



July 11, 2022

VIA EMAIL

Sherry Cordova, Chairwoman
Cocopah Indian Tribe
14515 S. Veterans Drive
Somerton, AZ 85350

Re: Cocopah's Amended Gaming Ordinance

Dear Chairwoman Cordova,

This letter is in response to the Cocopah Indian Tribe's request, dated May 13, 2022, to the National Indian Gaming Commission ("NIGC") Chairman for review and approval of amendments to the Tribe's gaming ordinance.

Resolution CT-2022-11 replaces the Tribe's current gaming ordinance, CTO-2016-2, with a wholly revised and updated version. This newly amended ordinance reflects recent amendments to the Arizona State-Tribal Gaming Compact and NIGC regulation changes, and other updates deemed necessary by the Tribe in the 7 years since the last amendment.

The amendments are consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations and are hereby approved. If you have any questions concerning this letter or the ordinance review process, please contact Mandy Cisneros at mandy.cisneros@nigc.gov.

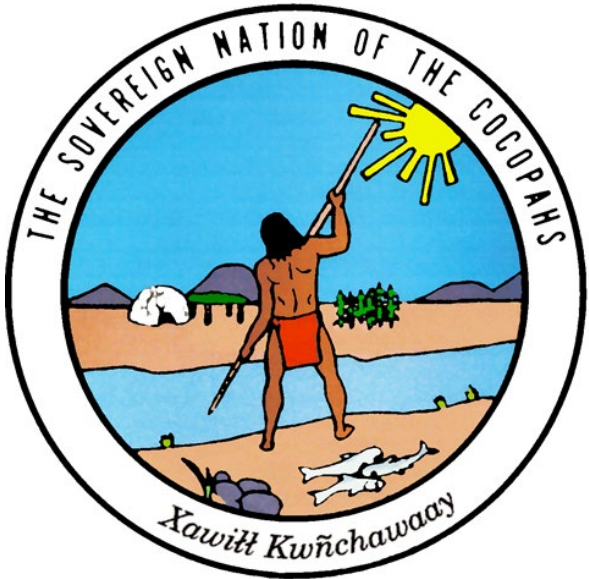
Sincerely,

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

E. Sequoyah Simermeyer
Chairman

cc: Judy Graham, Gaming Commission Chair, via email: sherry@cocopah.com
Glenn Feldman, Attorney, via email: glenn.feldman@procopi.com
Bonnie Atwell, Executive Director of Gaming, via email: batwell@cocopah-casino.com

ORDINANCE FOR THE REGULATION OF GAMING
ACTIVITIES
WITHIN
THE COCOPAH INDIAN TRIBE
AMENDED AND ADOPTED ON



MAY 13, 2022

DATE

CT-2022-11

BY RESOLUTION NUMBER

SUPERSEDES:

TRIBAL GAMING ORDINANCE ADOPTED APRIL 15, 1994 AND

AMENDED SEPTEMBER 20, 1999 AND NOVEMBER 21, 2016

BY RESOLUTION NUMBER: **CT99-26 & CTO-2016-2**

RESOLUTION NUMBER CT-2022-11
OF THE GOVERNING BODY OF THE COCOPAH TRIBE
OF THE COCOPAH RESERVATION

A RESOLUTION OF THE COCOPAH INDIAN TRIBE TO ADOPT AN AMENDED TRIBAL GAMING ORDINANCE APPLICABLE TO THE COCOPAH CASINO.

WHEREAS: The Cocopah Indian Tribe is a Federally Recognized Tribe, organized pursuant to the Indian Reorganization Act of June 18th 1934 (48 Stat. 9841), as amended by the Act of June 15th, 1935 (49 Stat. 378); and,

WHEREAS: The Cocopah Tribal Council is the legal governing body of the Cocopah Tribe, empowered by the Constitution and Bylaws of the Cocopah Tribe, and,

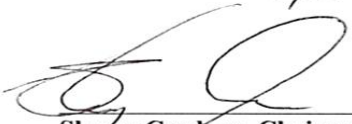
WHEREAS: The Cocopah Tribe owns a Casino and as such has entered into a Gaming Compact with the State of Arizona, and

WHEREAS: An Amended Tribal Gaming Ordinance been prepared and approved by the Cocopah Tribal Council to clarify, update and add recommendations and requirements per National Indian Gaming Commission, and Arizona Tribal-State Gaming Compact.

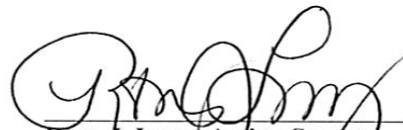
NOW THEREFORE, BE IT RESOLVED THAT, THE Cocopah Indian Tribe hereby approves the Amended Tribal Gaming Ordinance, Attached hereto as Exhibit A.

*******CERTIFICATION*******

The foregoing resolution was adopted by the Cocopah Tribal Council at a Regular Council meeting held on the 13 day of May 2022 with a quorum present by a vote of 3 **FOR** 0 **ABSTAINED** and 0 **AGAINST**.



Sherry Cordova, Chairwoman
Cocopah Tribal Council



Rosa J. Long, Acting Secretary
Cocopah Tribal Council

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CHAPTER 1 FINDINGS AND PURPOSES

SECTION 101 LEGISLATIVE FINDINGS

The Tribal Council of the Cocopah Indian Tribe is empowered by the Tribe's Constitution to enact ordinances, and hereby enacts this ordinance in order to govern and regulate the operations of Class II and/or Class III gaming operations on the Tribe's Indian lands. The Council hereby enacts this Ordinance to promote Tribal Economic Development, Self-Sufficiency, and Sovereignty; to shield the operation of gaming from organized crime and other corrupting influences; and to ensure that gaming is conducted fairly and honestly by both the Operator and players. The Tribal Council of the Cocopah Indian Tribe hereby finds:

- 1) That the orderly and honest conduct of gaming activities within the Cocopah Indian Tribe has been and will continue to be of vital importance to the economy of the Tribe, and to the general welfare of its members;
- 2) That the continued growth and success of gaming within the Cocopah Indian Tribe are dependent upon public confidence and trust that such activities are conducted honestly and that they are free from criminal and corrupt elements, and that the facilities in which such activities are conducted are designed and maintained to assure the safety and comfort of patrons of the gaming activities;
- 3) That such public confidence and trust can only be maintained by the comprehensive regulation of all people, practices, and activities related to the operation of the Tribe's gaming facilities; and
- 4) All of the Tribe's establishments where gaming is conducted, and all people holding positions of responsibility with respect to any such activity, must therefore be licensed, and their activities monitored, to assure that the public health, safety, and general welfare of the inhabitants of the Tribe and the patrons of its gaming facilities are fully protected, and so as to assure the economic success of gaming activities within the Tribe.
- 5) Unless specifically indicated otherwise, all provisions of this ordinance shall apply to Class II and/or Class III gaming on the Tribe's Indian lands.

SECTION 102 PURPOSES

This Ordinance is therefore enacted, and shall be interpreted, so as to accomplish the following purposes:

- 1) The maintenance of the highest standards of honesty and integrity in the operation of any and all gaming activities within the Cocopah Indian Tribe;
- 2) The maintenance of public confidence and trust in the honesty and integrity of such gaming activities, and in the people engaged in such activities;
- 3) The maximum reasonable economic return to the Cocopah Indian Tribe as the owner of gaming facilities within the Tribe consistent with the fair and reasonable expectation of patrons of such activities and the assurance of their safety and comfort in participating in gaming activities; and
- 4) Class II and/or Class III gaming is authorized to be conducted on Cocopah Indian lands. Such gaming shall be conducted in compliance with this Ordinance, the Indian Gaming Regulatory Act of 1988, NIGC Regulations, and any other applicable laws or regulations.

CHAPTER 2 DEFINITIONS

SECTION 201 DEFINITIONS

For purposes of this Ordinance:

- (a) "Act" means the Indian Gaming Regulatory Act, Public Law 100-497, 25 U.S.C. §§ 2701-2721 AND 18 U.S.C. §§ 1166-1168, and all regulations promulgated pursuant thereto.
- (b) "Chairperson" means the Chairperson of the Cocopah Tribal Gaming Commission established by this Ordinance.
- (c) "Class I Gaming" means all forms of gaming defined as Class I in Section 4(6) of the Act, 25 U.S.C. § 2703(6).
- (d) "Class II Gaming" means all forms of gaming defined as Class II in Section 4(7) of the Act, 25 U.S.C. § 2703(7).
- (e) "Class III Gaming" means all forms of gaming defined as Class III in Section 4(8) of the Act, 25 U.S.C. § 2703(8), and permitted by Arizona State/Tribal Gaming Compact.

- (f) "Commission" means the Cocopah Tribal Gaming Commission established by this Ordinance, and has the same meaning as "Tribal Gaming Office" under the Compact.
- (g) "Compact" means the Tribal-State Compact entered into between the Cocopah Indian Tribe and the State of Arizona pursuant to Section 11(d) of the Act, 25 U.S.C. § 2710(d).
- (h) "Constitution" means the Constitution of the Cocopah Indian Tribe ratified by the Cocopah Tribe on October 8, 1964, and approved by the Assistant Secretary of the Interior on November 16, 1964, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).
- (i) "Distributor" means a Person who distributes Gaming Devices, Gaming device software, host system software, or kiosk.
- (j) "Enrolled Tribal Member" members as designated in a tribal constitution or other document specifying enrollment criteria.
- (k) "Executive Director" means the Executive Director of the Cocopah Tribal Gaming Commission established pursuant to this Ordinance.
- (l) "Facility License" means a license issued by the Tribal Gaming Commission to each place, facility or location where the Tribe elects to allow class II or III gaming.
- (m) "Gaming Activities" means any forms of Class II and Class III Gaming conducted within the territorial jurisdiction of the Tribe.
- (n) "Gaming Device" or "Electronic Game of Chance" means a fixed location or mobile mechanical device, electro-mechanical device, a device controlled by an electronic microprocessor or in any other manner, whether that device would constitute Class II Gaming or Class III Gaming if operated on Indian Lands by an Indian tribe, that allows a player or players to play games of chance, whether or not the outcome of the game is also affected in some part by skill, and where the game includes the payment of consideration in the form of coins, tokens, bills, coupons, ticket vouchers, pull tabs, smart cards, electronic in-house accounting system credits or any other forms of consideration and, through the application of chance the player of the game may become entitled to a prize, which may be paid in coins, tokens, bills, coupons, ticket vouchers, smart cards, electronic in-house accounting system credits or any other forms of value. Gaming Device does not include any of the following:
 - 1. Those technological aids used in live bingo games that function only as electronic substitutes for bingo cards and cannot substitute for the bingo caller.

