



December 7, 2023

VIA E-MAIL

Chair Teri Gobin
Board of Directors, Tulalip Tribes
6406 Marine Drive
Tulalip, WA 98271

Re: Tulalip Tribes Amended Gaming Ordinance

Dear Chair Gobin:

This letter responds to the September 11, 2023 email submission on behalf of the Tulalip Tribes (Tribes) informing the National Indian Gaming Commission that the Tribes amended its gaming ordinance on September 1, 2023 through Resolution 2023-401. The amendment adds a subsection to the Tribes' ordinance that permits the Tulalip Gaming Agency to issue civil fines to tribal gaming operators, vendors, and manufacturers for failure to comply with the Tribes' gaming compact with the State of Washington.

Thank you for bringing this amendment to our attention and for providing us with a thorough submission of the Tribes' gaming laws and regulations. Please be aware, on August 15, 2023, the NIGC published final rules for Parts 502 (Definitions) and 558 (Gaming Licenses for Key Employees and Primary Management Officials), among other revisions, which became effective on September 14, 2023.¹ The Nation's Ordinance does not reflect the recent changes made to the definitions of "key employee" and "primary management official" at 25 C.F.R. §§ 502.14 and 502.19, respectively. However, I have been assured that the Tribes are aware of the changes to NIGC regulations and will incorporate them into the Tribes' gaming ordinance. The Tribes' attorney has indicated that they had attended NIGC's informational session on the regulation changes and will submit additional amendments after tribal leadership has a chance to approve them. As such, the amended ordinance is approved.

If you have any questions, please contact NIGC Staff Attorney Josh Proper at joshua.proper@nigc.gov or 540-760-3026.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Sequoyah Sinnermeyer".

E. Sequoyah Sinnermeyer
Chairman

¹ 88 Fed. Reg. 55, 366 (August 15, 2023).

TULALIP TRIBES
ORIGINAL DOCUMENT

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ORIGINAL DOCUMENT

THE TULALIP TRIBES OF WASHINGTON
RESOLUTION 2023 - 401

Amendments to Gaming Ordinance Tulalip Tribal Code 10.05

WHEREAS, the Board of Directors is the governing body of the Tulalip Tribes under the Constitution and Bylaws of Tribe approved by the United States Commissioner of Indian Affairs and the Secretary of the Interior on January 24, 1936, pursuant to the Act of June 18, 1934 (48 Stat. 984, 25 U.S.C. §476); and

WHEREAS, the Tulalip Board of Directors under Article VI, Section 1. (L) Article VI, Section 1 of the Tulalip Constitution to enact laws governing gaming activities on Tulalip lands; and Art. VI, Sec. 1 of the Tribal Constitution desire to safeguard and promote the community's peace, safety, and general welfare; and

WHEREAS, the Tribes adopted and enacted the Tulalip Gaming Ordinance to conduct it's gaming activities now codified as Tulalip Tribal Code (TTC) Chapter 10.05; and

WHEREAS, the purpose of this amendment is to allow the Tulalip Gaming Agency, the primary gaming regulator, to issue civil fines for failure to comply with Tulalip-State Gaming Compact violations, to allow appeal of those fines and other related regulatory clarifications

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the Tulalip Tribes hereby approves and adopts the amendment to TTC 10.05.030 (2)(e)(v) to clarify gaming regulation violations, incorporates section TTC 10.05.030(2)(f)(i)(A) and (B) authorizing the Tulalip Gaming Agency to issue civil fines to the Tulalip Gaming Organization or a vendor/manufacture for Tribal-State Compact and accompanying appendix violations, and TTC 10.05.040(5)(a)(i) allowing appeal of the a civil fines (See attached amendment).

ADOPTED by the Board of Directors of the Tulalip Tribes of Washington at a regular board meeting assembled on the 1st day of September, 2023, with a quorum present, by a vote of 6 For, 0 Against, and 0 Abstain.

