
Section 25. Fees 47
ARTICLE XXII: EFFECTIVE DATE OF ORDINANCE..... 47

Statement of Source of Authority

Pursuant to authority contained in the Tribal Constitution and Bylaws (“Tribal Constitution”) on April 18, 1998 and the Secretary of the Interior approved said Constitution and Bylaws on May 15, 1998; and whereby the Tribal Council enacted the Paskenta Gaming Commission Ordinance which took effect on December 11, 2020 between the State of California and the Band; and whereby the Tribal Council resolved to authorize the Amended and Restated Paskenta Gaming Ordinance; this ordinance is promulgated pursuant to authority contained in Resolution of the Tribal Council of the Paskenta Band of Nomlaki Indians No. ~~2008-422~~; TC2022-5, dated February 17, 2022,

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ARTICLE I: PURPOSE

Statement of Purpose

The Paskenta Band of Nomlaki Indians, acting through its Tribal Council, pursuant to the Band's inherent authority and Article VI, Section 1(d) of the Band's Constitution, hereby enacts this Ordinance in order to set the terms for class II and class III gaming operations on the Paskenta Reservation. Unless specifically indicated otherwise, all provisions of this ordinance shall apply to class II and class III gaming on the Band's Indian lands.

Short Title

This ordinance may be cited as the "Amended and Restated Paskenta Gaming Ordinance."

ARTICLE I: DEFINITIONS

Section 1. General

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 (25 U.S.C. § 2701 et seq.) and its regulations (25 C.F.R. § 500 et seq.).

Section 2. Special Terms

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In this Ordinance:

~~(a)~~ BAND: "Band" means the Paskenta Band of Nomlaki Indians.

~~(b)~~ BAND MEMBER: "Band member" means any individual who is duly enrolled in the Band in accordance with the Band's Constitution ratified on April 18, 1998 and any enrollment ordinance that may be enacted by the Band, as amended from time to time.

~~(c)~~ CLASS II GAMING: "class II gaming" includes:

1. Bingo or lotto (whether or not electronic, computer or other technologic aids are used) when players:
 - a. Play for prizes with cards bearing numbers or other designations;
 - b. Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
 - c. Win the game by being the first person to cover a designated pattern on such cards;
2. Pull-tabs, punch boards, tip jars, instant bingo and other games similar to bingo, if played in the same location as bingo or lotto; and
3. Non-banking card games that:
 - a. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 - b. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.

CLASS III GAMING: "class III gaming" means all forms of gaming that are not class I or class II gaming, including, but not limited to:

1. Any house banking game, including but not limited to:
 - a. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house-banking games); and
 - b. Casino games such as roulette, craps, and keno;
2. Any slot machines, as defined in 15 U.S.C. § 1711(a)(1), and electronic or electromechanical facsimiles of any game of chance;
3. Any sports betting and pari-mutuel wagering, including but not limited to, wagering on horse racing, dog racing or jai alai; or
4. Lotteries.

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~~COMMISSION: "Commission" means the Paskenta Gaming Commission established pursuant to Ordinance No. 1999-1d duly adopted by the General Council.~~

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COMMISSIONER: "Commissioner" means a Tribal Gaming Commissioner.

COMPACT: "Compact" means the Tribal-State Compact between the Band and the State of California authorizing class ~~DHII~~ gaming activities, as required by IGRA, 25 U.S.C. § 2701(dX1)(C) and amended from time to time.

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~~(e) GENERAL COUNCIL: "General Council" consists~~
EXECUTIVE DIRECTOR: "Executive Director" means the Executive Director of all the Commission.

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FACILITY LICENSE: "Facility License" means a separate license issued by the Band to each place, facility or location on Indian lands where the Band elects to allow class II or III gaming.

FINANCIAL SOURCE: "Financial Source" means any person or entity who, directly or indirectly, extends financing in connection with the Band's Gaming Facility or gaming operation.

GAMING ACTIVITY: "Gaming Activity" or "Gaming Activities" means any class I, class II, or class III gaming conducted pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq.

GAMING EMPLOYEE: "Gaming Employee" means any natural person who is an employee of the Gaming Operation and (i) conducts, operates, maintains, repairs, accounts for, or assists in any Gaming Activities, or is in any way responsible for supervising such Gaming Activities or persons who conduct, operate, maintain, repair, account for, assist, or supervise any such Gaming Activities, (ii) is in a category under federal or tribal gaming law requiring licensing, or (iii) is a person whose employment duties require or authorize access to areas of the Gaming Facility in which any activities related to Gaming Activities are conducted but that are not open to the public. The definition of Gaming Employee does not include members who are eighteen (18) years of age or older or employees of the Commission.

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~~(f) GAMING FACILITY: "Gaming Facility" means any building in which Gaming Activities or gaming operations occur, or in which the business records, receipts, or other funds of the gaming operation are maintained (excluding off-site facilities primarily dedicated to storage of those records, and financial institutions), and all rooms, buildings, and areas, including parking lots and walkways, a principle purpose of which is to serve the activities of the Band's gaming operation, rather than providing that operation with an incidental benefit, provided that nothing herein prevents the conduct of class II gaming therein. Nothing herein shall be construed to apply in a manner that does not directly relate to the operation of Gaming Activities. For purposes of this Ordinance, the term "Gaming Facility" does not include any break room that is open to employees of the Band or its enterprises, consultants to the Band or its enterprises, and Gaming Employees.~~

IGRA: "IGRA" means the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq. and its regulations, 25 C.F.R. § 500 et seq.

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~~(g)~~ INDIAN LANDS: "Indian lands" means:

1. Land within the limits of an Indian reservation; or
2. Land over which the Band exercises governmental power and that is either:
 - a. Held in trust by the United States for the benefit of the Band or an individual; or
 - b. Held by the Band or an individual subject to restriction by the United States against alienation.

KEY EMPLOYEE: "~~key employee~~Key Employee" means:

- ~~(a)~~ 1. A person who performs one or more of the following functions: bingo caller; counting room supervisor; chief of security; custodian of gaming supplies or cash; floor manager; pit boss; dealer, croupier, approver of credit; or custodian of gambling devices including persons with access to cash and accounting records within such devices;
- ~~(b)~~ 2. If not otherwise included, any other person whose total cash compensation is in excess of fifty-thousand dollars (\$50,000.00) per year; ~~or~~
- ~~(c)~~ 3. If not otherwise included, the four (4) most highly compensated persons in the gaming operation; ~~or~~
- ~~(h)~~ 4. Any other person designated by the Band as a Key Employee.

LICENSEE: "licensee" means a tribally owned class II or class III gaming operation or a person licensed by the Commission as a Primary Management Official, Key Employee, Gaming Employee, Financial Source, or vendor under the provisions of this ordinance.

NIGC: "NIGC" means the National Indian Gaming Commission established pursuant to 25 U.S.C. § 2704.

PRIMARY MANAGEMENT OFFICIAL: "Primary Management Official" means:

1. ~~(a)~~ — The person having management responsibility for a management contract;
2. ~~(b)~~ — Any person who has authority to: hire and fire employees; or to set up working policy for the gaming operation; or
3. ~~(c)~~ — The chief financial officer or other person who has financial management responsibility.

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~~(j)~~ STATE GAMING AGENCY: "State Gaming Agency" means the entity defined in Subsection 2.18 of the Compact; ~~and~~.

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~~(k)~~ TRIBAL COUNCIL: "Tribal Council" means the five-member governing body of the Band, existing and functioning pursuant to the Band's Constitution ratified on April 18, 1998.

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2020 COMPACT: "2020 Compact" means the Tribal-State Compact between the State of California and the Paskenta Band of Nomlaki Indians of California, dated August 3, 2020.

ARTICLE ~~III~~: GAMING AUTHORIZED

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Class II and class III gaming, ~~as defined in 25 U.S.C. §§ 2703(7XA) and 2703(8) and by the regulations promulgated by the NIGC at 25 C.F.R. §§ 502.3 and 502.4, is~~ are hereby authorized. ~~The class III to be conducted on the Band's Indian lands, if such gaming activities authorized by is conducted in accordance with this Ordinance are those gaming activities authorized under the Compact ordinance, the IGRA, the NIGC's regulations, and any other applicable laws and regulations.~~

ARTICLE ~~IV~~: OWNERSHIP OF GAMING

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The Band shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance.

ARTICLE ~~V~~: USE OF GAMING REVENUES

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Section 1. Use of Net Revenues

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Net revenues from class II and class III gaming shall be used only for the following purposes:

- ~~(a)~~A. to fund tribal government operations and programs;
- ~~(b)~~B. to provide for the general welfare of the Band and its members;
- ~~(c)~~C. to promote tribal economic development;
- ~~(d)~~D. to donate to charitable organizations;
- ~~(e)~~E. to help fund operations of local government agencies; ~~or~~ and
- F. to make contributions, as required by the Compact, to any revenue-sharing funds established for the benefit of the State or non-gaming Tribes.