2. Devices that issue and validate paper lottery products and that are directly operated only by Arizona State Lottery licensed retailers and their employees.
 3. Devices expressly authorized by Arizona statues and which are operated directly by a lottery player and that dispense paper lottery tickets, if the devices do not identify winning or losing lottery tickets, display lottery winnings or disburse lottery winnings.
 4. Devices that are operated directly by a lottery player and that validate paper lottery tickets for a game that does not have a predetermined number of winning tickets, if:
 - (i) The device does not allow interactive gaming;
 - (ii) The device does not allow lottery player to play the lottery for immediate payment or reward;
 - (iii) The device does not disburse lottery winnings; and
 - (iv) The device is not Video Lottery Terminals, as defined in the Compact.
 5. Player Activated Lottery Terminals, as defined in the Compact.
- (o) "Gaming Employee" means any individual employed as a Primary Management Official or Key Employee of a Gaming Operation of the Tribe and any individual employed in the operation or management of a Gaming Operation, including, but not limited to, any individual whose employment duties require or authorize access to restricted areas of a Gaming Facility not otherwise open to the public.
- (p) "Gaming Facility" means the building, room or rooms or that portion of a room in which Class II gaming or Class III gaming authorized under the Compact is conducted on the Cocopah Reservation.
- (q) "Gaming Facility Operator" means the Cocopah Indian Tribe.
- (r) "Gaming Operation" means any Gaming Activities conducted within a Gaming Facility.
- (s) "Gaming Vendors " means any Person or entity which sells, leases, distributes or provides: (1) devices, machines, or equipment used directly in connection with Gaming Activity including that which has the capacity to affect the calculation, storage, collection, electronic security, or control of gaming revenues: (2) services which are unique to the operation of Gaming Activity, including, but not limited to, simulcasting and bookmaking: and (3) security or surveillance services or equipment for the Gaming Facility, Gaming Vendors include Persons who provide general construction contracting,

payroll and locks and locksmith services for the Gaming Facility, as well as Persons who provide player tracking, player acquisition, promotional, and marketing services related to Gaming Activity. "House Banking game" means any game of chance that is played with the house as a participant in the game, where the house takes on all players, collects from all losers, and pays all winners, and the house can win.

(t) "Indian Lands" means land as defined in 25 U.S.C. § 2703(4) (A) and (B), subject to the provisions of 25 U.S.C. § 2719.

(u) "Key Employee" means:

1. Any individual employed by the Gaming Facility Operator who performs one or more of the following functions:

(i) Bingo caller;

(ii) Counting room supervisor;

(iii) Chief of Security;

(iv) Custodian of gaming supplies or cash;

(v) Floor Manager;

(vi) Pit Supervisor;

(vii) Blackjack Dealer;

(viii) Approver of credit;

(ix) Custodian of Gaming Devices including any individual with access to cash and accounting records within Gaming Devices;

2. Any individual employed by the Gaming Facility Operator whose total cash compensation from his or her employment by the Gaming Facility Operator exceeds \$50,000 per year; and

3. The four most highly compensated employees of the Gaming Facility Operator.

(v) "License" means an approval issued by the Tribal Gaming Office to any natural person or entity to be involved in the Gaming Operation as a Gaming Employee, Gaming Vendor or in the providing of Ancillary Services to the Tribe.

- (w) "Licensee" means any natural person or entity that has been licensed by the Tribal Gaming Office to be involved in the Gaming Operation or in the providing of Gaming Services to the Tribe.
- (x) "Manufacturer" means a natural person or entity that manufactures Gaming Devices, gaming device software, host system software, or kiosk and who intends to furnish it to a distributor, supplier or the Tribe "Net Revenues" means the gross gaming revenues of the Gaming Facility Operator less amounts paid out as, or paid for, prizes and total operating expenses, excluding management fees.
- (y) "National Indian Gaming Commission (NIGC)" means the National Indian Gaming Commission established pursuant to 25 U.S.C. § 2704
- (z) "Ordinance" means this Ordinance for the Regulation of Gaming Activities within the Cocopah Indian Tribe, which governs the conduct of Gaming Activities within the Cocopah Indian Tribe, all amendments thereto, and all regulations promulgated there under.
- (aa) "Person" includes a corporation, company, partnership, firm, association or society, as well as a natural person. When "Person" is used to designate the violator or offender of any law, it includes a corporation, partnership or any association of Persons. "Player Station" means a terminal of a Multi-Station Device through which the player plays an electronic game of chance simultaneously with other players at other Player Stations of that Multi-Station Device, and which;
1. Has no means to individually determine game outcome;
 2. Cannot be disconnected from the Gaming Device central processing unit that determines the game outcomes for all Player Stations without rendering that terminal inoperable; and
 3. Does not separately contain a random-number generator or other means of individually determine the game outcome.
- (bb) "Primary Management Official" means: (1) any individual who has authority to hire and fire employees or to set up working policy for a Gaming Operation; and (2) the chief financial officer or other individual who has financial management responsibility for a Gaming Operation.
- (cc) "Principal" means with respect to any entity:
1. Each of its officers and directors;

2. Each of its principal management employees, including its chief executive officer, its chief financial officer, its chief operating officer, and its general manager;
 3. Each of its owners or partners, if an unincorporated business;
 4. Each of its shareholders who own more than ten (10) percent of the shares of the corporation, of a corporation.
 5. Each Person other than a banking institution who has provided financing for the entity constituting more than ten (10) percent of the total financing of the entity; and
 6. Each of the beneficiaries and trustees of a trust.
- (dd) "Privacy Act" means of Privacy Act of 1974, as amended (P.L. 93-579, as amended; 5 U.S.C. § 552 (a), and the obligations and responsibilities placed on the United States government under the Privacy Act as applied to the Commission pursuant to the Act.
- (ee) "State" means the State of Arizona, and its Authorized officials, agents, and representatives.
- (ff) "State Gaming Agency" means the agency of the State as the Governor may from time to time designate by written notice to the Tribe as the state agency primarily responsible for oversight of the Class III gaming as authorized by the Compact.
- (gg) "Transfer Agreement" means a written agreement authorizing the transfer of Gaming Device Operating Rights between the Tribe and another Indian tribe, in accordance with the provisions of the Compact.
- (hh) "Tribe" means the Cocopah Indian Tribe, its authorized officials, agents and representatives.
- (ii) "Tribal Gaming Office" means the department, agency or commission designated by action of the Cocopah Tribal Council as the tribal entity, which shall exercise the civil regulatory authority of the Tribe over all gaming activities conducted on the Cocopah Indian Reservation whether by the Tribe or others.
- (jj) "Tribal Police Department" means the department of the Cocopah Indian Tribe consisting of Arizona Police Officer Standard Training (POST) certified officers duly authorized to enforce the Tribal Law and Order Code, and applicable state and federal laws on the Cocopah Indian Reservation.

CHAPTER 3 TRIBAL OWNERSHIP AND USE OF NET REVENUE

SECTION 301 TRIBAL OWNERSHIP OF GAMING ACTIVITIES

All Gaming Activities within the Tribe shall be owned entirely by the Tribe and conducted and operated by the Gaming Facility Operator.

SECTION 302 USES OF NET REVENUES

The net revenues received by the Tribe from all Gaming Activities shall be used exclusively for one or more of the following purposes:

- 1) To fund Tribal government operations and/or programs of the Tribe.
- 2) To provide for the general welfare of the Tribe and its members.
- 3) To promote the Tribe's economic development.
- 4) To donate to charitable organizations providing services benefiting the Tribe or its members.
- 5) To help fund operations of local government agencies.

CHAPTER 4 COCOPAH TRIBAL GAMING OFFICE

SECTION 401 ESTABLISHMENT OF THE GAMING OFFICE

There is hereby established the Cocopah Tribal Gaming Office (hereinafter "the Gaming Office"), as a department of the Cocopah Tribe, which shall have overall civil regulatory authority over Gaming Activities within the Tribe and the Gaming Facility Operator as specifically provided in this Ordinance.

SECTION 402 PERSONNEL

- 1) The Gaming Office shall consist of the Tribal Gaming Commission, its Executive Director, Inspectors and such assistants and other staff as the Executive Director shall determine are required from time to time, subject to funding provided by the Tribal Council. All employees of the Gaming Office shall act under the authority and supervision of the Executive Director. The Assistant Director of Gaming/Investigator shall act on behalf of the Executive Director in the absence of the Executive Director. No employee of the

Gaming Office shall be employed by the Gaming Facility Operator. No employee of the Gaming Office shall be employed by or hold, directly or indirectly, a financial interest in an organization or entity which;

- a. Has entered into a Management Contract with the Gaming Facility Operator;
 - b. A Manufacturer or Distributor;
 - c. A Provider of Gaming Services; or
 - d. Provides financing to the Tribe or the Gaming Facility Operator for purposes of conducting Gaming Operations within the Tribe.
- 2) The Executive Director shall be the Tribe's designated agent for service of any official determination, order, or notice of violation, by a written notification to the Tribal Gaming Commission.
 - 3) The Gaming Office shall have the right to inspect any Gaming Facility at any time and shall have immediate and unrestricted access to any and all areas of a Gaming Facility, which it may exercise directly or through such agents or employees as determined by the Executive Director. The Executive Director shall notify the Gaming Facility Operator of Persons authorized to have immediate and unrestricted access and the Executive Director shall periodically update its notification to the Gaming Facility Operator of Persons authorized to have immediate and unrestricted access. An Inspector shall be present in each Gaming Facility during all hours of Gaming Operation.
 - 4) The Tribe shall not employ any individual in the Gaming Office unless the Tribal Gaming Commission has first issued the individual a Tribal Gaming Regulatory License. Before issuing a Tribal Gaming Regulatory License, the Tribal Gaming Commission shall conduct a background investigation of each applicant for a Tribal Gaming Regulatory License, which investigation shall comply with any requirements of the Act or the Compact, to ensure that the applicant is qualified for a Tribal Gaming Regulatory License. Any individual who is not an enrolled member of the Tribe also shall be certified by the Arizona Department of Gaming pursuant to the Compact before being employed by the Gaming Office.
 - 5) The Tribal Gaming Commission shall not issue a Tribal Gaming Regulatory License to any individual, and shall revoke any such license issued to any individual, whom it determines:
 - a. Has ever been convicted of any gaming offense.

- b. Has been convicted of a felony in the seven (7) years prior to submission of the application unless that felony has been set-aside.
 - c. Has ever been convicted of a felony relating to extortion, burglary, larceny, bribery, embezzlement, robbery, racketeering, money laundering, forgery, fraud, murder, voluntary manslaughter, sex offenses, rape or kidnapping.
 - d. Has knowingly and willfully provided materially important false statements or information or omitted materially important information on his or her license application; or
 - e. Is an individual whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance 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.
- 6) The Tribal Gaming Commission shall forward a copy of every application for a Tribal Gaming Regulatory License to the Arizona Department of Gaming in accordance with Section 5 of the Compact. If the application for a Tribal Gaming Regulatory License is denied by the Tribal Gaming Commission, a statement setting forth the grounds for denial shall be forwarded to the Arizona Department of Gaming together with all other documents relied upon by the Tribal Gaming Commission, to the extent allowed by law. The Tribal Gaming Commission shall afford the Arizona Department of Gaming an opportunity for a hearing before an appropriate forum of the Tribe, pursuant to Sections 5(q) (2) and 5(q) (3) of the Compact, to contest a licensing decision of the Tribal Gaming Commission or to recommend suspension or revocation of a license issued by the Tribal Gaming Commission. The decision of the tribal forum shall be final.