THE TULALIP TRIBES OF WASHINGTON


Teri Gobin, Chair

ATTEST:


Debra Posey, Secretary

Gaming Ordinance Amendments (Approved 9/2023 Regular Board Meeting)

TTC 10.05.030

(e) Investigation/Enforcement – Gaming Regulations

(i) The TGA shall investigate any observed or reported gaming regulatory violations of this chapter or Gaming Regulations promulgated hereunder and diligently, efficiently, and reasonably enforce the same as provided for herein in a professional manner.

(ii) If a Gaming Regulation violation by the TGO is found, the Director is authorized to issue a corrective action order requiring the TGO to correct the violation. Except in cases where immediate enforcement action is deemed necessary by the Director, the TGA shall first seek informal, voluntary correction by the TGO. Where a TGO violation is not remedied informally after a documented compliance meeting, or immediate enforcement action is deemed necessary by the Director, the TGA may proceed with formal enforcement through issuance of a corrective action order.

(iii) Corrective Action Order. A corrective action order shall be in writing and directed at the highest level management official in the TGO Facility or TGO Facility Department to which it applies. The corrective action order shall clearly state the nature of the gaming regulatory violations, and the specific actions required to correct the gaming regulatory violations. The order shall specify a reasonable time for compliance, taking into account all relevant facts and the nature of the actions required.

(iv) Responsibility for Compliance. The highest level management official in the TGO Facility or Facility Department to which the order was directed shall be responsible for either complying with or appealing the corrective action order.

(v) TGO Sanctions – Licensing. – No adverse licensing action shall be taken against any TGO management official or employee where the TGO Facility or Department has, in a timely manner, (A) taken the specific compliance actions required by the order, (B) demonstrated substantial good faith efforts toward compliance, or (C) filed a timely appeal of the order. In cases where the TGO has failed to either comply or appeal the order within the required time frames, the Department or Facility management official responsible for compliance may be sanctioned through license suspension not exceeding 30 days.

(vi) Non-TGO Sanctions. For violations by others than the TGO deemed by the TGA to be not serious in nature, the TGA shall first seek informal, voluntary corrections by the alleged violator. Where such violation is not remedied informally after a documented compliance meeting, or in the event immediate enforcement action is deemed necessary by the Director, the TGA may proceed with formal enforcement as provided for elsewhere in this chapter.

(vii) Criminal Law Enforcement. All matters involving suspected criminal activity shall be referred by the TGO and/or TGA to the appropriate Tribal law enforcement agency, Federal or local law enforcement agencies. The TGO and TGA shall cooperate and coordinate with the Tribal law enforcement agency and Federal or local law enforcement agencies in all matters involving suspected criminal activities occurring within or in relation to Tribal gaming facilities or gaming licensed under this chapter. The TGO shall also notify TGA of any person suspected of criminal trespass.

(f) Investigation and Enforcement - Tribal-State Compact/Appendices

(i) If a gaming compact violation by the TGO or a vendor/manufacture is found, the Director is authorized to issue a civil fine in its reasonable discretion as set forth below. Civil fines are subject to appeal under section 5 of this code.

(Aa) Actions or inactions that violate the nature, size, and scope of gaming may be issued a civil fine not to exceed \$5,000.00 per day, per violation. The Director may suspend any fine, or portion thereof. Nature, size, scope means the type of Class III gaming activity, the number of games authorized, and wagering limitations on those games.

~~(Bb)~~ Actions or inactions that violate provisions other than nature, size, and scope of gaming may be issued a civil fine not to exceed \$250.00 per day for the first violation, not to exceed \$500.00 per day for the second violation, and not to exceed \$1000.00 per day for the third violation, and not to exceed 90-days for each fine listed. The Director may suspend any fine, or portion thereof. Violations under this provision are to be charged and monitored on a per-violation basis annually dating from the time of the issuance of the first violation.

TTC 10.05.040

5) Appeals.

(a) Right of Appeal.

(i) Any person or entity against whom the Director imposes a fine ~~for cheating~~ pursuant to this chapter ~~for cheating, for cheating,~~ or for conducting Class II or III gaming activities which are not owned or authorized by the Tribes, may appeal such action to the Tribal Gaming Court.