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Section 2. Per Capita Payments

A. ~~If~~ Net revenues from any class II and/or class III gaming activities conducted or licensed by the Band ~~elects~~ may be used to make per capita payments to ~~tribal~~ members, it shall authorize such payments only upon approval of Tribal members if:

1. The Band has prepared a plan ~~submitted to~~ to allocate revenues to one or more of the uses authorized by section VI.1 of this ordinance;
2. The plan is approved by the Secretary of the Interior ~~under as adequate,~~ particularly with respect to the uses described in Article V.1 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 Band notifies its members of such tax liability when payments are made.

ARTICLE V: GAMING COMMISSION

Section 1. Commission Established

A. The Band hereby establishes a Tribal Gaming Commission (“Commission”) to regulate the Band’s gaming operations. The Commission shall consist of up to five (5) Commissioners appointed by majority vote of the Tribal Council, including not less than three (3) Band Members, and up to two (2) non-Band members.

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.

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C. Commissioners shall serve for a term of three (3) years, with no limitation as to the number of terms served, except that the appointment of the Commissioners must maintain staggered terms.

Section 2. Commissioners

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

B. The Band shall, in accordance with Tribal law, require a criminal history check with appropriate law enforcement agencies for each Commissioner, Executive Director, and applicant for employment with the Commission. For such individuals, the Band shall review the candidate's criminal history check results and shall ensure that he or she satisfies the eligibility requirements of this ordinance and the Compact.

C. The Band recognizes the importance of an independent Tribal Gaming Commission in maintaining a well-regulated gaming operation. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Band requires that, at a minimum:

1. No member of the Tribal Council may serve on the Tribal Gaming Commission;
2. No member living with, any Tribal Council member may serve on the Tribal Gaming Commission;
3. Members of the Commission are prohibited from gambling in the facility;
4. Commissioners are prohibited from accepting complimentary items from the gaming operation, excepting food and beverages which are generally made available to others or at special events held by the Band; and
5. Commissioners may only be removed from office by the 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 the position.

D. Qualifications for Commissioner.

1. To serve as a Commissioner, an individual must be at least twenty-five (25) years of age, and must be a U.S.C. §§ 2710(b)(3) citizen.
2. No member of the Tribal Council and no employee of any gaming operation may serve concurrently as a Commissioner.
3. No more than one member of the same immediate family may serve on the Commission at the same time.
4. Any person who has been convicted, or is currently being prosecuted for, a felony or a crime of moral turpitude, including, but not limited to, fraud, theft, and embezzlement, is not eligible to serve as a Commissioner.
5. A Commissioner must pass a background check pursuant to the Ordinance before they can access non-public areas and confidential information related to the Band's gaming operations.
6. A person who is not a member of the Band that is seeking to become a Commissioner must have experience in one or more of the following fields: accounting, law, gaming management, gaming regulation or in general regulatory oversight.
7. The Tribal Council may waive the eligibility requirements of this section in its sole discretion.
8. Any person seeking to become a Commissioner must provide the Tribal Council with a notice of intent to be a Commissioner and a resume.

E. Commissioners shall serve until the appointment of their successors, or until resignation, termination for cause, disqualification or death.

1. Any Commissioner may resign from office at any time. Resignations shall be made in writing delivered to the Tribal Council.
2. Termination for cause shall be ordered by majority vote of the Tribal Council.

F. If any vacancy is created on the Commission by virtue of resignation, death or removal of a Commissioner, the Tribal Council shall appoint a replacement for the remainder of the current term. The appointment shall be made pursuant to Tribal law regarding appointments to advisory committees.

G. Commission Officers.

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1. At all times, the Commission shall maintain from among its members a Chair, Vice-Chair, and Secretary/Treasurer. Officers shall serve for one (1) year. No officer shall serve in more than one office simultaneously.
2. The duties and powers of the officers of the Commissions are those specified in this Ordinance and established by regulation of the Commission, and shall include any additional duties and powers as may be set by resolution of the Commission, provided that such duties and powers may not exceed powers granted to the Commission by this Ordinance.

H. Commissioners shall be paid a stipend at a rate to be established by the Commission's annual budget, which must be approved by the Tribal Council in accordance with Article VIII of this Ordinance. Commissioners shall be reimbursed for necessary out-of-pocket expenses incurred in carrying out the duties and responsibilities of their position. Receipts or appropriate documentation shall be submitted for all expenses to be reimbursed. In no event shall compensation be based on a percentage of net profits from the Band's gaming operations.

Section 3. Commission Powers

- A. The Commission shall exercise its regulatory powers in accordance with the IGRA and NIGC Regulations, the Tribal-State compact and the Band's own gaming laws and regulations. Without limiting the generality of the foregoing, the Commission is authorized to:
1. Conduct background investigations of all prospective Tier 1 Employees and Tier 2 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. Act as the Band's 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, which shall be signed by the Chair of the Commission or their designee;
 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, suspend, revoke, condition, and renew licenses for all Gaming Employees upon completion of background investigations and review of licensure eligibility;

8. Maintain records on licensees and on persons denied licenses, as well as persons otherwise prohibited from engaging in gaming activities within the Band's jurisdiction, provided that applications and background investigation reports shall be maintained for at least three (3) years from termination of employment;
9. Establish standards for licensing Tribal gaming facilities;
10. Issue facility licenses to each place, facility or location on the Paskenta Reservation where the Band authorizes gaming;
11. Inspect, examine and monitor all of the Band's gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming facilities and operations;
12. Consult with the Tribal Council to oversee and uphold public health and safety standards adopted by Tribal Council;
13. Collaborate with Tribal Council to obtain annual independent outside audits and submit these audits under the Tribal Council direction to the NIGC;
14. Ensure that net revenues from any Gaming Activities are used in compliance with IGRA and Tribal law, including the Band's revenue allocation plan;
15. Promulgate tribal gaming regulations for approval by the Tribal Council, including but not limited to regulations dealing with:
 - a. criteria and procedures for licensing:
 - i. all Gaming Employees of the gaming operation;
 - ii. each place, facility or location on the Paskenta Reservation where the Band authorizes gaming, including individually owned gaming;
 - iii. persons and entities who do business with the gaming operation; including manufacturers and suppliers of machines, equipment and supplies;
 - b. protections against conflicts of interest and improper conduct among Commissioners, Commission staff, and the Executive Director;
 - c. the levying of fees and/or taxes associated with gaming license applications;
 - d. exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;
 - e. the appointment of officers to the Commission;

f. applicable internal control standards; and

g. 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.

16. Hold hearings on patron complaints and disputes, in accordance with procedures established in this ordinance and the gaming regulations;

17. Perform audits of gaming operations and all gaming related contracts that result in the annual purchase of supplies or services with a value of twenty-five thousand dollars (\$25,000) or more, except for contracts for legal or accounting services in order to ensure compliance with applicable regulations and the Gaming Ordinance, except that the Tribal Council must approve all independent auditors prior to their engagement by the Commission;

18. Monitor gaming activities and ensure compliance with the IGRA, its regulations, the Tribal-State Compact and the Band's laws and regulations;

19. Serve as a primary point of communication between the Band and outside regulatory and law enforcement agencies on matters related to the day-to-day regulation of gaming, except that the Band's Chairperson or the Chairperson's designee must be the Band's agent for purposes of service of process and any official determination, order, or notice of violation;

20. Provide independent information to the Band on the status of the Band's gaming operations;

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

22. Retain a paid staff, including an Executive Director and other consultants in accordance with any personnel ordinance, policies or procedures adopted by the Band, to be paid out of the Commission's annual budget;

23. 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;

24. Establish lists of persons who have voluntarily agreed to be excluded from the Tribal gaming facilities, and who are not allowed to game in the Band's gaming facilities in order to maintain the integrity of the gaming operation;

25. 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; and

26. Delegate the above-mentioned powers to the Executive Director, provided that a delegation is not disapproved by the Tribal Council pursuant to Article VII, Section 4 of this Ordinance.

Section 4. Executive Director

A. The Executive Director shall be responsible for the day-to-day management of the affairs of the Commission as well as overseeing the establishment and operation of all gaming activities for compliance with all applicable Federal, State and Band gaming laws and regulations. In addition, the Executive Director shall perform such duties as may be delegated by resolution of the Commission from time to time, except that the Tribal Council must, by official action, give its advance consent to a delegation of duties to the Executive Director.