SECTION 403 ESTABLISHMENT OF THE TRIBAL GAMING COMMISSION

- 1) There shall be established a Cocopah Tribal Gaming Commission consisting of a Chairman with the advice and consent of the Tribal Council, at least two of whom shall be members of the Tribe, but none of whom shall be employees of the Gaming Operation. The members of the Tribal Gaming Commission shall serve on a part time basis and the compensation of members of the Commission shall be established by the Tribal Council. Members of the Tribal Gaming Commission may be removed for cause by a three-fourths (3/4) vote of the members of the Tribal Council then in office. Vacancies in the Tribal Gaming Commission may be filled by appointment by the Tribal Chairman with the advice and consent of the

Tribal Council. No member or employee of the Tribal Gaming Commission shall participate as a player in any gaming activity conducted by the Tribe.

2) Powers and duties of the Tribal Gaming Commission.

The Commission shall have the following powers and duties:

- a. The Commission shall have primary responsibility for oversight of the Tribal Gaming Operation to assure the integrity of such operation and shall, for that purpose, employ non-uniformed inspectors who may be present in all gaming facilities during all hours of operation and who shall be under the sole supervision of the Commission and not under the supervision of any management employees of the Tribal Gaming Operation. Such inspectors shall have unfettered access to all areas of the Gaming Facilities at all times, and personnel employed by the Gaming Operation shall for such purposes provide such inspectors access to locked and secured areas of the gaming facilities in accordance with the standards of operation and management promulgated pursuant to the Compact. Such inspectors shall report to the Commission regarding any failure by the Gaming Operation to comply with any of the provisions of the Compact or this Ordinance and any other applicable laws and ordinances. Inspectors assigned by the Commission may also receive consumer complaints within the gaming facilities and shall assist in seeking voluntary resolution of such complaints. Inspectors appointed by the Commission shall be licensed as gaming employees in accordance with the Compact.
- b. The Commission may on its own initiative investigate any aspect of the Gaming Operation in order to protect the public interest in the integrity of such gaming activities and to prevent improper or unlawful conduct in the course of such gaming activities, and shall investigate any report of a failure of the Gaming Operation to comply with the provisions of the compact or this Ordinance and may require the Gaming Operation take any corrective action deemed necessary by the Commission upon such terms and conditions as the Commission may determine appropriate. The Commission may compel any person employed by or doing business with the Gaming Operation to appear before it and to provide such information, documents or other materials as may be in their possession to assist in any such investigation.
- c. The Commission shall carry out each of the responsibilities and duties set forth for the Tribal Gaming Office in the Compact.

- d. The Commission shall prepare a plan for the protection of public safety and the physical security of patrons in each of its gaming facilities, setting forth the respective responsibilities of the Commission, the security department of the Gaming Operation, any Tribal police agency, and if appropriate, any State or local policy agency.
- e. The Commission shall review and approve floor plans and surveillance systems for each gaming facility and may confer with the State Gaming Agency or other organizations regarding the adequacy of such plans and systems.
- f. The Commission may promulgate, review and revise (as necessary) regulations to govern the operation and management of the Gaming Operation in accordance with the Compact.
- g. The Commission may issue and revoke licenses for Class III Gaming employees as provided for in this Ordinance.
- h. The Commission may issue and revoke licenses for Class II gaming employees as provided for in this Ordinance.
- i. The Commission shall establish a list of persons banned from the gaming facilities because of their criminal history or association with career offenders or career offender organizations that poses a threat to the integrity of the gaming activities of the Tribe.
- j. The Commission shall promulgate, review, and revise (as necessary) the Technical Standards and rules of each game of chance operated by the Tribe pursuant to the Compact and shall in accordance with the provisions of the Compact notify the State Gaming Agency of such rules and any change in such rules.
- k. The Commission shall enforce the health and safety standards applicable to the Gaming Facilities as provided for in this Ordinance. Prior to the opening of any facility for Class III gaming the Gaming Operation shall obtain a certificate of compliance from the Commission relating to the Class III Gaming Facilities. The Commission shall issue a certificate of compliance to the Gaming Operation upon a determination that the Gaming Facilities comply with such standards.
- l. The Commission may impose penalties for violations of this Ordinance, Tribal-State Compact, and Tribal Minimum Internal Controls Standards, Casino Policies and Procedures or federal laws.

- m. The Commission may in the name of the Tribe bring any civil action or criminal complaint in the courts of the Tribe, State or the United States to enforce the provisions of this Ordinance, the Act or the Compact or to enjoin or otherwise prevent any violation of this Ordinance, the Act or the Compact, occurring on the Reservation.
 - n. The Commission may receive any complaint from an employee of the Gaming Operation or any member of the public who is or claims to be adversely affected by an act or omission of the Gaming Operation or any employee thereof which is asserted to violate this Ordinance or the Compact, and may impose such remedial action as it deems appropriate to bring the Gaming Operation into compliance with such provisions. The Commission may for this purpose, in its sole discretion, conduct a hearing and receive evidence with regard to such complaint if it deems an evidentiary proceeding useful in the resolution of such complaint.
 - o. The Commission shall adopt an annual operating budget which shall be subject to the approval of the Tribal Council and may in accordance with said budget employ such staff from time to time as it deems necessary to fulfill its responsibilities under this Ordinance, and may retain legal counsel, consultants and other professional services including investigative services to assist the Commission with respect to any of the issues over which the Commission exercises jurisdiction. The expenses of the Commission in accordance with such budget shall be assessed against the Gaming Operation and the Gaming Operation shall pay such assessments to the Tribe.
- 3) Chairman. The Chairman of the Commission or any other member of the Commission acting in the absence of the Chairman may, whenever he/she deems it necessary to protect the public interest in the integrity of the Gaming Operation, issue in the name of the Commission any order, which the Commission has the power to issue, to the Gaming Operation or to any employee or contractor of the Gaming Operation or to any other person within the jurisdiction of the Tribe, to take any action or cease and desist from any action as may be required to protect the public interest; provided, that such order shall be subject to review by the Commission at its earliest opportunity, whereupon it may be confirmed or vacated by the Commission.
- 4) Executive Director. The Commission shall appoint an individual to serve as Executive Director of the Commission to administer its responsibilities as necessary and to oversee inspectors appointed by the Commission as well as such other staff as the Commission may from time to time employ. The Executive Director shall be responsible for coordination of the functions of the Commission with the State Gaming Agency and other federal, state, and local agencies as necessary. The Chairman may request the Executive Director to conduct a preliminary investigation and render a recommendation to the Commission with

respect to the grant or denial of any license, the imposition of any penalty, the investigation of any complaint, or any other action within the jurisdiction of the Commission. The Executive Director shall have the power, in the name of the Commission, to conduct any hearing, investigation or inquiry, compel the production of any information or documents, and otherwise exercise the investigatory powers of the Commission, which the Commission may exercise under this Ordinance.

5) Procedures of the Commission

- a. Regular meetings of the Commission may be held upon such notice, or without notice, and at such time and place as shall from time to time be fixed by the Commission. Unless otherwise specified by the Commission, no notice of such regular meetings shall be necessary.
- b. Special meetings of the Commission may be called by the Chairman or the Executive Director. The person or persons calling the special meeting shall fix the time and place thereof. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Commission needs to be specified in the notice of the meeting.
- c. At any meeting of the Commission, a majority of the members then in office shall constitute a quorum for the transaction of business. The vote of a majority of the members present at a meeting at which a quorum is present shall be the act of the Commission. The Chairman shall preside at all meetings of the Commission unless the Chairman designates another member to preside in his/her absence.
- d. Any action required or permitted to be taken at a meeting of the Commission may be taken without a meeting if all of the members sign written consents setting forth the action taken or to be taken, at any time before or after the intended effective date of such action. Such consents shall be filed with the minutes of the Commission, and shall have the same effect as a unanimous vote or resolution of the Commission at a legal meeting thereof.
- e. Members of the Commission may participate in a meeting of the Commission by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting in such matter by any member who does not object at the beginning of such meeting to the holding thereof in such manner shall constitute presence in person at such meeting.

- f. No action of the Commission to impose a penalty pursuant to Chapter 14 of this Ordinance, or to revoke a license for a gaming employee previously issued by the Commission, shall be valid unless the person affected is given at least seven days' notice of the proposed action and the opportunity to appear and be heard before the Commission, either in person or through a representative or legal counsel, and to submit such evidence as the Commission deems relevant to the matter at issue; provided, that if the Commission deems it necessary to protect the public interest in the integrity of the gaming activities, the Commission may take such action with immediate effect as it deems required, and shall thereupon provide notice and an opportunity to be heard to the affected person as soon as it is reasonably practicable following such action. Any person who is denied an initial gaming employee license or who is banned from the gaming facilities by action of the Commission may request a hearing before the Commission by written request submitted within thirty days following receipt of notice of the action of the Commission, and the Commission shall thereupon afford an opportunity to appear and be heard before the Commission, either in person or through a representative or legal counsel, and to submit such evidence as the Commission deems relevant to the matter at issue and thereafter the Commission shall either affirm or reconsider its decision. Any hearing conducted under this sub-section may at the direction of the Commission be conducted by the Executive Director or by one or more members of the Commission designated by the Commission for that purpose.
- g. The Commission may adopt such additional procedures and rules as it deems necessary or convenient to govern its affairs and which are consistent with this Ordinance and the Compact.

SECTION 404 ISSUANCE OF REGULATIONS

- 1) The Tribal Gaming Commission shall from time to time promulgate and issue regulations governing any aspect of its responsibilities under this Ordinance, which, so long as they are in furtherance of and not in conflict with any provision of this Ordinance, shall have the force of law. Without limitation, the matters to be addressed by such regulations may include the following:
 - a. The time and manner for applying for a Gaming Facility License under this Ordinance, and the specific information to be provided in connection with such application, including information necessary for adequate assessment of the applicant's background, and the manner in which such applications will be processed;

- b. The procedure by which applicants for Tribal Gaming Licenses under this Ordinance shall apply for such licenses, including the information to be provided by the applicant necessary for adequate assessment of the applicant's background, and the manner in which such applications will be processed; and
 - c. The specific types of accounting, security, accessibility to non-public areas, recordkeeping and reporting measures required by this Ordinance, the Compact or the Act to be in place and functioning at any Gaming Facility licensed under this Ordinance.
- 2) Except in emergency situations addressed in Section 404 (3) below, prior to promulgating a final regulation the Gaming Office shall publish the regulation in proposed form. The proposed regulation shall be provided directly to the Chairperson of the Tribe, and the General Counsel for the Tribe, the Gaming Facility Operator and to any other interested Person or interested office or agency of the Tribe. The proposed regulation shall be accompanied by a notice stating that the Gaming Office will accept written comments on the proposed regulations for a set period of time, which shall be no less than thirty (30) days following the date the Gaming Office publishes the proposed regulations. As used in this section, the term "publish" shall mean publication in newspaper(s) of general circulation within the Tribe and posting in the Tribal Headquarters. In the event of significant public interest with respect to any regulation, the Gaming Office may hold one or more public hearings prior to issuing a final regulation. The Gaming Office shall give notice of any hearing in the manner set forth above, and also shall mail a notice directly to any person submitting comments on the proposed regulations. Except as provided in Section 404 (3) of this section, the Gaming Office shall not issue a final regulation until it has reviewed all comments received by the close of the comment period, as well as all presentations made at any hearing held pursuant to this subsection.
- 3) In the event the Gaming Office determines that an immediate rule-making is necessary to avoid serious jeopardy to the integrity of any Gaming Activities within the Tribe, or otherwise to deal with an emergency situation affecting the responsibility of the Gaming Office, the Gaming Office may, upon making an express written finding as to such emergency, issue a final regulation to take effect immediately; provided, that the Gaming Office shall publish notice and request comments on such regulation in the same manner as is provided above, and upon consideration of any comments received, shall make such amendments to such final regulation as the Gaming Office deems appropriate.