(ii) Any person or entity subject to a Tribal Gaming License denial, suspension or revocation authorized by this chapter or Gaming Regulation may appeal such action to the Tribal Gaming Court.

(iii) The TGO may appeal corrective action orders to the Tribal Gaming Court.

Chapter 10.05 GAMING

Sections:

10.05.010 Purpose and policy.

10.05.020 Definitions.

10.05.030 Regulatory commission, agency and functions.

10.05.040 Regulation of gaming.

10.05.050 Gaming revenues.

10.05.060 General provisions.

Gaming Regulations

Regulation 1 Authority and purposes.

Regulation 2 Definitions.

Regulation 3 TGA administration.

Regulation 4 Gaming facility exclusions.

Regulation 5 Investigations.

Regulation 6 Licensing.

Regulation 7 Additional requirements applicable to Category A licenses for key employees and primary management officials.

Regulation 8 Additional requirements applicable to gaming vendors and nongaming vendors.

Regulation 9 Additional requirements applicable to gaming devices, new games and associated equipment.

Regulation 10 Acceptance of gratuities from patrons.

Regulation 11 Internal control standards.**Regulation 12 Permitting.****Regulation 13 Amusement games.****Regulation 14 Civil infraction enforcement authority.**

Prior legislation: Ords. 55 (adopted 2-6-1982), 55 (adopted 12-3-1988), 55 (adopted 4-7-1990), 55 (adopted 8-5-2005) and 55A; Ord. dated 6-4-1983; Resos. 88-0020, 88-0098, 88-0178, 89-0103, 99-014, 99-209, 99-242, 99-330, 2004-005 and 2005-292.

10.05.010 Purpose and policy.

This chapter is adopted by the Board of Directors of the Tulalip Tribes, pursuant to its authority granted by the Tribes' Constitution, for the purpose of establishing the terms for gaming on Tulalip Tribal lands. Gaming shall be conducted for Tribal governmental and charitable purposes, and the Tribes shall develop and operate such gaming consistent with the Indian Gaming Regulatory Act ([25 U.S.C. 2701](#) et seq.), regulations promulgated thereunder, and the Tribal-State Compact for Class III gaming between the Tulalip Tribes and the State of Washington, as amended.

The Tulalip Tribes finds that:

Gaming on its Tulalip Tribal lands is a valuable means of generating revenues that are needed to promote Tulalip Tribal self-sufficiency, economic development, employment, job training, and a strong Tulalip Tribal government, and to fund and provide essential social programs and services;

The Tulalip Tribes desires to conduct certain forms of gaming to provide needed revenues to the Tulalip Tribes, and to regulate and control such gaming;

The Tulalip Tribes desires to own all gaming on Tulalip Tribal lands, and to manage and regulate such gaming in a manner that will adequately address the interests and needs of the Tulalip Tribes.

It is the intent of this chapter to exert Tribal sovereignty and jurisdiction within the Tulalip Indian Reservation and to preempt any civil-regulatory power or law, if any, of the State of Washington, within said boundaries concerning the subject matter of this chapter, except as otherwise expressly provided in the Compact or in this chapter. [Res. 2014-484; Ord. 55 § 1, 11-4-2005 (Res. 2005-366)].

10.05.020 Definitions.

For purposes of this chapter:

- (1) "Applicant" means any person or entity who has applied for a license under this chapter or TGC regulations or who has applied for permission to engage in any act or activity which is regulated by this chapter.
- (2) "Board of Directors" or "Board" means the governing body of the Tulalip Tribes as defined in the Constitution of the Tulalip Tribes.
- (3) "Cheat" or "cheating" means to: employ or attempt to employ any device, scheme, or artifice to defraud any other participant or the operator; engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator; engage in any act, practice, or course of operation while participating in a gaming activity with the intent of defrauding or deceiving any other participant or the operator to gain an advantage in the game over the other participant or operator; alter the selection of criteria which determine the result of a game or the amount or frequency of payment in a game; or aid, abet or conspire to commit any of the foregoing prohibited conduct.
- (4) "Cheating device" means any machine, mechanism, equipment, card, die, or other device used, or attempted to be used, to cheat.
- (5) "Class I gaming" means all forms of gaming as defined in [25 U.S.C. 2703](#)(6).
- (6) "Class II gaming" means all forms of gaming as defined in [25 U.S.C. 2703](#)(7).
- (7) "Class III gaming" means all forms of gaming as defined in [25 U.S.C. 2703](#)(8).
- (8) "Compact" means the Tribal-State Compact for Class III gaming between the Tulalip Tribes and the State of Washington, as amended.
- (9) "Director" means the Director of the Tribal Gaming Agency.
- (10) "Entity" means sole proprietorship, corporation, not-for-profit corporation, limited liability company, joint venture, partnership (general or limited), trust, association, organization, government, tribe, political subdivision, municipal corporation, governmental agency, consortium of persons, and any one of or more of the foregoing, or consortium of the foregoing.
- (11) "Gaming" or "gaming activities" means all activities falling within the scope of Class I, II or III gaming.

(12) "Gaming employee" means any person employed in the operation or management of any Class II or Class III gaming operation, whether employed by or contracted to the Tribes or by any person or enterprise providing off-site services to the Tribes within or without the gaming facilities, including, but not limited to, gaming operation managers and assistant managers; accounting personnel; surveillance personnel; cashier supervisors; dealers or croupiers; box men; floormen; pit bosses; shift bosses; cage personnel; collection personnel; gaming consultants; management companies and their principals; and any other person whose employment duties require or authorize access to restricted areas of the gaming facilities not otherwise opened to the public.

(13) "Gaming facility" means the room or rooms, building or buildings or portions thereof in which Class II or Class III gaming as authorized by this chapter is conducted on Tulalip Tribal lands.

(14) "Gaming operation" means a person or entity, or subdivision thereof, conducting gaming activities.

(15) "Gaming services" means the providing of any goods or services to the Tribes directly in connection with the operation of Class II or III gaming in a gaming facility, including equipment, maintenance, or security services for the gaming facility.

(16) "Goods and related services" means tangible nongaming items of inventory, equipment, and fixtures, used in connection with any gaming operation (such as soda or liquor and soda or liquor dispensing equipment), and service for such inventory, equipment and fixtures (such as service for soda dispensing equipment).

(17) "IGRA" means the Indian Gaming Regulatory Act, [25 U.S.C. 2701](#) et seq.

(18) "Key employee" means a person who performs one or more of the following functions:

- (a) Cage manager;
- (b) Cage shift supervisor;
- (c) Vault cashier;
- (d) Main bank cashier;
- (e) Line cashier;
- (f) Count team member;

- (g) Count team supervisor;
- (h) Director of security operations;
- (i) Security personnel;
- (j) Director of surveillance;
- (k) Surveillance personnel;
- (l) Chief operations officer;
- (m) Shift manager;
- (n) Pit manager;
- (o) Floor supervisor;
- (p) Dealer;
- (q) Bingo caller;
- (r) Bingo supervisor;
- (s) Bingo cashier;
- (t) Custodian of gaming supplies or cash;
- (u) Croupier;
- (v) Approver of credit;
- (w) Custodian of gambling devices, including persons with access to cash and accounting records within such devices;
- (x) Any employee engaged in gaming finance or gaming accounting functions;
- (y) If not otherwise included, any other TGO employee whose total cash compensation is in excess of \$50,000 per year; or
- (z) If not otherwise included, the four most highly compensated persons in the TGO.

(19) “NIGC” means the National Indian Gaming Commission.

(20) “Net revenue” means gross gaming revenues of the Tribal gaming operations less amounts paid out as, or paid for, prizes and total gaming-related operating expenses, excluding any management fees.

(21) “Ordinance” means this chapter.

(22) “Primary management official” means:

(a) The person having management responsibility for a management contract;

(b) Any person who has authority:

(i) To hire and fire employees; or

(ii) To set up working policy for the gaming operation; or

(c) The chief financial officer or other person who has financial management responsibilities.