1. The Executive Director shall be hired by the Commission on an at-will basis and shall report directly to the Commission, unless directed otherwise by the Tribal Council. The Executive Director may be terminated for cause by majority vote of the Commission or the Tribal Council. Under no circumstances may the Executive Director also serve as a Commissioner.
2. The Executive Director shall be compensated at a level determined by the Tribal Council. In order to ensure the Commission is not improperly influenced, the Executive Director's compensation shall not be based on a percentage of gaming revenue.

Section 5. Budget

At least ninety (90) days prior to the end of each fiscal year, the Commission shall prepare a budget for the next year's operation and shall submit the budget to the Tribal Council. In preparing the annual budget, all actual and anticipated surplus funds of the Commission shall be taken into account. The Tribal Council shall adopt, amend or replace the annual budget based thereon, and shall authorize the transfer of funds to the Commission of as needed for Commission operation and program purposes. Expenditures by the Commission shall be in accordance with the approved annual budget, except that the Commission may deviate from the terms of the adopted budget by a margin of not more than ten percent (10%) during the budget year without further approval of the Tribal Council.

Section 6. Notice

Before adopting, amending and repealing regulations, the Commission shall give no less than thirty (30) day notice of any such proposed action to the Tribal Council, the gaming operation(s) and all other persons whom the Commission has reason to believe have a legitimate interest in the proposed action. The notice shall invite comments and describe the general nature of the proposed action and the manner in which comments on the proposed action shall be received by the Commission.

Section 7. Confidentiality

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. The confidentiality requirements of this paragraph, 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.

Section 8. Conduct of Commission Meetings

- A. 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.
- B. The Commission shall keep a written record of all its meetings. Commission meeting minutes must include attendance and be made available to the Tribal Council.
- C. The Commission shall hold no less than one meeting in each thirty-day period. Special meetings of the Commission may be called at the request of the Executive Director or by any Commissioner.

ARTICLE VI: AUDIT

Section 1. Annual Audit

The Commission shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the NIGC. The annual audit shall be conducted by an independent certified public accountant, ~~in accordance with the auditing and~~ accordance with generally accepted auditing and accounting standards. The annual audit shall be made available for review, upon request, to the Tribal Council. Copies of the annual audit of each licensed gaming operation, and each audit for supplies, services or concessions of each gaming operation, shall be furnished to the NIGC within 120 days after the end of each fiscal year of the gaming operation. ~~accounting standards for audits of casinos of the American Institute of Certified Public Accountants.~~

Section 2. Gaming Contracts

All gaming related contracts that result in the annual purchase of supplies, or services, or concessions in excess with a value of twenty-five thousand dollars (\$25,000.00) or more

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annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in Section 1 of this Article.

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ARTICLE VII: FACILITY LICENSES

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- A. The Commission shall issue a gaming facility 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 Commission shall identify the environmental, health and public safety standards with which the place, facility or location must comply, and specify the form, conditions and content of a facility license application. The application shall include a legal description of the lands upon which the facility is located, and a certification that the site constitutes "Indian lands," as defined in IGRA, the NIGC's regulations, the NIGC Office of General Counsel and DOI Solicitor Offices' Indian lands legal opinions, judicial decisions and any other applicable law.
- C. The Commission shall only issue a facility license if the application includes the required information and documentation, and sufficiently satisfies any additional conditions deemed necessary by the Band.
- D. The Commission shall submit to the NIGC Chair a notice that issuance of a facility license is under consideration by the Commission. This notice must be submitted at least 120 days before the opening of any new place, facility or location on Indian lands where class II and/or class III gaming will occur.
- E. The Commission shall submit a copy of each newly issued or renewed facility license to the NIGC Chair within 30 days of issuance, along with any other required documentation.
- F. The Band shall notify the NIGC Chair within 30 days if a facility license is terminated or expires, or if a gaming place, facility, or location closes or reopens.

**ARTICLE VIII: PROTECTION OF THE ENVIRONMENT,
PUBLIC HEALTH AND SAFETY**

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~~Class II~~

Section 1. Environment, Public Health and ~~class III~~Safety

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Each gaming ~~facilities~~facility shall be constructed, maintained and operated in a manner that adequately protects the environment and the ~~public~~health and safety of the public. The Tribal Council shall adopt standards for protecting the environment and the public health and safety that are consistent with its obligations under the Compact.

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ARTICLE VIII: MINIMUM IX: SPECIFIC AGE REQUIREMENTS FOR CLASS II AND CLASS III GAMING

If the Band permits the consumption of alcoholic beverages in a gaming facility, no person under the age of twenty-one (21) years shall be permitted to be present in any area in which class II or class ~~III~~ gaming activities are being conducted and in which alcoholic beverages may be consumed, to the extent required by the state Department of Alcoholic Beverage Control. No person under the age of eighteen (18) years shall be permitted to be present in any room in which class II or class ~~III~~ gaming activities are being conducted unless the person is en-route to a non-gaming area of the gaming facility.

ARTICLE ~~X~~X: FIREARMS CONTROL

Possession of firearms shall be prohibited at all times in class II and class ~~III~~ gaming facilities operated under this Ordinance, except for possession of firearms by state, local, or tribal security or law enforcement personnel authorized by federal, state, or tribal law to possess firearms at the facilities.

ARTICLE ~~XI~~XI: LICENSES

Section 1. — License Requirements

The following persons and entities ~~are required to~~must be licensed by the Commission:

- A. All ~~employees~~Tier 1 Employees and Tier 2 Employees, including ~~key employees and primary management officials~~Key Employees and Primary Management Officials, employed at any class II or class III gaming enterprise operated under this Ordinance;
- B. Gaming resource suppliers required to be licensed under ~~Subsection 6.4.5 of the Compact~~;
- C. Persons extending financing, directly or indirectly, to the Band's gaming facility or gaming operations; and
- D. Each place, facility, or location where class II or class ~~III~~ gaming is conducted under this Ordinance.

Section 2. — Employee License Tiers

The Commission or its agents shall recognize and license the following tiers of employees, as applicable:

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A. Tier 1 Employee: a Tier 1 Employee License is required for all Gaming Employees, including Primary Management Officials and Key Employees, who:

1. operate, maintain, repair, or assist in any class III gaming activity, or who are in any way responsible for supervising such gaming activities or persons who conduct, operate, account for, or supervise any such gaming activity;
2. are in a category under federal or tribal gaming law requiring licensing, or
3. are an employee of the Commission with access to confidential information.

B. Tier 2 Employee: a Tier 2 Employee License is required for all Gaming Employees not required to obtain a Tier 1 Employee License, including all persons whose employment duties require or authorize access to areas of the Gaming Facility that are not open to the public. Examples of employees that would qualify for a Tier 2 Employee License include but are not limited to security, food, beverage, and kitchen staff that work within a Gaming Facility, as well as other persons whose employment duties require or authorize access to areas of a Gaming Facility in which any activities related to Gaming Activities are conducted but that are not open to the public.

Tier 3 Employee: the Commission shall not license this category of employees, which includes any person employed by a tribally-owned enterprise that does not otherwise qualify as a Gaming Employee and any employee of a tribally-owned enterprise that does not require or authorize access to non-public areas of a Gaming Facility as part of that employee's job duties. Tier 3 Employees will be subject to criminal background checks in accordance with Tribal law.

Section 3. Background Investigations

A. The Commission or its agents shall conduct an investigation of license applicants sufficient to make a determination under Section 35 of this Article.

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 Commission and its agents are authorized to receive state summary criminal history information, as defined in Subsection 11105(a) of the California penal Code, or a copy thereof, maintained under a person's name by the California Department of Justice and shall not knowingly furnish such records or information to a person who is not authorized to receive the record or information. In conducting a background investigation, the Commission or its agent shall keep confidential the identity of each person interviewed in the course of the investigation.

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~~D. Section 3.~~ When a Primary Management Official or Key Employee is employed by the Band, a complete application file, containing all of the information required for a license application, shall be maintained.

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~~Section 4.~~ Eligibility Determination

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~~A. The Commission shall review~~ Before a Tier 1 Employee License is issued, an applicant's 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 to make a finding concerning an applicant's eligibility for a license. A license may not be issued unless the Commission is satisfied the applicant is a person of good character, honesty and integrity. The Commission shall not license a person if the Commission,

~~B. If the authorized Tribal official, in applying the standards adopted in this ordinance, determines that the licensing of the person: poses a threat to the public interest or to the effective regulation of gaming; or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and/or activities in the conduct of gaming or the carrying on, he or she shall not license that person in a Key Employee or Primary Management Official position.~~

~~C. Copies of business and financial arrangements incidental thereto; or will undermine public trust that tribal gaming is free from criminal and dishonest elements and would the eligibility determination shall be conducted honestly included with the notice of results that must be submitted to the NIGC before the licensing of a Primary Management Official or Key Employee.~~

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~~Section 4.~~ Section 5. Periodic Review

The Commission shall review and, if appropriate, renew each license it issues at least every two (2) years after issuance.