- 4) All final regulations adopted by the Gaming Office shall be officially filed with the Secretary of the Tribal Council, and the Office of the Chairperson.
- 5) Any regulation modified in accordance with Section 1305 (4) are exempt from the provisions of subsections (2) and (3) of this Section.

SECTION 405 PETITION FOR SELF-REGULATION

As soon as the Gaming Office determines that the Tribe is eligible therefore, the Gaming Office shall submit to the Commission an application for a Certificate of Self-Regulation, under the provisions of 25 U.S.C. § 2710 (c) (4). The Gaming Office shall do everything necessary and appropriate to obtain such Certificate and to maintain the Certificate in good standing.

CHAPTER 5 GAMING FACILITY OPERATOR'S LICENSE

SECTION 501 REQUIREMENT OF LICENSE

Before the Cocopah Tribe designated as the Gaming Facility Operator may conduct Gaming Activities, it shall first obtain a Gaming Facility Operator's License from the Gaming Office and annually thereafter. The licensing of the Gaming Facility Operator shall include the licensing of each Principal, Primary Management Official and Key Employee. A separate license is required for each place, facility, or location where the Cocopah Indian Tribe allows class II or class III gaming.

CHAPTER 6 GAMING MANAGER'S LICENSE

SECTION 601 REQUIREMENT OF LICENSE

No Person shall function as the General Manager of the Gaming Facility Operator without first obtaining a Gaming Manager's License from the Gaming Office. In the case of a Person other than an individual, each Principal of such entity must obtain a Gaming Manager's License from the Gaming Office. The authorized Tribal Official shall conduct an investigation sufficient to make an eligibility determination and shall not issue a Gaming Manager's License under this Chapter to an individual if it determines that the individual:

- 1) Has been convicted of any felony or gaming offenses;

- 2) Has knowingly and willfully provided materially important false statements or information or omitted materially important information on his or her license application; or
- 3) Is an individual whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or the effective regulation and control of gaming, or create or enhance 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.
- 4) The authorized Tribal Official shall not issue a Gaming Manager's License under this Chapter to any corporation, partnership, or other entity.

CHAPTER 7 LICENSES FOR GAMING DEVICE MANUFACTURERS, DISTRIBUTORS, SUPPLIERS OF GAMING SERVICES, AND FINANCERS

SECTION 701 REQUIREMENT OF LICENSE

The Gaming Office shall license each Manufacturer and each Distributor of Gaming Devices before selling or leasing any Gaming Devices to the Gaming Facility Operator. Each supplier of Gaming Services shall be licensed by the Gaming Office before providing Gaming Services to the Gaming Facility Operator. In addition, any Person extending or guarantying financing for a Gaming Operation or Gaming Facility shall be licensed by the Gaming Office, unless the Person is an agency of the United States or a lending institution licensed and regulated by the State or the United States.

SECTION 702 STANDARD OF SUITABILITY

- 1) Individuals. The Gaming Office shall not issue a license under this Chapter to an individual if it determines that the individual:
 - a. Has been convicted of any felony or gaming offense;
 - b. Has knowingly and willfully provided materially important false statements or information or omitted materially important information on his or her license application; or
 - c. Is an individual whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or the effective regulation and control of gaming, or create or enhance 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.

2) Corporations, Partnership, and Other Entities.

- a. The Gaming Office shall not issue a license under this Chapter to any corporation, partnership, or other entity unless the Gaming Office is satisfied that the entity:
 - (i) Is organized and in good standing under the laws of the jurisdiction where it was established, and is qualified to do business within the Tribe and the State of Arizona;
 - (ii) Is in sound financial condition, as shown (at a maximum) by a financial statement certified by the entity's chief executive officer (or equivalent) to be a fair presentation in all material respects of the financial position and results of operations of the entity;
 - (iii) Has established a reputation for financial integrity and sound business practices, or, if the entity was recently formed, that all Persons having a role in its formation, including its Principals, are qualified to be licensed individually under the terms of this Chapter; and
 - (iv) Is in all other respects reliable and trustworthy, and whose involvement in Gaming Activities within the Tribe will be in the best interest of the Tribe as set forth in this Ordinance.
- b. The Gaming Office shall not issue a license under this Chapter to any corporation, partnership, or other entity unless the entity agrees to give the Gaming Office notice within ten days of any change in its Principal, of any change in the location of its office(s), and of any material change in the information disclosed in its application for its license.

CHAPTER 8 GAMING EMPLOYEE'S LICENSE

SECTION 801 REQUIREMENT OF LICENSE

Every Gaming Employee of the Gaming Facility Operator shall be licensed by the Gaming Office before commencing employment. For purposes of this Chapter, the Gaming Facility Operator may

compensate a potential employee for attending basic training and orientation sessions conducted outside of a Gaming Facility without that individual being considered to have commenced employment.

SECTION 802 STANDARDS OF SUITABILITY AND ELIGIBILITY DETERMINATION

The authorized Tribal Official shall conduct an investigation sufficient to make an eligibility determination and shall not issue a Gaming Employee License under this Chapter to a Primary Management Official or a Key Employee if it determines that the individual:

- 1) Has ever been convicted of any gaming offense;
- 2) Has been convicted of a felony in the seven (7) years prior to submission of the Application unless that felony has been set-aside.
- 3) Has ever been convicted of a felony relating to extortion, burglary, larceny, bribery, embezzlement, robbery, racketeering, money laundering, forgery, fraud, murder, voluntary manslaughter, sex offenses, rape or kidnapping.
- 4) Has knowingly and willfully provided materially important false statements or information or omitted materially important information on his or her license or employment application; or
- 5) An individual whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance 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.

CHAPTER 9 LICENSE APPLICATION PROCEDURE

SECTION 901 APPLICATION REQUIREMENTS; PROCESSING

- 1) Each applicant for a license under Chapters 5, 6, 7, and 8 of this Ordinance shall submit an application to the Gaming Office on the appropriate form prescribed by the Gaming Office accompanied by the required fee and such supporting information as the Gaming Office may require.

- a. The following notice shall be placed on the Tribe's license application form for a key employee or a primary management official before it is filled out by an applicant:

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

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

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

- c. The Tribe shall perform the background investigation for each Primary Management Official and Key Employee of the Gaming Operation. The Tribe shall request fingerprints for each Primary Management Official and Key Employee. Fingerprints shall be obtained by the Tribal Regulatory Authority and forwarded to the Arizona State Gaming Agency for processing. A Suitability Letter shall then be forwarded to NIGC. The Gaming Office shall request from Primary Management Officials and Key Employees all of the following information:

- (i) Full name, including any aliases (oral or written) by which applicant has ever been known;
- (ii) Social security number; the disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application. [25C.F.R. § 556.2 (a)].

- (iii) Date and place of birth, gender, current citizenship, and all languages spoken or written;
- (iv) Currently and for the five previous years: business and employment positions held, affiliations or relationships with any business or ventures including positions as officers or directors, ownership interests in any business or venture, business and residence addresses, and drivers license numbers;
- (v) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant while he/she resided at each address listed on the application;
- (vi) Educational history;
- (vii) Current business and residence telephone numbers, and all cellular telephone numbers;
- (viii) A description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses;
- (ix) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (x) The name and address of any licensing or regulatory agency with which the individual has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (xi) The name and address of any licensing or regulatory agency with which the individual has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (xii) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date of disposition, if any;
- (xiii) 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 date of disposition, if any;

- (xiv) For 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 the application, and is not otherwise listed pursuant to paragraphs (xii) (xiii) of this section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;
 - (xv) The name and address of the licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
 - (xvi) A current photograph; and
- d. In addition to any other information the Gaming Office may deem pertinent, the Gaming Office may require a corporation, partnership, or other entity applying for a license to provide the following information with an application for a license:
- (i) The name, address, and other additional pertinent background information on each of its Principals;
 - (ii) The name, address, and other additional pertinent background information on each of its related, associated, or affiliated Persons;
 - (iii) A description of any previous experience that the entity and each Principal has had with other Indian tribes involving gaming (including under any management contracts) or with the gaming industry generally, including specifically the name and address of any licensing or regulatory agency with which such individual has had contact relating to gaming; and
 - (iv) A complete financial statement of each Principal.
- 2) The Gaming Office and its staff may assist any applicant in assembling all information required for processing of the application, but shall not be required to process any application until it is complete. The Gaming Office may, at any time after an application is submitted, make a written request that an applicant supply any additional information the Gaming Office deems necessary to complete the processing of the application and the applicant shall comply with such a request forthwith.
- 3) The application forms used by the Gaming Office shall contain the notice required under the Privacy Act and the notice regarding false statements in the form required by the Commission under 25 C.F.R. Part 556, and each applicant shall consent in writing to the release of any information that may be relevant to the Gaming Office's inquiry into the

applicant's background from any Person. The Gaming Office shall keep confidential any and all information it obtains in the course of investigating an application (including the identity of all individuals interviewed in the course of the investigation) and shall comply with all applicable laws pertaining to the confidentiality of such information. The Gaming Office shall not release such information to any other individual or agency (other than to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecution or when pursuant to a request by a tribe or the Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or gaming operation) without the applicant's consent, or pursuant to an order of court or other body of competent jurisdiction.

- 4) The Gaming Office shall issue a written decision on each application. The written decision of the Gaming Office shall constitute final action of the Gaming Office on such application. If the Gaming Office denies an application for a license, the decision shall specify the reason for such denial.
- 5) When a Primary Management Official or Key Employee is employed by the Tribe, a complete application file, containing all of the information listed in Section 901 (c), shall be maintained.

SECTION 902 FEES

The Gaming Office shall collect the following fees in connection with the processing of applications and the issuance of Tribal Gaming Licenses and/or State Certifications:

- 1) Gaming Facility Operator's Tribal Gaming License:
 - a. There shall be no fee required.
- 2) General Manager, Assistant General Manager and Finance Director:
 - a. Initial State Certification/Recommendation \$500
(Plus, Current Tribal Gaming Fees and adjustments in Arizona State fees.)
 - b. Renewal of State Certification \$250
(Plus, Current Tribal Gaming Fees and adjustment in Arizona State fees.)

3) Gaming Employee's State Certification:

a. Initial State Certification/Recommendation \$250

(Plus, Current Tribal Gaming Fees and adjustment in Arizona State fees.)

b. Renewal of State Certification \$125

(Plus, Current Tribal Gaming Fees and adjustment in Arizona State fees.)

4) Employees who are not required to have a State Certification (Compact Section 4.b):

a. Initial Tribal Gaming License \$56

(Plus, Current Tribal Gaming Fees and adjustment in Arizona State fees)

b. Renewal of Tribal Gaming License \$56

(Plus, Current Tribal Gaming Fees and adjustment in Arizona State fees)

The following positions (but not limited to) are required to have a Tribal Gaming License but not a State Certification as defined in the Compact, Section 4.b.