(23) “Principal” means, with respect to any enterprise: (a) each of its officers and directors; (b) each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, or general manager; (c) each of its owners or partners, if an unincorporated business; (d) each of its shareholders who own more than 10 percent of the shares of the corporation, if a corporation; and (e) each person other than a banking institution who has provided financing for the enterprise constituting more than 10 percent of the total financing of the enterprise.

(24) “State” means the State of Washington, its authorized officials, agents and representatives.

(25) “State certification” means the licensing process utilized by the State Gaming Agency to ensure all persons required to be licensed/certified are qualified to hold such license.

(26) “State Gaming Agency” means the Washington State Gambling Commission.

(27) “Tribal Gaming Agency” or “TGA” means the Tulalip Tribal Gaming Agency.

(28) “Tribal Gaming Commission” or “TGC” means the Tulalip Tribal Gaming Commission.

(29) “Tribal gaming operation” (also known as the Tulalip Gaming Organization or “TGO”) means any Class II or Class III gaming in any gaming facility operated by the Tribes on Tulalip Tribal lands. The

Tribal gaming operation shall be an instrumentality and enterprise of the Tulalip Tribal government operated to generate Tulalip government revenue and is not a separate legal entity.

(30) "Tribal law enforcement agency" means the police force of the Tulalip Tribes established and maintained by the Tribes pursuant to the Tribes' powers of self-governance to carry out law enforcement within the Tulalip Tribal lands.

(31) "Tribes" or "Tribal(ly)" means the Tulalip Tribes.

(32) "Tulalip Tribal lands" means (a) all lands within the limits of the Tulalip Indian Reservation, and (b) any lands title to which is either held in trust by the United States for the benefit of the Tribes or individual member of the Tribes or held by the Tribes or individual member of the Tribes subject to restriction by the United States against alienation over which the Tribes exercises governmental power. [Res. 2016-412; Res. 2014-484; Res. 2007-131; Ord. 55 § 2, 11-4-2005 (Res. 2005-366)].

10.05.030 Regulatory commission, agency and functions.

(1) Tribal Gaming Commission.

(a) Establishment/Duties.

(i) There shall be and hereby is created the Tribal Gaming Commission whose purpose is to advise the Tribal Gaming Agency, the Tribal agency primarily responsible for regulatory oversight of Class II and III gaming.

(ii) The TGC is an advisory body. The sole purpose of the TGC is to advise on gaming regulatory functions in accordance with its roles and responsibilities as set forth in this chapter. To the extent and in the manner provided for in this chapter, the TGC will conduct general oversight to ensure compliance with Tribal, Federal, and, if applicable, State gaming laws and regulations.

Specifically, the TGC shall have the authority to:

(A) Adopt and enforce Gaming Regulations brought forward by the TGA in accordance with the procedures set forth in this chapter, which regulations are subject to the prior review and approval of the Board of Directors; provided, that the Board of Directors retains the authority to independently adopt Gaming Regulations related to gaming; provided, furthermore, following the adoption of any Gaming Regulations promulgated hereunder, the TGC shall promptly and forthwith submit the same to the NIGC and

State Gaming Agency if adoption of such Gaming Regulation is required by Federal law or compact, and in a manner required by IGRA and the Compact;

(B) Advise the Director in gaming regulatory matters;

(C) Review and advise on gaming regulatory decisions or actions of the TGA or Director, except licensing decisions appealable to the Tribal Gaming Court;

(D) Participate in the Patron Dispute Resolution Review Committee;

(E) Subject to the prior review and approval of the Board of Directors, adopt TGC gaming related rules of procedure and protocols to perform its functions.

(iii) The TGC shall have an advisory role to the TGA, but shall not have authority over:

(A) Tribal gaming operation management;

(B) Nongaming regulatory functions;

(C) Tribal gaming operation management, policy, and personnel matters;

(D) TGA management, policy governing nongaming regulatory matters, and personnel matters.