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~~Section 5.~~ 6. Reporting

To the extent required by IGRA and the Compact, the Commission shall promptly forward ~~application~~ applications, background investigation reports and related information to the NIGC and the State Gaming Agency and notify the NIGC and the State Gaming Agency of its decisions to deny, issue, suspend, or revoke licenses.

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~~Section 6.~~ 7. Records Retention

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~~A. The Tribal Gaming Commission shall retain, for no less than three years from the date a Primary Management Official or Key Employee is terminated from employment with the Band, the following documentation:~~

1. Application for licensing:

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2. Investigative Reports; and

3. Eligibility Determinations.

Section 8. Additional Requirements

The Tribal Council shall adopt, and the Commission shall implement, regulations providing for such additional licensing and background investigation requirements and procedures as it deems appropriate, provided that such additional requirements are at least as stringent as those contained in IGRA (i.e., 25 U.S.C. § 2710(b)(2)(F) and 25 C.F.R. Parts 556 and 558) and the Compact.

ARTICLE ~~XII~~: MINIMUM CONTROL STANDARDS

Section 1. Applicable Standards-

The ~~Paskenta Band of Nomlaki Indians Gaming~~ Commission shall ~~comply with 25 CFR Part 542 (“MICS”)~~ by formally ~~adopting~~ adopt and ~~making~~ make applicable to the ~~Tribe’s~~ Band’s gaming operation internal control standards that:

i.A. Provide a level of control that equals or exceeds those set forth in 25 CFR Part 542 ~~and 25 CFR Part 547~~, as published or as revised by mutual agreement between the ~~National Indian Gaming Commission (“NIGC”)~~ and the ~~Paskenta Band of Nomlaki Indians~~; and

ii.B. Contain standards for currency transaction reporting that ~~comply that equals or exceeds those contained in~~ with 31 CFR Part 103; and

iii.C. Establish internal control standards for ~~Classclass~~ II and ~~Classclass~~ III games that are not addressed in the MICS, if any.

Section 2. Annual CPA Testing of Compliance-

In order to verify that the gaming operation is in compliance with the internal control standards adopted pursuant to ~~Paragraph 1 of this article~~, an independent certified public accountant (“CPA”) shall be engaged annually to perform “Agreed-Upon Procedures” ~~in the manner provided in 25 CFR §542.3(f).”~~

Section 3. Compliance-

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The ~~Tribal gaming regulatory authority and the NIGCCommission~~ shall monitor and enforce compliance with the internal control standards adopted pursuant to ~~Paragraphsection 1 in the manner provided for in 25 CFR §542.3(e) of this article.~~ In addition, the ~~NIGCCommission~~ shall, for purposes of enforcing compliance with the internal control standards, have authority to:

- ~~a.A.~~ Monitor all ~~Classclass~~ II and ~~Classclass~~ III gaming on a continuing basis;
- ~~b.B.~~ Inspect and examine all premises on which ~~Classclass~~ II or ~~Classclass~~ III gaming is conducted; and
- ~~e.C.~~ Demand access to and inspect, examine, photocopy, and audit all papers, books, and records respecting gross revenues of all ~~Classclass~~ II and ~~Classclass~~ III gaming or any other matters necessary to ensure and enforce compliance with the MICS.

Section 4. Enforcement-

Any failure to adopt internal control standards pursuant to ~~Paragraph 1section1~~, to perform Agreed-Upon Procedures pursuant to ~~Paragraphsection 2~~, to prevent or obstruct the exercise of any of the ~~NIGCC'sCommission's~~ authority under ~~Paragraphsection 3~~ or to comply with the internal control standards once adopted is a violation of this Ordinance. The ~~Chairman of the NIGCCommission~~ shall have the authority to remedy violations of this ~~Ordinance under 25 USC §2713 and its implementing regulations, and the Tribe shall have all rights and remedies thereunderarticle.~~

ARTICLE XII: ENFORCEMENT XIII: RESOLUTION OF PATRON GAMING DISPUTES

~~The Tribal Council Commission shall promulgate regulations authorizinggoverning the Commission or other agentresolution of patron gaming disputes over the Band to investigate reported violationsplay or operation of this Ordinance, other tribal gaming ordinances or any game, including refusal to pay to any patron any alleged winnings from any Gaming activities. Such regulations, IGRA or must meet the minimum standards set forth in the Compact and to impose fines or other sanctions within the Band's jurisdiction against persons who interfere with the Band's obligations under this Ordinance, other tribal gaming ordinances or regulations, IGRA or the Compact, if any.~~

ARTICLE XIII: RESOLUTION OF PATRON DISPUTES

~~Patrons of the Band's class II and class III gaming facilities who have complaints against the gaming establishment, including disputes with any management contractor or its employees, shall have as their sole remedy the right to file a petition for relief with the Commission. Complaints shall be submitted in writing no later than thirty (30) days after the occurrence of the incident on which the complaint is based. At the discretion of the Commission , the petitioner~~

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~~may be allowed to present evidence. The Commission will render a decision in a timely fashion and all such decisions will be final when issued. Each claim by a patron shall be limited to a maximum recovery of ten thousand dollars (\$10,000.00), and a cumulative limit of ten thousand dollars (\$10,000.00) per patron in any 12-month period.~~

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ARTICLE XIV: SERVICE OF PROCESS

The Band designates the Band's Chairperson as its agent for service of any official determination, order, or notice of violation.

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ARTICLE XV: COMPLIANCE WITH FEDERAL LAW

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

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ARTICLE XVI: REPEAL

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

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ARTICLE ~~XVII~~XVII: SEVERABILITY

If any provision of this Ordinance shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

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ARTICLE ~~XVIII~~XVIII: AMENDMENT OF ORDINANCE

This Ordinance may be amended or repealed by unanimous vote of the Tribal Council.

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ARTICLE ~~XVIII~~XVIII: EFFECTIVE DATE ~~XIX~~XIX: MISCELLANEOUS

~~This Ordinance shall become effective immediately upon its approval by the Chairman of the NIGC or ninety (90) days after the date of its submission to the Chairman of the NIGC if he or she fails to approve or disapprove this Ordinance within those ninety (90) days.~~

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**PASKENTA BAND OF NOMLAKI INDIANS OF CALIFORNIA
GAMING REGULATION 00419B**

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Section 1. Amendments.

This ordinance may be amended by a majority vote of the Tribal Council at a duly scheduled meeting with a quorum present, consistent with the Tribal Constitution.

Section 2. Savings Clause.

If any provision of this ordinance is found to be contrary to any tribal or federal law by a court of competent jurisdiction, only that provision shall be stricken and all other provisions of this ordinance shall remain in effect.

ARTICLE XX: LICENSING AND BACKGROUP INVESTIGATION PROCEDURES

Section 1. Purpose

This Licensing and Background Investigation **Procedures**

~~I.~~ Purpose

~~This~~ Regulation ("Regulation") describes the procedures to be followed by the Paskenta Gaming Commission (the "Commission") when conducting background investigations and issuing licenses in connection with any class II or class III gaming facilities operated on the Paskenta Reservation pursuant to the Band's Gaming Ordinance.

~~II.~~ Section 2. Incorporation by Reference

This Regulation supplements the provisions of the Band's Gaming Ordinance, the Indian Gaming Regulatory Act (~~25~~25 U.S.C. § 2701 et seq.) and its regulations (25 C.F.R. § 500 et seq.) ("IGRA"), and the gaming compact between the Band and the State of California (the "Compact"), which are incorporated herein. In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance, IGRA or the Compact, the provisions of the Gaming Ordinance or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance or the Compact.

~~III.~~ Section 3. Scope

The following persons and entities are required to be licensed by the Commission, and as a basis for issuing a license the Commission must conduct or cause to be conducted a background investigation of those persons listed in subparagraphs A — C below:

- A. ~~A.~~ All ~~employees~~Gaming Employees, including ~~key employees~~Key Employees and ~~primary management officials~~Primary Management Officials, employed at any class II or class III gaming enterprise operated under this Ordinance;

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- B. Gaming resource suppliers required to be licensed under Subsection 6.4.5 of the Compact;
- C. Persons extending financing, directly or indirectly, to the Band's gaming facility or gaming operations; and
- D. Each place, facility, or location where class II or class III gaming is conducted under this Ordinance.