Building Maintenance Lead	Host/Hostess Lead	Sous Chef
Building Maintenance	Host/Hostess	Lead Line Cook
Janitorial Maintenance Lead	Waiter/Waitress	Line Cook
Janitorial Maintenance	Bartender	Prep Cook
Groundskeeper Lead	Cocktail Server	Hotel Personnel
Groundskeeper	Dishwasher	Gift Shop Cashier

5) Manufacturers and Distributors of Gaming Devices, Gaming Vendors, and providers of Ancillary Services. Each Manufacturer and Distributor of Gaming Devices, each Gaming Vendor, and each provider of Ancillary Services within or without the Gaming Facility, may be required to be licensed at the discretion of the Tribal Gaming Office.

a. Each Manufacturer and Distributor of Gaming Devices and each Gaming Vendor providing goods or services in excess of \$10,000 to the Tribe in any single month, shall be certified by the Arizona State Gaming agency prior to the sale, lease or providing of any goods or services. The form of Application of certification shall be determined by the Arizona State Gaming Agency.

- b. Each Gaming Vendor providing goods or services between \$1,000 and \$10,000 to the Tribe in any single month, and each provider of Ancillary Services in an amount in excess of \$2,500 to the Tribe in any single month, shall be certified by the Cocopah Tribal Gaming Office and Arizona State Gaming Agency using a Short Form Application. A Short Form Application shall be submitted by such providers to Cocopah Tribal Gaming Office and the Arizona State Gaming Agency no later than one (1) business day after providing any goods or services.
- c. Without the need to amend this Ordinance the \$1,000, \$2,500 and \$10,000 threshold amounts applicable to Gaming vendors and providers of ancillary Services, as set forth in the Arizona/Cocopah Compact Sections 4 and 5, shall be automatically increased by 10% on each five-year anniversary of the Effective Date of the Compact.

d. Gaming fee for ancillary services

- e. Initial Application fee (2 year) \$100
- f. Renewal fee \$50

Each Gaming Vendor providing goods or services between \$1,000 and \$10,000 to the Tribe in any single month

- a. Initial Application fee (2 year) \$250
- b. Renewal fee \$150

a. Initial application for a Tribal License fee (2 year):

- (i) Manufacturer/Distributor of Gaming Devices \$2,000
- (ii) Supplier of Gaming Services in excess of \$10,000 to the Tribe in any single month not to exceed: \$2,000

b. Renewal fee:

- (i) Manufacturer/Distributor of Gaming Devices \$1,500
- (ii) Supplier of Gaming Services, excess of \$10,000 to the Tribe in any single month not to exceed: \$1,000

6) Other Fees. The Gaming Office may by regulation modify the schedule of fees in this Section or prescribe such other fees as it deems appropriate.

SECTION 903 LICENSE TERMS; RENEWAL

- 1) Each Gaming Employee's License issued by the Gaming Office shall have a primary term of (2) years and may be renewed for subsequent two-year periods upon the timely submission of a completed application on the forms specified by the Gaming Office. Each license issued by the Gaming Office for Management Contractors, Financiers, Manufacturers and Distributors of Gaming Devices, and Persons providing Gaming Services, shall be effective for two (2) years from the date of issuance and may be renewed for subsequent two-year periods upon the timely submission of a completed application on the forms specified by the Gaming Office. No licensee shall have any vested right to renewal of any license issued under this Ordinance.

- 2) The Gaming Office shall issue a temporary license to an applicant within 20 days after receiving a completed application for licensing under Chapters 5, 6, 7, or 8 of this Ordinance, unless;
 - a. Grounds sufficient to disqualify the applicant are apparent on the face of the application,
 - b. The background investigation undertaken by the Gaming Office discloses that the applicant may have a criminal history sufficient to disqualify the applicant from holding a license, or
 - c. The background investigation undertaken by the Gaming Office discloses other information that may be sufficient to disqualify the applicant from holding a license. A temporary license shall become void and shall be of no effect upon either the issuance of a license or upon the issuance of a notice of denial of the license in accordance with the provisions of this Ordinance.

SECTION 904 STATE CERTIFICATION

Every Person required to be licensed under this Ordinance also shall comply with the state certification requirements of the Compact, if those requirements are applicable to the Person. Within the time requirements established by the Compact, the Gaming Office shall forward to the Arizona Department of Gaming a report of final disposition of the licensing actions of the Gaming Office. The Gaming Office shall afford the Arizona Department of Gaming an opportunity for a hearing before an appropriate forum of the Tribe, pursuant to Sections 5(q) and 5(q)(3) of the Compact, to contest a licensing decision of the Gaming Office or to recommend suspension or revocation of a license issued by the Gaming Office. The Decision of the tribal forum shall be final, except as provided in Section 5(q) (4) of the Compact.

CHAPTER 10 BACKGROUND INVESTIGATIONS; NOTIFICATIONS

SECTION 1001 BACKGROUND INVESTIGATIONS

- 1) The Gaming Office shall at all times have in place, and shall regularly update and improve, a system for conducting background investigations of every applicant for licensing under this Ordinance. The system shall comply with the requirements of this Ordinance, the Compact and the Act, and shall include, at a minimum, the use of records of all available tribal, state, and federal law enforcement agencies, resources of the Commission, communications with other Indian tribes engaged in gaming activities, and any and all other sources of information reasonably accessible to the Gaming Office for this purpose. The system shall ensure that all applicants are notified of their rights under the Privacy Act as specified in 25 C.F.R. Part 556.
- 2) Every applicant for licensing under this Ordinance shall be subjected to a thorough background investigation, and such investigations shall be updated upon application for renewal of a license, and at such other times as the Gaming Office may determine appropriate.
- 3) The investigation shall be sufficient to allow the Tribal Gaming Regulatory Authority to make an eligibility determination. The Investigator shall:
 - a. Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
 - b. Contact each personal and business reference provided in the license application, when possible;
 - c. Conduct a civil history check for past or outstanding judgments, current liens, past or pending lawsuits, and any other information deemed to be relevant;
 - d. Conduct a criminal history records check by submitting the applicant's fingerprints to the Arizona Department of Gaming for forwarding to the FBI to perform a criminal history records check utilizing the FBI's database;
 - e. 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 ten (10) years;

- f. 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;
 - g. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
 - h. Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.
- 4) The Gaming Office shall prepare and maintain a background investigation report on every applicant for licensing under this Ordinance which shall include all of the following:
- a. Steps taken in conducting a background investigation;
 - b. Results obtained;
 - c. Conclusions reached; and
 - d. The basis for those conclusions.
- 5) If the Gaming Facility Operator pays the initial application fees required by Section 902 (3) of this Ordinance and the initial application fees required by Section 5(1) of the Compact for each Gaming Employee hired by the Gaming Facility Operator and if an individual applicant for a Gaming Employee license or certification fails to report to work for the Gaming Facility Operator or leaves the employment of the Gaming Facility Operator within one year of initial hire, the Gaming Facility Operator may recover from the applicant the fees it paid for the applicant's initial licensing and certification, by setting off any sums it owes to the applicant against the fees paid, by bringing suit in the Cocopah Indian Tribe Judicial Court to recover the fees, or by any other lawful manner. If an individual applies for a Gaming Employee license or certification more than once, whether because the individual did not complete the application process, because the individual failed to renew a license or certification, or otherwise, the Gaming Facility Operator may require the individual applicant to pay the license and certification fees incurred for the subsequent applications.
- 6) The Gaming Facility Operator shall pay any required renewal fees for licensing and certifications for each Gaming employee who remains and meets required standards of performance in the employment of the Gaming Facility Operator as set forth in the Gaming Operations General Policy and Procedures Manual.

- a. The Gaming Office shall maintain files containing the employee's application for licensing, investigative reports, eligibility determination, and results of any background investigations conducted by it for the longer of;
- b. Three years from the date of a Gaming Employee's termination of employment, with respect to the files for a Gaming Employee, or
- c. The term of record retention required by the Compact. Such files shall contain systems designed to safeguard the identities of confidential informants from inadvertent disclosure.
- d. The Gaming Office, and its investigators, shall keep confidential the identity of each person interviewed in the course of conducting a background investigation.

SECTION 1002 NOTIFICATION TO THE NATIONAL INDIAN GAMING COMMISSION

- 1) Prior to issuing a license to Primary Management Officials and Key Employees the Gaming Office shall submit a notice of results (Suitability Determination Letter) of the applicant's background investigation to the National Indian Gaming Commission (NIGC) no later than sixty (60) days after the applicant begins work, to include.
 - a. The applicant's name, date of birth, and Social Security Number;
 - b. Date on which the applicant began or will begin work as a Primary Management Official or Key Employee;
 - c. A summary of the information presented in the investigative report, including;
 - i. License(s) that have previously been denied;
 - ii. Gaming licenses that have been revoked, even if subsequently reinstated;
 - iii. Every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
 - iv. Every felony of which the applicant has been convicted or any ongoing prosecution.
 - d. After the Gaming Office has provided a Suitable Determination Letter of results of the background check to NIGC, the Gaming Office may license a Primary Management Official or Key Employee.

- e. Within thirty (30) days after the issuance of the license, the Gaming Office shall notify NIGC of its issuance.
- f. The Gaming Operation shall not employ a Primary Management Official or Key Employee who does not have a license after ninety (90) days.
 - i. If the Gaming Office does not license an applicant;
 - ii. The Gaming Office shall notify NIGC; and
 - iii. Shall forward copies of its eligibility determination and notice of results to NIGC for inclusion in the Indian Gaming Individuals Record System.

SECTION 1003 NATIONAL INDIAN GAMING COMMISSION REVIEW

- 1) Upon receipt of complete notice of results for a Primary Management Official or Key Employee, NIGC has thirty (30) days to request additional information from the Gaming Office concerning the applicant or licensee and to object.
- 2) If NIGC has no objection to issuance of a license, it shall notify the Gaming Office within thirty (30) days of receiving notice of results.
- 3) If, within that thirty (30) day period, NIGC provides the Gaming Office with a statement itemizing objections to the issuance of a license to a Primary Management Official or Key Employee applicant for who the Gaming Office has provide a notice of results, the Gaming Office shall reconsider the application, taking into account the objections itemized by NIGC.
- 4) The Gaming Office shall make the final decision whether to issue a license to such applicant.
- 5) If the Gaming Office has issued the license before receiving NIGC statement of objections, a notice of hearing shall be provided to the licensee.

SECTION 1004 NOTICE OF ELIGIBILITY AND LICENSEE'S RIGHT TO A HEARING

- 1) If, after the issuance of a gaming license, NIGC receives reliable information indicating that a Primary Management Official or Key Employee is not eligible for employment. NIGC shall notify the Gaming Office of the information.
- 2) Upon receipt of such notification, the Gaming Office shall immediately suspend the license and shall provide the licensee with written notice of suspension and proposed revocation.

- 3) The Gaming Office shall notify the licensee of a time and place for a hearing on the proposed revocation of their license.
- 4) A right to a hearing shall vest only upon receipt of a license granted under an ordinance approved by NIGC.
- 5) After a revocation hearing, the Gaming Office shall decide to revoke or to reinstate their gaming license.
- 6) The Gaming Office shall notify NIGC of its decision within forty-five (45) days of receiving notification from NIGC.