(iv) The TGC shall consist of five members elected by the membership of the Tulalip Tribes. Members of the TGC shall be known as "Commissioners," three shall hold a three-year term, and two shall hold a two-year term, and hold office until their successors are duly elected and qualified, which successors shall all hold three-year terms; provided, however, persons who are Commissioners whose terms have not expired as of the effective date of this amendment shall otherwise be entitled to remain in office until the expiration of their then-current term.

(v) In case of a vacancy on the TGC, the Board shall appoint a Commissioner to fill such vacancy for the remainder of the term of the Commissioner that is being replaced or, upon written notice to the TGC, permit the vacancy to remain unfilled for the remainder of the term if the next Tribal general election to fill the vacancy will fall within three months of the occurrence of the vacancy. In the event the vacancy prohibits the TGC from establishing a quorum, the Board will immediately appoint a Commissioner to fill such vacancy, subject to

qualifications for Commissioners under this chapter, and pay the TGC-established licensing fees for the appointed Commissioner.

(b) Qualifications.

(i) No employee of:

(A) The TGO;

(B) Any Tribally licensed Class II or III gaming operation; or

(C) Any non-Tribally licensed gaming operation;

may be a Commissioner.

(ii) No person may be a Commissioner unless such person:

(A) Is a duly enrolled member of the Tribes;

(B) Is at least 21 years of age; and

(C) Has never been convicted of a felony, or a misdemeanor involving dishonesty.

(iii) Any person seeking to become a candidate for the position of Commissioner shall submit to a background investigation and must be qualified to receive a Category A Tribal Gaming License. Such proposed candidate shall pay the fees and costs for such background investigation. The Director shall establish the amount of such fees and costs.

(c) Chairman, Quorum, Meetings, Compensation and Expenses, and Removal.

(i) Annually, upon the election of Commissioners by members of the Tribes, the TGC shall designate a Chairman, Vice-Chairman and Secretary.

(A) The Chairman shall:

1. Preside over all meetings of the TGC;

2. Perform all duties of a Chairman;

3. Exercise any authority delegated to him by the TGC;

(B) The Vice-Chairman shall:

1. Assist the Chairman when called upon to do so; and
2. In the absence of the Chairman, preside and, while so presiding, have all the rights, privileges, duties, and responsibilities of the Chairman;

(C) The Secretary shall:

1. Conduct all TGC correspondence;
2. Keep accurate records of all matters transacted at TGC meetings; and
3. Promptly submit to the Secretary of the Board all minutes of regular and special meetings of the TGC.

(ii) A quorum shall be three Commissioners.

(iii) All actions of the TGC shall be taken by majority vote. The Chairman shall be entitled to vote.

(iv) The principal office of the TGC shall be at such place as designated by the Board.

(v) The TGC shall hold meetings at least monthly and at such other times:

(A) As may be called by the Chairman;

(B) Upon written request to the Chairman by any other Commissioner;

(C) Upon written request to the Chairman by the Director; or

(D) At the direction of the Board.

(vi) Before entering the duties of office, each Commissioner shall take and subscribe to an oath of office. The Commissioner shall be subject to and governed by the code of ethics adopted by the Board for Tribal Commissions.

(vii) Any Commissioner may be removed for:

(A) Arrest and/or conviction of any crime;

(B) Malfeasance, nonfeasance, or misfeasance in office;

(C) Acts or omissions contrary to the best interests of the Tribes;

(D) Finding that the Commissioner does not meet the eligibility qualifications for the TGC; or

(E) Failure to attend four consecutive regularly scheduled meetings, or failure to attend 10 regularly scheduled meetings in a 12-month period;

all upon specific written charges filed with the TGC. The TGC shall forward such charges to the Board of Directors. The Board shall hear the matter at a private hearing and adjudicate the charges at a time set in their discretion, as well as prescribe the procedure for the hearing. The decision of a majority of the Board shall be final and nonappealable. Removal of any Commissioner by the Board shall disqualify such member for reappointment or reelection.

(viii) Compensation for Serving and Reimbursement of Expenses. Commissioners may be compensated for serving on the TGC and reimbursed for their expenses at rates to be set by the Board. Such rates shall be approved by the Board of Directors and shall be identical for all Commissioners.

(d) TGA Budgets.