~~IV. Powers and Responsibilities~~

~~The Commission has the following powers and responsibilities:~~

- ~~A. To conduct or cause to be conducted background investigations;~~
- ~~B. To receive, directly or through its agents, state summary criminal history information, as defined in subsection 11105(a) of the California Penal Code, as maintained under a license applicant's name by the California Department of Justice, and to take such measures as are reasonably necessary to prevent the release of such records or information to persons who are not authorized by law to receive the record or information;~~
- ~~C. To prepare or cause to be prepared an investigative report in compliance with the Gaming Ordinance;~~
- ~~D. To review and approve the investigative work done;~~
- ~~E. To obtain and process fingerprints, directly or through its agents;~~
- ~~F. To forward license applications and the results of the background investigations to the National Indian Gaming Commission ("NIGC") and the State Gaming Agency, to the extent required by IGRA and the Compact.~~
- ~~G. To make eligibility determinations in accordance with Section DC of this Regulation;~~
- ~~H. To issue, deny, suspend, revoke and renew licenses in accordance with the provisions of this Regulation; and~~
- ~~I. To maintain records on persons who have been issued or denied a license, as well as persons otherwise prohibited from engaging in gaming activities within the Band's jurisdiction, for a period of three (3) years from the date on which the license expired or was revoked or denied.~~

~~V. 4. Scope of Investigations~~

~~The~~For all persons seeking a Tier 1 Employee License or a Tier 2 Employee License, the Commission shall conduct or cause to be conducted all necessary background investigations reasonably required to determine that an applicant is eligible for a license in accordance with the standard set forth in Section IX of this Regulation. The information submitted by an applicant for a Tier 1 or Tier 2 Employee License may be verified by written or oral communication. The disposition of all potential problem areas noted and disqualifying information obtained shall be documented by the Commission.~~The~~

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A. For all persons seeking a Tier 1 Employee License, the minimum procedures for conducting background investigations on applicants for licenses are as follows:

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1. Criminal history check, including a check of records maintained by the Federal Bureau of Investigations and the California Department of Justice;

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

3. Civil history check;

4. Financial and credit check;

5. Reference check;

6. Previous business and employment check;

7. Relative check;

8. Business and personal associates check;

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9. A. — Fingerprint check;

10. Educational verification;

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

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

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

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B. For all persons seeking a Tier 2 Employee License, the minimum procedures for conducting background investigations are as follows:

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1. Criminal history check, including a check of records maintained by the Federal Bureau of Investigations and the California Department of Justice;

~~1. B. Civil history check;~~

~~1. C. Financial and credit check;~~

2. D. Reference check;

3. E. Previous business and employmentEmployment check; and

~~1. F. Relative check;~~

~~1. G. Business and personal associates check;~~

4. H. Fingerprint check; and

I. Educational verification.

C. The above information submitted by the applicant may be verified by written or oral communication. When a Primary Management Official or Key Employee is employed by the Band, a complete application file, containing all of the information listed in Section XII, shall be maintained.

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

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~~Section 5. The disposition of all potential problem areas noted and disqualifying information obtained shall be documented by the Commission.~~

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VI. Cooperation

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The Commission shall cooperate with the State Gaming Agency in sharing as much background information as possible, in order to maximize investigative efficiency and thoroughness and to minimize investigative costs.

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VII. Section 6. Fingerprinting

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The Commission shall be deemed to be the Band's law enforcement agency for the purpose of taking fingerprints and conducting criminal history checks under this Regulation. The Commission may elect to process fingerprint cards directly on behalf of the Band or to process fingerprint cards through the State Gaming Agency or the NIGC and may execute such documents as may be necessary to enter into such an arrangement. Fingerprint cards shall be submitted to the Federal Bureau of Investigations and the California Department of Justice in order to obtain criminal history record information.

VIII. Section 7. Confidentiality

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The identity of third parties interview during the course of background investigations shall be kept confidential.

IX. Section 8. Eligibility Determinations

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The Commission shall review an applicant's prior activities, criminal record, if any, and reputation habits and associations to make a finding concerning an applicant's eligibility for a license. A license may not be issued unless the Commission is satisfied the applicant is a person of good character, honesty and integrity. The Commission shall not license a person if the Commission determines that the licensing of the person: poses a threat to the public interest or to the effective regulation of gaming; ~~mattescreates~~ or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaining or the carrying on of business and financial arrangements incidental thereto; or will undermine public trust that tribal gaming is free from criminal and dishonest elements and would be conducted honestly. The Commission may, after consultation between the Executive Director and Commissioners, license a person previously convicted of a crime if the Commission determines that the individual's past criminal conduct does not violate the standards of character set forth in the preceding sentence.

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In making findings concerning the eligibility of license applicants, the Commission shall take into consideration any of the following circumstances:

- A. If the applicant knowingly and intentionally provided false statements or information or omitted relevant information on the application, or otherwise misrepresented or failed to disclose a material fact to the Commission;

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- B. If the prior activities, criminal record, reputation, habits, and association indicate that the person may be a threat to the public interest or to the effective regulation and control of gaming;
- C. If association with or employment of this applicant mates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;
- D. If the applicants has violated, failed, or refused to comply with the provisions, requirements, conditions, limitations, or duties imposed by any provision of the Compact or Gaming Ordinance, or possessed knowledge that such violation has occurred upon any premises occupied or operated by any such person or over which he or she has/had substantial control;
- E. If the applicant knowingly caused, aided, abetted, or conspired with another to cause any person or entity to violate any of the laws of any state, the provisions of the Compact or the Gaming Ordinance;
- F. If the applicant has ever obtained a license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
- G. If the applicant has ever been convicted of, or forfeited bond upon a charge or plead guilty to forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payment or reports to any Tribal, State, or U.S. Government agency at any level, or filed false reports therewith, or of any similar offense(s), or of bribing or otherwise unlawfully influencing a public official or employee of a Tribe, a State, or the U.S. Government, or of any felony or misdemeanor involving any gaming activity physical harm to individuals or moral turpitude;
- H. If the applicant is subject to current prosecution or pending charges, or a conviction under appeal for any of the offenses listed above. Upon request of the applicant, the Commission may defer decision on the application pending the results of such prosecution or appeal;
- I. If the applicant has demonstrated a willful disregard for compliance with a gaming regulatory authority in any jurisdiction or has ever had a gaming license issued by any State, Tribe or foreign gaming regulatory agency suspended, revoked or denied; or
- J. If the applicant has failed to provide any information requested by the Commission within fourteen (14) days of the request for the information.

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~~*~~ Section 9. Privacy Notice

- A. The following notice, or substantially similar wording contained in such standardized application forms as may be adopted by California Tribes and the State of California pursuant to the compact, shall be placed on the license application form before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided. Solicitation of the information on this form is authorized by 25 U.S.C. § 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be ~~employed in or do business with~~ granted a gaming ~~operation~~ license. The information will be used by the Paskenta Gaming Commission, the State Gaming Agency, and 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 Band or the National Indian Gaming Commission 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, the State Gaming Agency, or the National Indian Gaming Commission in connection with the ~~hiring or firing of an employee; the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation.~~ Failure to consent to the disclosures indicated in this notice will result in a ~~tribe's being unable to hire you or do business with you. The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.~~ tribe being unable to hire you for a Primary Management Official or Key Employee position.

- B. Existing licensees shall be notified in writing that they shall either:
 1. Complete a new application form that contains a notice regarding false statements; or
 2. Sign a statement that contains the Privacy Act notice; or routine uses described ~~in~~ in that notice.

~~XI.~~ Section 10. Notice Regarding False Statements

- ~~A.~~ The following ~~additional~~ notice, or such substantially similar wording contained in standardized application forms as may be adopted by California Tribes and the State of California pursuant to the Compact, shall be placed on the application form ~~for a Key Employee or a Primary Management Official~~ before ~~that form~~ is filled out by an applicant:

: A false statement on any part of your application may be grounds for denial or revocation of a ~~licensed~~ license. Also, you may be punished by fine or imprisonment.

- A. (U.S. Code, title 18, section 1001.)

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- B. The Commission shall notify in writing existing licensees that they shall either:
 1. Complete a new application form that contains a notice regarding false statements; or
 2. Sign a statement that contains the notice regarding false statements.