CHAPTER 11 GAMING FACILITY LICENSE

SECTION 1101 REQUIREMENT OF LICENSE

No Gaming Activities shall be conducted in any Gaming Facility unless the Gaming Office first has issued a Gaming Facility License for the Gaming Facility under the provisions of this Chapter. The Gaming Facility Operator shall not offer any new or different Gaming Activities, as defined by regulations to be issued by the Gaming Office, at any facility or location that is already licensed, without first obtaining an amended license for such new and different Gaming Activities from the Gaming Office.

SECTION 1102 STANDARDS FOR ISSUANCE OF LICENSE

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 Gaming Office shall not issue a Gaming Facility license for any facility at which Gaming Activities are to be offered unless the Gaming Facility meets the following requirements:

- 1) The physical facility within which the Gaming Activities are to be conducted is designed and constructed in compliance with the laws of the Tribe, the requirements of the Compact and the requirements of the Act, including but not limited to the Clean Water Act and Clean Air Act, so as to ensure the health and safety of all employees and patrons of such activities, and the protection of the natural and cultural environment from any contamination due to any discharge of any waste including but not limited to any garbage, trash, rubbish, waste tire, refuse, sludge from a waste treatment plant, water supply treatment plant, pollution control facility, hazardous waste and other discarded material,

including solid, liquid, semisolid, contained gaseous material; or, unreasonable disturbance of the land surface;

- 2) The Gaming Activities to be conducted within the Gaming Facility will lawfully be carried on by the Tribe under the Compact and the Act, and the facilities are appropriate to the carrying on of such activities;
- 3) The Gaming Facility Operator will adequately staff and equip the Gaming Facility to ensure the safety, comfort and convenience of the patrons thereof, and the Gaming Facility Operator has taken adequate measures to provide for traffic, emergency service accessibility, food, drink and sanitary needs for patrons and employees, security, law enforcement and other concerns raised by the type of Gaming Activities proposed to be undertaken in compliance with this Ordinance, the Compact and the Act;
- 4) In all other relevant respects, the Gaming Facility will be operated in a way that is fully consistent with the provisions of the Ordinance, and that its operation will further the interests of the Tribe with respect to its operation of Gaming Activities.

SECTION 1103 APPLICATION FOR A NEW, RENEWAL OF OR AMENDED LICENSE; PROCEDURE

- 1) The Gaming Facility Operator shall obtain a new, renewal of or amended Gaming Facility License before commencing operations at a new facility or commencing new activity at a licensed facility for which an amended license is required.
- 2) The Gaming Office shall prescribe the information required to be submitted with such applications, but at a minimum, such application for licensing a new facility shall include the following:
 - a. The name, specific position and job description of all individuals to be employed as Primary Management Officials or Key Employees at the facility;
 - b. Job descriptions for every other position in which individuals will be employed at the facility;
 - c. A detailed description of the Gaming Activities to be engaged in at the facility, together with expected payouts to winners (i.e. bankroll formula);
 - d. A description of the internal controls, plan of organization and all coordinate methods and measures for the safeguarding of assets, ensuring the accuracy and reliability of its accounting data, promoting operational efficiency and encouraging adherence to prescribed managerial policies;

- e. Detailed plans for the facility, including landscaping, traffic controls, parking, food and drink services, and other physical aspects of the building;
 - f. A detailed description of how security will be maintained at the facility, identifying the Persons, agencies or entities that will provide such security;
 - g. A detailed description of how gaming proceeds will be accounted for and disposed of on a daily basis;
 - h. A description of provisions for dealing with fire or other potential emergencies at the facility;
 - i. A detailed description of how sewage and other waste products from the facility will be handled and disposed of; and
 - j. Any other information relevant to the proposed operation of the facility or requested by the Gaming Office as part of the application.
- 3) An application for an amended license to conduct new or different Gaming Activities at a licensed location or to otherwise alter the terms or conditions of an existing license, shall, at a minimum, include the following information:
- a. Any change in information previously provided in the original license application or any previous application for an amended license for the Gaming Facility;
 - b. A detailed description of the changes in the Gaming Facility or in the activities to be carried on therein for which the amended license is required, together with a statement of the reasons for such change;
 - c. Any other information relevant to the changes or new activities requiring the amendment.
- 4) Each Gaming Facility License issued by the Gaming Office shall be for a term of one year. Such license may be renewed for subsequent one-year terms upon proper application on forms specified by the Gaming Office.
- 5) In its decision to license any Gaming Facility, or to amend any existing license to permit the conduct of new or different Gaming Activities at a licensed facility, the Gaming Office may specify, consistent with the provisions of the Ordinance, terms or conditions it believes necessary or appropriate to ensure the health and safety of patrons and employees of any such facility, the integrity of the Gaming Activities carried on at such facility, the Gaming

Facility Operator's ability to account for and protect its assets, and the security of gaming proceeds.

If dissatisfied with any such condition, the applicant may request that the Gaming Office reconsider its determination. Upon such request for reconsideration, the Gaming Office shall issue a written decision within 15 days of its receipt of the request for reconsideration. The written decision of the Gaming Office shall constitute final action of the Gaming Office.

CHAPTER 12 FACILITY INSPECTION; INVESTIGATIONS; NOTICE OF VIOLATION; JUDICIAL REVIEW

SECTION 1201 FACILITY INSPECTION

The Gaming Office shall, no less than semi-annually and at such other times as required by applicable law, cause detailed inspections to be made of each Gaming Facility licensed under the provisions of this Ordinance, to assure that such facility is being operated in accordance with the terms of the license and of the provisions of the Ordinance, the Compact and the Act.

SECTION 1202 INVESTIGATIONS

- 1) The Gaming Office shall investigate any reported violation of this Ordinance, the Compact or the Act. The Gaming Office shall also investigate any reported violation of the Compact's appendices when the Gaming Office determines that an investigation is reasonably necessary to ensure the integrity of gaming, the protection of persons and property, and compliance with the Compact.
- 2) The Gaming Office shall make a written record of reported violations in accordance with the requirements of Section 6(e) of the Compact. The Gaming Office shall make reports of its investigations to the Arizona Department of Gaming in accordance with the requirements of Section 6(g) of the Compact.
- 3) The Gaming Office shall issue a written warning of its preliminary determination of violation to any licensee alleged to have committed a violation and to the Gaming Facility Operator. The warning shall require the licensee and/or the Gaming Facility Operator, as appropriate, to correct the violation upon such terms and conditions as the Gaming Office determines are necessary and proper under the provisions of this Ordinance.

- 4) If a licensee fails to correct a violation within the time set forth in a warning issued under Section 1202 (3), the licensee shall file, and the Gaming Facility Operator may file, with the Gaming Office a written response to the warning within 7 days of receiving the warning. Following receipt of the responses, the Gaming Office shall complete its investigation into the alleged violation. The Executive Director shall issue a notice of violation if the Gaming Office determines that a licensee violated or is violating the Ordinance, the Compact or the Act and has failed to correct the violation within the time set forth in a warning issued under Section 1202 (3). The Executive Director also may issue a notice of violation if the Gaming Office determines that a Person other than a licensee violated or is violating the Ordinance, the Compact or the Act.

SECTION 1203 NOTICE OF VIOLATION

- 1) The Gaming Office shall deliver the notice of violation to the Person the Gaming Office is charging with a violation of this Ordinance, the Compact or the Act.

The Gaming Office shall also deliver a copy of each notice of violation relating to a Gaming Facility (including any violation alleged to have been committed by an employee, vendor, or patron) to the Gaming Facility Operator, with any redactions necessary to avoid disclosure to any information which the Gaming Office is obligated to keep confidential under any applicable privacy laws, including Section 901(3) of this Ordinance.

- 2) A notice of violation shall contain:
 - a. A citation to the Ordinance, regulation, Compact provision, minimum internal control standard, or federal law that has been or is being violated;
 - b. A description of the circumstances surrounding the violation, set forth in common and concise language;
 - c. Notice of any action that the Gaming Office proposes must be taken to correct the violation, if the Gaming Office determines that the violation is capable of being corrected;
 - d. Notice of the time frame within which any action to correct the violation must be taken, unless the Gaming Office determines that the violation is incapable of being corrected;
 - e. Notice of any civil fine or other enforcement action that the Gaming Office proposes to impose;

- f. Notice that a written response to the notice of violation must be submitted to, and received by, the Gaming Office within 15 days of the receipt of the notice of violation; and
 - g. Notice that, if no written response to the notice of violation is submitted to the Gaming Office within the time prescribed in Section 1203(2) (f), the Gaming Office may issue its final decision regarding the violation alleged in the notice and impose a civil fine or take the enforcement action set forth in the notice without hearing from the Person to whom the notice was issued or from the Gaming Facility Operator.
- 3) The Person(s) to whom a notice of violation is issued and the Gaming Facility Operator each may submit a written response to the Gaming Office together with any additional written information the Gaming Office should consider. A Person desiring to submit a written response and any supporting documentation must do so within 15 days after receiving notice of the alleged violation. The Gaming Office shall issue a written decision within 15 days after receiving all written responses or, if no party submits a written response in a timely manner, within 15 days after the deadline for the submission of written responses. The written decision shall constitute final action of the Gaming Office with respect to any notice of violation. Except as provided in Section 1203(2)(g), the Gaming Office shall take no action to enforce a notice of violation until it issues its written decision.
- 4) Notwithstanding the requirements of Section 1202(3), if the Gaming Office determines that the Ordinance, the Compact, or the Act have been violated and the continued licensing of, or conduct by, a Person constitutes an immediate and substantial threat to: the public health, safety or welfare; the integrity of Gaming Activities; the integrity of the Gaming Facility Operator; the Gaming Facility Operator's ability to account for and protect its assets; or to the security of gaming proceeds, the Gaming Office may:
- a. Summarily suspend any license issued under this Ordinance;
 - b. Summarily eject any Person who has violated the Ordinance, the Compact, or the Act from a Gaming Facility or the surrounding premises controlled by the Gaming Facility Operator, using such force as may be reasonably necessary under the circumstances;
 - c. Summarily seize the proceeds of any Gaming Activities not conducted by the Gaming Facility Operator;
 - d. Summarily seize, remove, or impound any equipment, supplies, business records, books of account, or any and all other financial records or documents pertaining to the business operations of a Gaming Facility (regardless of where those records or documents may be located). If the Gaming Office seizes, removes, or impounds any

business records, books of account, or other financial records or documents of the Gaming Facility Operator, it shall provide the Gaming Facility Operator with a copy of any such items upon receiving a written request for copies from the Gaming Facility Operator; or

- e. Upon consultation with the Tribe's General Counsel, initiate in the Cocopah Tribal Court a civil action or criminal complaint to enforce the Ordinance, the Compact, or the Act, which action may include a request for an order permitting the Gaming Office to seize a Gaming Facility or to seize the proceeds from Gaming Activities.
- 5) After the Gaming Office renders a decision in accordance with Section 1203(3), if the Gaming Office has determined that the Ordinance, the Compact, or the Act have been violated, it may take one or more of the following actions, as may be appropriate under the circumstances:
- a. Require remedial action to correct the violation and/or prevent future violations;
 - b. Suspend or revoke the license of the Person to whom the notice of violation was directed;
 - c. Assess a civil penalty in accordance with the provisions of this Ordinance; or
 - d. Upon consultation with the Tribe's General Counsel, initiate in the Cocopah Tribal Court a civil action or criminal complaint to enforce the Ordinance, the Compact, or the Act, which action may include a request for an order permitting the Gaming Office to seize a Gaming Facility or to seize the proceeds from Gaming Activities.