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~~XII.~~ Section 11. Required Information -- General

The Commission shall request from each applicant all of the following information:

- A. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- ~~B.~~ B. Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
- ~~C.~~ C. 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 (1) (b)~~ of this Section;
- ~~D.~~ D. Current business and residence telephone numbers, and all cell phone numbers;
- E. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- F. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those business;
- G. 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;
- H. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any,
- I. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten (10) years of the date of the application; the name and address of the court involved and the date and disposition;
- J. 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 paragraph (h) or (i) of this

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Section, the criminal charge, the name and address of the court involved and the date of disposition;

- K. The name and address of any licensing or regulatory agency with which the person has filed an application for any occupational license or permit, whether or not such license or permit was granted;
- L. A current photograph;
- M. Any other information the Commission deems relevant; and
- N. Fingerprints consistent with procedures adopted by the Commission ~~according to 25 C.F.R. §§ 522.2(h)~~ in accordance with NIGC regulations.

~~XIII.~~ Section 12. Required Information -- Business Entities

~~In addition to the information required under Section XII of this Regulation, the Commission shall request from an applicant that is a business entity all of the following information, provided that two (2) or more business entities having a commonality of the characteristics identified in the following subparagraphs A — D, inclusive, may be deemed to be a single business entity:~~

- ~~A. — Each of its officers and directors;~~
- ~~B. — Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, and general manager;~~
- ~~C. — Each of its owners or partners, if an unincorporated business;~~
- ~~D. — Each of its shareholders who owns more than ten percent (10%) of the shares of the corporation, if a corporation;~~
- ~~E. — Each person or entity (other than a financial institution that the Commission has determined does not require a license under Subsection 6.4.6 of the Compact) that, alone or in combination with others, has provided financing to the business entity in connection with any gaming authorized under the Compact, if that person or entity provided more than ten percent (10%) of:
 - ~~1. — the start-up capital;~~
 - ~~2. — the operating capital over a 12-month period; or~~
 - ~~3. — a combination thereof.~~~~

~~XIV.~~ Report to the NIGC

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~~A. When a key employee or primary management official begins work at a gaming operation authorized by this Ordinance, the Commission shall forward to the NIGC a completed application for employment and conduct the background investigation and make the determination referred to in Section IX of this Regulation. The commission shall prepare and forward to the NIGC, within sixty (60) days after a key employee or primary management official begins work or within sixty (60) days of the approval of this Ordinance by the Chairman of the NIGC, an investigative report on each background investigation and a copy of the eligibility determination made under Section DC of this Regulation. The background investigation report shall include all of the following:~~

~~1. In order to be a licensed Gaming Resource Supplier, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include those officers, directors, managers, owners, partners, and non-institutional stockholders that either own 10% or more of the business' stock or are the 10 largest stockholders, as well as the on-site supervisors or managers designated in an agreement with the Tribe, if applicable.~~

~~The Commission shall request the following information from an applicant that is a business entity seeking to be licensed as a Gaming Resource Supplier:~~

- ~~A. Name of business, business address, business telephone number(s), federal tax identification number (or social security number, if a sole proprietorship), main office address (if different from business address), any other names used by the applicant in business, and type of service(s) applicant will provide;~~
- ~~B. Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship or other entity;~~
- ~~C. 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 then the state of incorporation.~~
- ~~D. Trade name, other names ever used and names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;~~
- ~~E. General description of the business and its activities;~~
- ~~F. Whether the applicant will be investing in, or loaning money to, the gaming operation, and if so, how much;~~
- ~~G. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;~~
- ~~H. A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial or management interests in any non-gaming activity;~~

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- I. Names, addresses and telephone numbers of three (3) business references with whom the company has regularly done business for the last five (5) years;
- J. 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;
- K. If the business has ever had a license revoked for any reason, the circumstances involved;
- L. 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;
- M. A list of the business' funding sources and any liabilities of \$50,000 or more;
- N. A list of the principals of the business, their social security numbers, addresses, telephone numbers, titles and percentage of ownership in the company; and
- O. Any further information the Band deems relevant.

Section 13. Investigative Reports

- A. The Band 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 a background the investigation;
- 2. Results obtained;
- 3. Conclusions reached; and
- 4. The basis for those conclusions.

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B. Section 14. Report to the NIGC

Before issuing a license to a Primary Management Official or Key Employee, the Tribal Gaming Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC.

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A. The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Band.

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

- 1. The applicant’s name, date of birth and social security number;
- 2. The date on which the applicant began, or will begin, working as a Primary Management Official or Key Employee;
- 3. A summary of the information presented in the investigative report, including:
 - a. licenses that have previously been denied;
 - b. gaming licenses that have been revoked, even if subsequently reinstated;
 - c. every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
 - d. every felony offense of which the applicant has been convicted or any ongoing prosecution; and
- 4. A copy of the eligibility determination made in accordance with the Ordinance.

C. With respect to ~~key employees and primary management officials~~ Key Employees and Primary Management Officials, if a license is not issued to an applicant, the Commission shall notify the NIGC and may forward copies of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records Systems.

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D. C. With respect of ~~key employees~~ Key Employees and ~~primary management officials~~ Primary Management Officials, the Commission shall retain applications for employment and reports (if any) of background investigations 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.

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XV. Section 15. Reporting to State Gaming Agency

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A. Except for an applicant for licensing as a non-key gaming employee, as defined by agreement between the Commission and the State Gaming Agency, the Commission shall require the applicant to also file an application with the State Gaming Agency, prior to issuance of a license, for a determination of suitability for licensure under the California Gambling Control Act.

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~~B.~~ B. Upon receipt of a completed license application and a determination, by the Commission that it intends to issue a license, the Commission shall transmit to the State Gaming Agency a notice of intent to license the applicant, together with all of the following:

1. A copy of the license application materials and information received by the Commission from the applicant;
2. An original set of fingerprint cards;
3. A current photograph; and
4. Except to the extent waived by the State Gaming Agency, such releases of information, waivers, and other completed and executed forms as have been obtained by the Commission.

C. Upon receiving notice of the State Gaming Agency's denial of an application for a determination of suitability, the Commission shall promptly notify the Tribal Council and, if the Commission objects to the denial, request an opportunity for the Band to be heard and diligently exercise its right to a hearing.

D. With respect to non-key gaming employees, as defined by agreement between the Commission and the State Gaming Agency, the Commission shall provide the State Gaming Agency with the name, badge identification number, and job descriptions of all such employees on a monthly basis, within seven (7) days of the end of each month.

~~XVI.~~ Section 16. Granting a Gaming License

~~A.~~ A. ~~Key Employees and All~~ Primary Management Officials. ~~It~~ and Key Employees of the gaming operation must have a gaming license issued by the Band.

A. The Commission is responsible for granting and issuing gaming licenses to Primary Management Officials and Key Employees.

B. Key Employees and Primary Management Officials.

1. 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 Article XIV.

2. If, within a 30-day period after the NIGC receives a report, the NIGC notifies the Commission that it has no objection to the issuance of a license pursuant to a license application filed by a ~~key employee~~ Key Employee or a ~~primary management official~~ Primary Management Official

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for whom the commission has provided an application and investigative report to the NIGC, the Commission ~~any~~ may issue a license to such applicant.

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3. The Commission shall respond to a request for additional information from the Chairman of the NIGC concerning a ~~key employee~~ Key Employee or a ~~primary management official~~ Primary Management Official who is subject of a report. Such a request shall suspend the 30-day period until the Chairman of the NIGC receives the additional information. ~~It within the 30 day period described above, the NIGC provides the Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Commission has provided an application and investigative report to the NIGC, the Commission shall reconsider the application,, taking into account the objections itemized by NIGC.~~ The Commission shall make the final decision whether to issue a license to such applicant.

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4. ~~B.~~ The Commission must reconsider a license application for a Primary Management Official or Key Employee if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within 30 days of the NIGC receiving a notice of results of the applicant's background investigation.
5. Commission shall take the NIGC's objections into account twhen reconsidering a license application.
6. 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 Article XXII.
7. The Commission shall notify the NIGC of the issuance of a license to a Primary Management Official or Key Employee within 30 days of issuance.
8. The Band shall not employ an individual in a Primary Management Official or Key Employee position who does not have a license after 90 days of beginning work at the gaming operation.
9. The Band will make the final decision whether to issue a license to an applicant for a Primary Management Official or Key Employee position.

- C. All Gaming Employees, Including Primary Management Officials. If an applicant has completed a license application to the satisfaction of the ~~commission~~ Commission, and the Commission has conducted a preliminary background investigation, the Commission may issue a temporary license and impose such conditions thereon as it deems appropriate pending completion of the

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licensing process, provided that the Commission has no information suggesting the applicant would either be automatically disqualified from obtaining a license or that would cause a reasonable person to investigate further before issuing a license. A temporary tribal gaming license shall remain in effect until suspended or revoked, or a final determination is made on the application by the Commission, or for a period of up to one (1) year, whichever comes first. The Commission may issue a regular license to a person who meets the eligibility standards set out in Section ~~IXVIII~~ of this Regulation after receiving a determination of the applicant's suitability from the State Gaming Agency. In the event the State Gaming Agency denies an applicant a determination of suitability or refuses to renew a determination of suitability, the Commission shall revoke any temporary license issued to the applicant and deny the applicant a license, except that the Commission shall have discretion to renew a license if the person ~~is an enrolled member of the Band or~~ has been continuously employed by the Band for at least three (3) years prior to the effective date of the Compact and also meets the following criteria:

1. 1.—The person holds a valid and current license issued by the Commission that must be renewed at least biennially;
2. 2.—The person is not an employee or agent of any other gaming operation; and
3. 3.—The State Gaming Agency's denial of the person's application for a determination of suitability is based solely on activities, conduct or associations that antedate the filing of the person's initial application to the State Gaming Agency for a determination of suitability.

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XVII.—In addition, the Band may employ or retain in its employ a person whose application for a determination of suitability, or for a renewal of such a determination, has been denied by the State Gaming Agency, if the person is an enrolled member of the Band, and if:

4. The enrolled member of the Band holds a valid and current license issued by the Commission that must be renewed at least biennially;
5. The enrolled member of the Band is not an employee or agent of any other gaming operation; and
 - a. The enrolled member was eligible for an exemption under section 6.4.4, subdivision (d) of the 1999 Compact, was granted a license by the Tribal Gaming Agency while the 1999 Compact was in effect, and the State Gaming Agency's denial of the application is based solely

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on activities, conduct, or associations that antedate the Tribal Gaming Agency's first grant of a license to the tribal member pursuant to the 1999 Compact; or

b. The denial of the application by the State Gaming Agency is based solely on activities, conduct, or associations that antedate by at least ten (10) years, the filing of the enrolled member of the Band's initial application to the State Gaming Agency for a determination of suitability.

Section 17. Limitation

The gaming operation shall not employ or continue to do business with a person who does not have a license that is not a temporary license after ninety (90) days.

~~XVIII.~~ Section 18. Identification Cards

All persons who are required to be licensed pursuant to the Gaming Ordinance shall be required to wear, in plain view at all times while in a gaming facility licensed by the Commission, identification badges issued by the Commission. The identification badges must display the person's photograph, identification number, name and expiration date of his or her license.

~~XIX.~~ Section 19. Gaming Facility

- A. The Commission shall issue a separate license to each facility where class II or class III gaming is conducted under this Ordinance. The license shall be posted in a conspicuous and public place in the gaming facility at all times.
- B. The Commission shall determine and, if appropriate, certify that ~~each~~ gaming facility, or the modification or expansion of a gaming facility, meets the Band's building and safety code and the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. Based an inspection by qualified building and safety experts.
- C. The Commission shall give reasonable notice of each inspection to the State's designated agent or agents, who may accompany any such inspection. The Commission and the State's designated agent or agents shall exchange any inspection reports within ten (10) days after completion of the report and simultaneously forward copies of such reports to Band's Chairperson.
- D. The Band is responsible for ensuring that any gaming facility condition noted in an inspection that does not meet the standards set out in paragraph B of this Section is ~~caroled~~.

A. E.—If the State's designated agent or agents object to a certification by the Band's building and safety code experts that a gaming facility meets the standards set out ~~in~~ paragraph B of this Section, the Band shall make good faith efforts to address the State's concerns, but if the State does not withdraw its objection the

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matter will be resolved in accordance with the dispute resolution provisions of Section 9 of the Compact.

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~~XX.~~ Section 20. Gaming Resource Suppliers

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A. Any gaming resource supplier who, directly or indirectly, provides, has provided, or is deemed likely to provide at least twenty five thousand dollars (\$25,000.00) in gaming resources in any 12-month period, or who has received at least twenty five thousand dollars (\$25,000.00) in any consecutive 12-month period with the 24-month period immediately preceding application, shall be licensed by the commission prior to the sale, lease, or distribution, or further sale, lease, or distribution, of any such gaming resources to or in connection with the Band's gaming facilities. The Band shall license any gaming resource supplier prior to the sale, lease, or distribution, or further sale, lease, or distribution, of any gaming resources to or in connection with the Band's gaming facilities. As the term is used herein, the term "gaming resource supplier" means any person or entity who, directly or indirectly, does, or is deemed likely to, manufacture, distribute, supply, vend, lease, purvey, or otherwise provide, to the Gaming Operation or Gaming Facility at least twenty-five thousand dollars (\$25,000) in Gaming Resources in any twelve (12)-month period, or who, directly or indirectly, receives, or is deemed likely to receive, in connection with the gaming operation or Gaming Facility, at least twenty-five thousand dollars (\$25,000) in any consecutive twelve (12)-month period, provided that the Tribal Gaming Agency may exclude a purveyor of equipment or furniture that is not specifically designed for, and is distributed generally for use other than in connection with, Gaming Activities, if, but for the purveyance, the purveyor is not otherwise a Gaming Resource Supplier as defined herein, the compensation received by the purveyor is not grossly disproportionate to the value of the goods or services provided, and the purveyor is not otherwise a person who exercises a significant influence over the Gaming Operation.

B. The Commission shall employ or otherwise engage an investigator to complete an investigation of applicants seeking licensure as a Gaming Resource Supplier. This investigation shall include, at a minimum, the following steps:

1. Verification of the vendor's business' incorporation status and qualifications to do business in the state where the gaming operation is located;
2. Obtaining a business credit report, if available, and conducting a Better Business Bureau check on the vendor;
3. Conducting a check of the vendor's business' credit history;
4. Calling and questioning each of the references listed in the vendor

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application;and

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

C. The investigator shall complete an investigative report covering each of the steps taken in the background investigation of the Gaming Resource Supplier and its principals, and present it to the Commission.

D. The Band shall not enter into, or continue to make payments pursuant to, any contract or agreement for the provision of gaming resources with any person whose application to the State Gaming Agency for a determination of suitability has been denied or has expired without renewal.

E. The license and determination of suitability of a Gaming Resource Supplier shall be reviewed at least every two (2) years for continuing compliance. In connection with such a review, the Commission shall require the Gaming Resource Supplier to update all information provided in the previous application.

F. Any agreement between the Band and a gaming resource supplier Gaming Resource Supplier shall be deemed to include a provision for its termination without further liability on the part of the Band, except for a bona fide repayment of all outstanding SUMSsums (exclusive of interest) owed as of, or payment for services or materials received up to, the date of termination, upon revocation or non-renewal of the supplier's license by the Commission based on a determination of unsuitability by the State Gaming Agency. For purposes of licensing such suppliers, “gaming resources” do not include professional accounting services, legal services or the supplying of food and beverage to the Gaming Facility or to other enterprises owned by the Band.

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XXI. Section 21. Financial Sources

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A. Any person extending financing, directly or indirectly, to the Band's gaming facilities or gaming operations Each Financial Source shall be licensed by the Commission prior to extending that financing, provided that any person who is extending financing at the time of the execution of the Compact shall financing in connection with the Band’s Gaming Facilities or gaming operations..

B. Every Financial Source required to be licensed by the Commission shall, contemporaneously with the filing of its tribal license application, apply to the State Gaming Agency for a determination of suitability. In the event the State Gaming Agency denies or revokes the determination of suitability, the Commission shall deny or revoke the Financial Source’s license within ninety

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~~(90 thirty (30) days of such execution, receiving notice of denial or revocation from the State Gaming Agency.~~

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

D. Any agreement between the Band and a ~~financial source~~ Financial Source shall be deemed to include a provision for its termination without further liability on the part of the Band, except for the bona fide repayment of all outstanding sums (exclusive of interest) owed as of the date of termination, upon revocation or non-renewal of the ~~financial source's~~ Financial Source's license by the Commission based on a determination of unsuitability by the State Gaming Agency. The Band shall not enter into, or continue to make payments pursuant to, any contract or agreement for the provision of financing with any person whose application to the State Gaming Agency for a determination of suitability has been denied or has expired without renewal. ~~A gaming resource supplier~~

E. A Gaming Resource Supplier who provides financing exclusively in connection with the sale or lease of gaming resources obtained from that supplier may be licensed solely in accordance with licensing procedures applicable, if at all, to ~~gaming resource suppliers.~~ Gaming Resource Suppliers, and need not be separately licensed as a Financial Source under this section.