SECTION 1204 JUDICIAL REVIEW

- 1) Any person who has been issued a notice of violation by the Executive Director of the Gaming Office and who has submitted a written response to the Gaming Office in compliance with the provisions of Section 1203(3) of this Chapter may apply to the Cocopah Tribal Court for review of the Gaming Office's written decision regarding the alleged violation. If the Gaming Facility Operator submits a written response to the Gaming Office in compliance with the provisions of Section 1203(3), it also may apply to the Cocopah Tribal Court review of the Gaming Office's written decision regarding the alleged violation.

- 2) Any applicant for a license under this Ordinance, any Person licensed pursuant to this Ordinance, and any patron of a Gaming Operation aggrieved by a final action of the Gaming Office may apply to the Cocopah Tribal Court for review of the final action of the Gaming Office.
- 3) Any Person desiring to appeal a final decision of the Gaming Office must file an application for judicial review within 60 days after receiving notice from the Gaming Office of its final decision.
- 4) A Person aggrieved by a summary action taken by the Gaming Office under Section 1203(4) may seek an interlocutory review of the Gaming Office's action by filing an application for judicial review. The application for judicial review must be filed within 15 days after receiving notice of the Gaming Office's action.
- 5) The reviewing court shall decide all relevant questions of law presented, interpret constitutional and statutory provisions, and determine the basis for the action of the Gaming Office. The reviewing court shall uphold the action of the Gaming Office unless the court determines that the Gaming Office's action was:
 - a. Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
 - b. Contrary to constitutional right, power, privilege, or immunity;
 - c. In excess of statutory jurisdiction, authority, or limitations, or in violation of statutory right;
 - d. Without observance of procedure required by law; or
 - e. Unsupported by substantial evidence.

CHAPTER 13 GAMING OPERATIONS

SECTION 1301 SCOPE OF PERMISSIBLE GAMING

The Gaming Facility Operator may conduct only those Gaming Activities that may lawfully be carried on by the Tribe under applicable provisions of federal law including, but not limited to, the Act, subject to any limitations that may be imposed by the Compact and this Ordinance.

SECTION 1302 HOURS, DAYS AND OTHER STANDARDS

Consistent with the provisions of the Compact, the Gaming Office may by regulation establish the permissible hours and days of operation of Gaming Activities. The regulations may authorize the Gaming Facility Operator to operate Gaming Facilities and conduct Gaming Activities twenty-four hours a day, seven days a week. The Gaming Office also may, by regulation, establish other standards of operation for such Gaming Facilities, as the Gaming Office deems appropriate.

SECTION 1303 EMPLOYEE AND PLAYER AGE LIMIT

Effective June 1, 2003, individuals under 21 years of age shall not play or place any wager, directly or indirectly, in any Gaming Activities. The Gaming Facility Operator shall take reasonable steps to prevent underage individuals from playing or placing wagers in Gaming Activities. Neither the Gaming Office nor the Gaming Facility Operator shall employ individuals under 18 years of age. The Gaming Facility Operator shall not permit any individuals under 18 years of age to serve alcoholic beverages at any Gaming Facility. The Gaming Office may by regulation establish measures by which the Gaming Facility Operator shall enforce the provisions of this section.

SECTION 1304 MANAGEMENT; SECURITY

- 1) The Gaming Facility Operator shall have the responsibility for the on-site operation, management and security of each Gaming Facility, and shall comply with all requirements of this Ordinance, the Compact and the Act. The Gaming Facility Operator shall adopt reasonable procedures, consistent with this Ordinance, the Compact and the Act, designed to provide for the following: the physical safety of its employees; the physical safety of patrons in each Gaming Facility; the physical safeguarding of, and accountability for, assets transported to and from each Gaming Facility and each cashier's cage department; and the protection of the patrons' and the Gaming Facility Operator's property from illegal activity. The Gaming Facility Operator shall adopt reasonable procedures, consistent with Section 3(v) (2) of the Compact, to advise individuals who inquire about the self-exclusion procedures established by the State. The Gaming Facility Operator shall, consistent with Section 3(v)(2) of the Compact: remove all self-excluded persons from all mailing lists and revoke any slot or player's cards; take reasonable steps to ensure that cage personnel check a person's identification against the Arizona Department of Gaming list of self-excluded persons before allowing the person to cash a check or complete a credit card cash advance transaction; take reasonable steps to identify self-excluded persons who may be in a Gaming Facility and, once identified, promptly escort the self-excluded person from the

Gaming Facility; and not pay any hand-paid jackpot to a person who is on the Tribal or State self-exclusion list. Any jackpot won by a person on the self-exclusion list shall be donated by the Gaming Facility Operator to an Arizona-based non-profit charitable organization.

- 2) The Gaming Facility Operator and/or Gaming Office may temporarily or permanently ban individuals from the Tribe's Gaming Facilities and the surrounding premises controlled by the Gaming Facility Operator for such reasons, as the Gaming Facility Operator shall determine appropriate. The Gaming Facility Operator may detain individuals briefly for purposes of obtaining identification from the individuals in connection with the issuance of a banning notice and may detain individuals who may be involved in illegal activities, for purposes of notifying and summoning appropriate law enforcement authorities. If the Gaming Facility Operator requests that an individual leave a Gaming Facility or the surrounding premises for any reason and the individual refuses to do so, the Gaming Facility Operator may eject the individual using such force as may be necessary under the circumstances or request the Cocopah Tribal Police Department to remove the individual.
- 3) The Gaming Facility Operator shall pay to the Arizona Department of Gaming the Tribe's regulatory costs and tribal contributions required under Section 12 of the Compact, in accordance with the directions of the Tribal Council.
- 4) The Gaming Facility Operator shall designate an agent for service of any official determination, order or notice of the Commission.

SECTION 1305 INTERNAL CONTROLS

- 1) The Gaming Office shall by regulation establish minimum standards of internal control applicable to the Gaming Facility Operator and the Gaming Facilities that provide a level of control that equal or exceed the standards required by the Act and the Compact to provide reasonable assurance that the following objectives will be maintained:
 - a. Assets are safeguarded and accountability over assets is maintained;
 - b. Liabilities are properly recorded and contingent liabilities are properly disclosed;
 - c. Financial records including records relating to revenues, expenses, assets, liabilities, and equity/fund balances are accurate and reliable;
 - d. Transactions are performed in accordance with the general or specific authorization of the Gaming Facility Operator's management;

- e. Access to assets is permitted only in accordance with specific authorization of the Gaming Facility Operator's management;
 - f. Recorded accountability for assets is compared with actual assets at frequent intervals and appropriate action is taken with respect to any discrepancies; and
 - g. Functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by qualified personnel.
- 2) The Gaming Facility Operator shall operate each Gaming Facility pursuant to a written internal control system in accordance with the requirements of Section 11 of the Compact. The Gaming Facility Operator shall adopt policies and procedures and a plan of organization to implement the minimum internal control standards established by the Gaming Office. The Gaming Office shall ensure that the Gaming Facility Operator's policies and procedures are consistent with the approved minimum internal control standards prior to implementation of the policies and procedures by the Gaming Facility Operator. The policies and procedures shall include a detailed system for counting cash receipts at least daily, and shall be appropriate to the types of Gaming Activities carried on at each Gaming Facility and the physical characteristics of the systems used for collecting cash. The plan of organization shall provide appropriate segregation of functional responsibilities and shall require sound practices to be followed in the performance of those duties by competent and qualified personnel. The plan of organization shall be diagrammatic and narrative describing the interrelationship of functions and the division of responsibilities upon which the system of internal control relative to gaming operations is based.
- 3) The Gaming Facility Operator shall provide the Gaming Office with copies of its policies and procedures and plan of organization and any proposed changes before implementation. Within 7 days after submission by the Gaming Facility Operator, the Gaming Office shall issue a letter approving the policies and procedures and a plan of organization or any approved changes unless the policies and procedures and plan of organization or any proposed changes (or any part thereof) are inconsistent with the minimum internal control standards. If the policies and procedures and plan of organization or any proposed changes (or any part thereof) are inconsistent with minimum internal control standards, the Gaming Office shall issue a letter of disapproval, which shall set forth the inconsistencies in detail.
- 4) The minimum internal control standards may be modified by the Gaming Office in the manner set forth in Section 404, or in the manner set forth below. The Gaming Office shall inform ADOG in writing of any changes to the Tribe's minimum internal control standards.

- a. The Gaming Office may propose modifications to the minimum internal control standards by providing written notice of the proposed changes to the Gaming Facility Operator and the date the Gaming Office proposes to have the changes be effective. The Gaming Facility Operator shall submit any comments on the proposed changes to the minimum internal control standards to the Gaming Office within 30-days after receiving notice of the proposed changes from the Gaming Office. The Gaming Office shall not issue a final regulation modifying the minimum internal control standards until it has reviewed and considered the Gaming Facility Operator's comments. The Gaming Office's decision to modify any minimum internal control standards shall constitute final action of the Gaming Office.
 - b. The Gaming Facility Operator may propose changes to the minimum internal control standards by providing written notice of the proposed changes to the Gaming Office and the date the Gaming Facility Operator proposes to have the changes be effective. The Gaming Office shall review the proposed changes within 30 days after receiving them from the Gaming Facility Operator and shall notify the Gaming Facility Operator in writing whether it approves or does not approve of the proposed changes. If the Gaming Office approves the proposed changes, its notice of approval shall set forth the date on which the proposed changes will become effective. The Gaming Office's decision to approve or disapprove any proposed changes shall constitute final action of the Gaming Office.
- 5) The Gaming Facility Operator shall provide written notice to the Gaming Office identifying all bank accounts maintained by the Gaming Facility Operator by bank and account number and identifying by name all individuals with authority to sign on each account. The Gaming Facility Operator shall provide written notice to the Gaming Office of any changes to this information within 5 business days of any changes.

SECTION 1306 NOTIFICATION

The Gaming Facility Operator shall promptly notify the Gaming Office of any non-compliance with the minimum internal control standards, the Ordinance, the Compact or the Act or any other matters adversely affecting the integrity of Gaming Activities or the integrity of the Gaming Facility Operator. The Gaming Facility Operator shall promptly notify the Gaming Office of any employee termination and the reason for the termination.