F. The Commission may elect to license a person or entity as a Financial Source without requiring it to apply to the State Gaming Agency for a determination of suitability under this section if the Financial Source has already been issued a determination of suitability that is then valid. In that case, the Commission shall immediately notify the State Gaming Agency of its licensure of the person or entity as a Financial Source, and shall identify in its notification the State Gaming Agency determination of suitability on which the Commission has relied in proceeding under this subdivision (F). Subject to the Commission's compliance with the requirements of this subdivision, a Financial Source licensed under this subdivision may, during and only during the period in which the determination of suitability remains valid, engage in financing in connection with the Band's Gaming Activities and operations, without applying to the State Gaming Agency for a determination of suitability. The issuance of a license under this subdivision is in all cases subject to any later determination by the State Gaming Agency that the Financial Source is not suitable or to a tribal gaming license suspension or revocation pursuant to section 6.5.1, and does not extend the time during which the determination of suitability relied on by the Commission is valid. A license issued under this subdivision expires upon the revocation or expiration of the determination of suitability relied on by the Commission. Nothing in this subdivision affects the obligations of the Commission, or of the Financial Source under the Compact.

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G. Except where subdivision (F) applies, within twenty-one (21) days of the issuance of a license to a Financial Source, the Commission shall transmit to the State Gaming Agency a copy of the license and a copy of all tribal license application materials and information received by it from the applicant which is not otherwise.

H. Exclusions:

1. The Commission may, at its discretion, exclude from the licensing requirements of this section, financing provided by-~~a.~~
 - a. A federally regulated or state-regulated bank, savings and loan, or other federally- or state-regulated lending institution; ~~or any~~
 - b. Any agency of the federal, state, or local government, or any investor who, alone or in conjunction with others, holds less than 10% of any outstanding indebtedness evidenced by bonds issued by the Band;~~i.~~
 - c. ~~XXII~~—A real estate investment trust (as defined in 26 U.S.C. § 856(a)) which is publicly traded on a stock exchange, registered with the Securities and Exchange Commission, and subject to the regulatory oversight of the Securities and Exchange Commission; and
 - d. An entity or category of entities that the State Gaming Agency and the Tribal Gaming Agency jointly determine can be excluded from the licensing requirements of this section without posing a threat to the public interest or the integrity of the Band’s gaming operations.
2. In any case where the Commission elects pursuant to exclude a Financial Source from the licensing requirements of this section, the Commission shall give no less than thirty (30) days’ notice thereof to the State Gaming Agency, and shall give the State Gaming Agency reasonable advance notice of any extension of financing by the Financial Source in connection with the Band’s Gaming Facilities or operations, and upon request of the State Gaming Agency, shall provide it with sufficient documentation to support the Commission’s exclusion of the Financial Source from the licensing requirements of this section.
3. The Commission shall work collaboratively with the State Gaming Agency to resolve any reasonable concerns regarding the initial or ongoing excludability of an individual or entity as a Financial Source.

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Section 22. Denial, Revocation and Suspension of License

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A. A license shall be suspended, revoked or denied upon the occurrence of any of the following:

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- 1. ~~A.~~ Notification by the NIGC, or by any other reliable source, that the licensee is not eligible for a license under Section IX of this Regulation;

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- 2. ~~B.~~ Notification by the State Gaming Agency that it intends to deny an application for a determination of suitability or a renewal of determination of suitability;

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- 3. ~~C.~~ The Commission has probable cause to believe that the licensee has, by act or omission, violated provisions of the Compact, the Gaming Ordinance, the Band's Gaming Regulations, any condition of a Conditional Gaming License, or any other Federal, State or Tribal laws or regulations;

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- ~~D.~~ The Commission has reason to believe that the continued licensing of a person
 - 4. ~~constitutes an immediate threat to the public interest or to the public health, safety or welfare;~~

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 - 5. ~~E.~~ The Commission has reason to believe that the licensee is involved in any theft, misappropriation, misuse or abuse of Tribal assets;

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 - 6. ~~F.~~ The licensee engages in any conduct that brings discredit or embarrassment to the Band's gaming operations or the Band, or interferes with the normal operation of the Band's gaming facilities;

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 - 7. ~~G.~~ The licensee fails to disclose any required information on any State or Tribal gaming license application;

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 - 8. ~~H.~~ The licensee fails to respond to a request from the Commission within fourteen (14) days of the date of the initial request ~~of~~;

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 - 9. ~~I.~~ The Commission determines that licensing the person poses a threat to the effective regulation of gaming;

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10. The Commission determines that licensing the person creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and/or activities in the conduct of gaming; or

11. The licensee's employment with the Band's gaming operations is terminated, voluntarily or involuntarily.

B. ~~XXIII. 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

C. If, after a license is issued to a Primary Management Official or a Key Employee, the Band receives notice from the NIGC that the Primary Management Official or Key Employee is not eligible for employment, the Tribal Gaming Commission shall:

1. Immediately suspend the license;

2. Provide the licensee with written notice of the suspension and proposed revocation pursuant to Article XXII; and

3. Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license pursuant to Article XXII.

D. Following a revocation hearing, the Band shall decide whether to revoke or reinstate the license at issue.

E. The Band 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 23, Due Process

The denial, suspension or revocation of a license pursuant to Section XXII of this Regulation shall require:

A. Written, certified, return receipt requested or personally hand-delivered notification of the denial, suspension or pending revocation be given to the licensee ten (10) days in advance of the proposed action;

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- B. Such written notification shall include information concerning the licensee's right to a hearing, shall specify the date, time and place for the hearing, and shall also advise the licensee that failure to appear for a scheduled hearing shall forfeit any further right to appeal;
- C. The Commission shall make a ruling within three (3) days, and the licensee shall be notified in writing, within three (3) days of the ruling, of the ruling and the licensee's right to file a petition with the Commission for a rehearing within fifteen (15) days of the receipt of the written notification;
- D. If the licensee files a petition for a rehearing within fifteen (15) days of receipt of the written notification described in the preceding paragraph, the Commission shall review any additional information submitted by the licensee with the petition and notify the licensee in writing of its decision, which shall be a final decision.
- E. Notwithstanding subparagraph A above, the Commission may suspend or revoke a license without advance notice if in the opinion of the Commission, the continued licensing of the person:

- 1. ~~falsified~~Falsified a license application;
- 2. ~~poses~~Poses an immediate threat to the integrity of the Band's gaming operations;
- 3. ~~poses~~Poses a threat to public health or safety; or
- 4. ~~may~~May violate the Commission's licensing or other standards.

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~~XXIV.~~ Section 24. Duration and Renewal

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All regular licenses shall be effective for two (2) years from the date of issue. Renewal applications must be received by the Commission at least thirty (30) days prior to the expiration of the license. Upon receiving a renewal application, the Commission shall inform the applicant of his or her obligation to apply to the State Gaming Agency for renewal of his or her determination of suitability. Any licensee applying for renewal may continue to be employed or engaged under the expired license until the Commission takes action on the renewal application. Applicants for renewal shall provide updated material as requested by the commission but shall not be required to resubmit information already available to the Commission. Additional background investigations may be performed at the discretion of the Commission. Updated criminal history checks are required.

Prior to renewing a license the Commission shall forward to the State Gaming Agency copies of the renewal application and related document. With respect to gaming facilities, the Commission shall provide verification to the State Gaming Agency that it has reviewed and, if appropriate, renewed a gaming facility's license.

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~~XXV.~~ Section 25, Fees

The ~~Gaming Committee~~Commission shall establish a fee schedule for licenses and, subject to Tribal Council approval, may establish tiers of licensing fees that are applicable to Gaming Resource Suppliers. Application fees shall be nonrefundable, regardless of whether or not a license is issued. Such fees shall be made payable to the Paskenta Band of Nomlaki Indians of California.

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CERTIFICATION

~~We do hereby certify that this Regulation was reviewed and adopted a duly noticed Tribal Council meeting held on April 19, 2000, by a vote of 5 in favor, 0 opposed and 0 abstaining, and that said Regulation has not been amended or rescinded in any way.~~

~~Tribal~~ **ARTICLE XXI: EFFECTIVE DATE OF ORDINANCE**

~~This ordinance shall become effective upon adoption by a majority vote of the Tribal Council at a duly scheduled meeting. Adoption of the ordinance explicitly repeals any and all previously enacted Paskenta Gaming Commission Ordinance, previously effective as of December 11, 2020, and all of its amendments.~~

~~THE PASKENTA TRIBAL COUNCIL CERTIFIES THAT A MEETING WAS DULY CALLED, NOTICED AND CONVENED ON February 17, 2022 WHERE A QUORUM WAS PRESENT AND THIS RESOLUTION WAS ADOPTED BY A VOTE 3 FOR, 0 AGAINST, and 0 ABSTENTIONS.~~

DATE: February 17, 2022

Andrew Alejandro, Chairman _____ Date

ATTESTED BY:

DATE

Keith Ray, Secretary _____ Date

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