SECTION 1307 ANNUAL INDEPENDENT AUDIT

- 1) The Gaming Facility Operator shall prepare financial statements for its operations in accordance with generally accepted accounting principles on a regular basis and shall provide the Gaming Office with copies of those financial statements.
- 2) Within 120 days after the end of each fiscal year, the Gaming Facility Operator shall provide the Gaming Office with an audit of its financial statements for the prior year, along with any reports or management letter(s) the accountant has prepared. The audit shall be conducted by an independent certified public accountant in accordance with generally accepted auditing standards. Either the firm or all independent certified public accountants engaged to do audits pursuant to this Section shall be licensed by the Arizona State Board of Accountancy. The audit shall be prepared at the Gaming Facility Operator's expense. The auditor shall prepare an audit report expressing an unqualified or qualified opinion on the financial statements or, if appropriate, disclaim an opinion on the financial statements taken as a whole. The examination and audit shall disclose whether the accounts, records, internal controls, and accounting procedures of the Gaming Facility Operator are in compliance with the Act. The audit shall comply with the requirements of Section 12(g) of the Compact; it shall audit and report the Tribe's Class III Net Win. It shall also include or be supplemented with an attestation by the auditor that Class III Net Win is accurately reported consistent with the terms of Compact Appendix I.
- 3) All gaming related contracts that result in purchases of supplies, services, or concessions in an amount exceeding \$25,000 in any year (except contracts for professional legal or accounting services) shall be specifically included within the scope of the audit conducted under this section.
- 4) To facilitate the completion of such audits, the Gaming Facility Operator shall make and maintain complete, accurate, and legible records of all transactions pertaining to any Gaming Activities and any other revenue producing activities conducted by the Gaming Facility Operator at or in conjunction with any Gaming Facility. The Gaming Facility Operator shall maintain its financial records in accordance with generally accepted accounting principles and shall keep those records in a form suitable for audit under the standards of the American Institute of Certified Public Accountants. The Gaming Facility Operator shall maintain the records, as well as all original entry transaction records, until the later of five years from the date on which they are made or the term of record retention required by the Compact. The records shall be maintained at a Gaming Facility or in other locations approved by the Gaming Office.

- 5) The Gaming Facility Operator shall maintain:
 - a. Accurate, complete, legible and permanent records of all transactions pertaining to the Gaming Operation in a manner suitable for audit under the standards of the American Institute of Certified Public Accountants;
 - b. General accounting records using a double entry system of accounting with transactions recorded on a basis consistent with Generally Accepted Accounting Principles;
 - c. Detailed supporting and subsidiary records;
 - d. Detailed records identifying revenues, expenses, assets, liabilities and fund balances equity for the Gaming Operation;
 - e. All records required by the internal control system including, but not limited to, those relating to any Gaming Activity authorized by this Ordinance;
 - f. Journal entries for the Gaming Operation;
 - g. Detailed records sufficient to accurately reflect gross income and expenses relating to its operations on a monthly and year-to-date basis;
 - h. Detailed records of any reviews or audits, whether internal or otherwise, performed in addition to the annual audit required in this Section, including, but not limited to, management advisory letters, agreed upon procedure reviews, notices of non-compliance and reports on the internal control system; and
 - i. Records of any proposed or adjusting entries made by an independent certified public accountant.
- 6) The Gaming Facility Operator shall use a uniform chart of accounts and accounting classifications to assure consistent and effective disclosure of financial information and shall submit to the Gaming Office a copy of any changes to its chart of accounts.
- 7) The Gaming Office, when it deems necessary, may request additional information regarding the Gaming Facility Operator's financial statements, its audits, or both from the Gaming Facility Operator. The Gaming Office also may require the Gaming Facility Operator to have its independent accountant provide such information to the Gaming Office. If the Gaming Facility Operator receives any written communications from its independent accountant regarding internal control matters, the Gaming Facility Operator shall provide copies of those communications to the Gaming Office within thirty days after receiving the communications.

- 8) The Gaming Office shall provide copies of the Gaming Facility Operator's annual reports and management letters setting forth the results of the annual audit to the NIGC within 120 days after the end of each fiscal year for the Gaming Facility Operator and to the State in accordance with the requirements of the Compact. The Gaming Office shall cooperate with the NIGC and the State with respect to any additional information the NIGC or the State may request.

SECTION 1308 PUBLIC DISCLOSURE OF PAYOFFS

The Gaming Facility Operator shall display at all times in each Gaming Facility a schedule of payoff information for all Gaming Activities conducted in the Gaming Facility. The Gaming Facility Operator shall post the information in a location accessible to patrons and in a manner clearly visible to patrons. The Gaming Facility Operator shall regularly update the posted information to reflect any changes in Gaming Activities or in payoffs.

SECTION 1309 PATRON DISPUTES

- 1) Refusal to Pay Winnings. Whenever the Gaming Facility Operator refuses payment of alleged winnings to a patron or there is otherwise a dispute with a patron regarding that patron's wins or losses from Gaming Activity, and the Gaming Facility Operator and the patron are unable to resolve the dispute to the satisfaction of the patron:
 - a. If the dispute involves five hundred dollars (\$500) or more, the Gaming Facility Operator shall immediately notify the Gaming Office and shall inform the patron of his or her right to file a complaint with the Gaming Office requesting that it investigate.
 - b. If the dispute involves less than five hundred dollars (\$500), the Gaming Facility Operator shall inform the patron of his or her right to file a complaint with the Gaming Office requesting that it investigate.
- 2) Complaint. All complaints shall be submitted in writing to the Tribal Gaming Office alleging that the Gaming Facility Operator has failed to pay winnings owed to the patron. The Gaming Office shall promptly provide a copy of the complaint to the Gaming Facility Operator. Within 15 days after notifying the Gaming Office of a patron dispute or within 15 days after receiving from the Gaming Office a copy of a complaint filed by a patron, whichever is later, the Gaming Facility Operator shall file with the Gaming Office a written statement setting forth its position regarding the dispute. The Gaming Office shall cause a full investigation to be made of the patron's allegations and the Gaming Facility Operator's response, and shall determine whether the patron's complaint is valid, whether the patron is entitled to any relief, and if so, the relief to which the patron is entitled.

- 3) Notice to Patrons. The Gaming Office shall mail written notice by certified mail, return receipt requested, to the Gaming Facility Operator and the patron of its decision resolving the dispute within 30 days after the date that the Gaming Office is notified of a dispute by the Gaming Facility Operator or a request to conduct an investigation from the patron, whichever is later.
- 4) Effective Date of Decision. The decision of the Gaming Office is effective on the date it is received by the aggrieved party as reflected on the return receipt.
- 5) Review of Decision. Within 30 days after the date of receipt of the written decision, the aggrieved party may file a petition with the Gaming Office requesting a review of the decision. The Gaming Office may set a hearing on the matter or may make a decision based on the record previously developed and other documentation provided to it by the patron and the Gaming Facility Operator. The Gaming Office shall then issue a written decision within 60 days of the filing of the petition and mail it to the parties by certified mail, return receipt requested. This written decision of the Gaming Office shall be the final decision of the Gaming Office, subject to the provision for judicial review in Section 1204(2).
- 6) The patron may have counsel present at the hearing. The patron may be allowed to present evidence, at the discretion of the Commission.

SECTION 1310 PLAY BY EMPLOYEES

No Primary Management Official, Casino Floor Managers, Casino Department Director/Managers, Director/Assistant Director of Surveillance, Executive Director/Assistant Director of Gaming, or Tribal Gaming Inspectors shall play or place any wager, directly or indirectly, in any Gaming Activities. No employee under the age of twenty-one (21), shall play or place any wager, directly or indirectly, in any Gaming Activities. The Gaming Facility Operator shall prepare and submit to the Tribal Gaming Office a written Employee Play Policy that is consistent with Section 1310. The Gaming Facility Operator shall take reasonable steps to prevent such individuals from playing or placing wagers in Gaming Activities.

SECTION 1311 FINANCIAL SERVICES AT GAMING FACILITIES

The Gaming Facility Operator is prohibited from:

- 1) Locating an automatic teller machine (“ATM”) adjacent to, or in close proximity to, any Gaming Device;

- 2) Locating in a Gaming Facility an ATM that accepts electronic benefit transfer cards issued pursuant to a state or federal program that is intended to provide for needy families or individuals;
- 3) Accepting checks or other non-cash items issued pursuant to a state or federal program that is intended to provide for needy families or individuals; and
- 4) Extending credit to any patron of a Gaming Facility for Gaming Activities.

SECTION 1312 ADVERTISING GUIDELINES

In accordance with the requirements of Section 3(x)(3) of the Compact, the Gaming Facility Operator shall adopt and shall comply with guidelines for the advertising and marketing of Gaming Activities that are no less stringent than those contained in the American Gaming Association's general advertising guidelines.

CHAPTER 14 VIOLATIONS AND REMEDIES

SECTION 1401 VIOLATIONS

It shall be a violation of this Ordinance for any Person to:

- 1) Conduct or operate any Gaming Activities within the Tribe except as provided in this Ordinance;
- 2) Receive, distribute, apply or direct any property, funds, proceeds or other asset of any Gaming Activities to the benefit of any individual or other Person except as authorized by this Ordinance or by any duly enacted Resolution of the Cocopah Tribal Council;
- 3) Tamper with any equipment used in the conduct of Gaming Activities with the intent to cause any Person to win or lose any wager other than in accordance with the publicly announced rules of such Gaming Activities;
- 4) Do any other act in connection with the conduct of any Gaming Activities with the intent to affect the outcome of any wager other than in accordance with the publicly announced rules of such Gaming Activities;
- 5) Participate as a player in any Gaming Activities if such individual is prohibited under Section 1303 or Section 1310 from participating in such Gaming Activities;

- 6) Participate as a player in any Gaming Activities while such individual is listed as an individual banned from the Tribe's Gaming Facilities as provided in Section 403(2)(i);
- 7) To conduct Gaming Activities within the Tribe without complying with the terms and conditions of the Ordinance, the Compact, or the Act;
- 8) To intentionally misrepresent a material fact to the Gaming Office or intentionally falsify any business records of the Gaming Facility Operator or report required by this Ordinance, the Compact or the Act; and
- 9) To fail to comply with any other provision of this Ordinance.

SECTION 1402 CIVIL PENALTIES

Any individual who violates any provision of this Ordinance, including the provisions of the Compact incorporated herein, shall be subject to civil penalties including exclusion from employment by any Tribal Gaming Operation, denial or revocation of a tribal gaming license, exclusion from attendance at any Tribal Gaming Facility, exclusion from the Reservation if a non-member of the Tribe, or, with respect to any person subject to the jurisdiction of the Tribe to impose such fines, a fine of not more than \$10,000 for each such violation. The Commission established pursuant to this Ordinance shall have the jurisdiction to impose any such penalties on any person within the jurisdiction of the Tribe to impose such penalties.

SECTION 1403 CIVIL REMEDIES

The Gaming Office may in the name of the Tribe bring any civil action in the courts of the Tribe to enforce the provisions of this Ordinance, the Compact, or the Act or to enjoin or otherwise prevent any violation of this Ordinance, the Compact, or the Act occurring within the territorial jurisdiction of the Tribe.

CHAPTER 15 TRANSITION PROVISIONS

SECTION 1501 EXISTING GAMES LAWFUL

Subject to the provisions of the Compact and notwithstanding any other provision of this Ordinance, any Gaming Facilities otherwise legally situated within the Tribe, the Gaming Activities carried on at such facilities as of the date on which this Ordinance becomes effective, shall be lawful until the day that is 120 days after the date on which applications for licenses of such facilities and personnel are due to be submitted to the Gaming Office established hereunder;

provided, that the Gaming Office may, upon application by the Gaming Facility Operator, extend such period to permit proper processing of any duly filed application.

SECTION 1502 REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS

Upon enactment of this Ordinance, the Cocopah Tribal Gaming Ordinance enacted 30 July 1992, and all amendments thereto and any Resolution or other Ordinances of the Tribe or parts thereof which are inconsistent with Ordinance, are hereby repealed.

CHAPTER 16 AMENDMENTS

SECTION 1601 AMENDMENTS

This Ordinance may be amended by action of the Cocopah Tribal Council.