(i) General Operations Budget. The TGA shall cause to be prepared an annual budget for the TGA operations, which shall include the TGC budget line as approved by the TGC; whereupon such annual budget shall be submitted directly to the Board for review, modification, and/or adoption as part of its regular annual budget process. At the end of the budget year, any surplus funds in the budget shall be considered in the next year's funding request.

(ii) Capital Budget. This budget shall be prepared, submitted and approved as in subsection (1)(d)(i) of this section and specify requirements for equipment to assure effective and efficient operations. The funding for such regulatory equipment and systems and capital improvements shall be provided through a separate budget.

(2) TGA.

(a) Duties. The TGA is established to be the agency responsible for regulation of Class II and III gaming, and shall exercise the responsibilities, as set forth in subsections (1)(a)(ii)(A) through (E) of this section, to guide the on-site regulation, control and security of the gaming operation authorized by this chapter, and for the enforcement of this chapter within Tulalip Tribal lands subject to the advisory role of the TGC. The role of the TGA is gaming regulation; and the TGA shall not have authority to engage in internal TGO management or personnel matters. As part of its structure, the TGA shall perform the following functions:

- (i) The enforcement in the gaming operations, including the facilities, of all applicable gaming regulatory laws;
- (ii) The physical safeguarding of assets transported to and from the gaming facility and cashier's cage department;
- (iii) The protection of the patrons and the gaming facility from illegal activity; the detention of persons who may be involved in illegal acts for the purpose of notifying the law enforcement authorities;
- (iv) The recording of any and all unusual occurrences within the gaming facility.

(b) Director. The Director shall be the chief administrator and lead enforcement official in carrying out the powers and duties of this chapter. The Director may propose rules and regulations governing gaming activities and operations licensed by the Tribes for review, revision, and/or preliminary approval by the TGC, which, in turn, the TGC shall submit to the Board of Directors for its review, revision as appropriate, and adoption, before such rules and regulations become effective. In emergent or limited circumstances, the Director, in his discretion, may submit rules and regulations directly to the Board for approval when necessary to carry out the role of lead enforcement official. The Director shall supervise other TGA employees in carrying out the purposes and provisions of this chapter. Any authority expressly reserved to the Director may be delegated by the Director to TGA personnel under the Director's authority. The Director shall be supervised by the Tulalip Tribes General Manager in accordance with a TGA organizational chart as approved by the General Manager and the Board, and shall, in addition to the specific requirements of this chapter, be subject to the requirements of the Tulalip Tribes Government Employee Handbook, with the exception of applicable variances adopted by the Board.

(c) TGA Inspectors. The TGA shall employ qualified inspectors under the authority of the TGC. Said inspectors shall be independent of the TGO, and shall be supervised by the Director.

(d) Reporting of Violations. A TGA inspector shall be present in the Class III gaming facility during all hours of gaming operation, and shall have immediate access to any and all areas of the gaming operation for the purpose of (i) physically safeguarding the assets of the gaming operation, and (ii) ensuring compliance with the gaming regulatory provisions of this chapter. Any violation(s) of the provisions of this chapter by the TGO, a gaming employee, entity, or any person on the premises whether or not associated with the TGO shall be reported immediately to the TGA except for nongaming regulatory violations such as environmental, health, safety, food, beverage and other nongaming matters, which shall be reported to the appropriate TGO or Tribal government officials regulating these areas.

(e) Investigation/Enforcement.

(i) The TGA shall investigate any observed or reported gaming regulatory violations of this chapter or Gaming Regulations promulgated hereunder and diligently, efficiently, and reasonably enforce the same as provided for herein in a professional manner.

(ii) If a Gaming Regulation violation by the TGO is found, the Director is authorized to issue a corrective action order requiring the TGO to correct the violation. Except in cases where immediate enforcement action is deemed necessary by the Director, the TGA shall first seek informal, voluntary correction by the TGO. Where a TGO violation is not remedied informally after a documented compliance meeting, or immediate enforcement action is deemed necessary by the Director, the TGA may proceed with formal enforcement through issuance of a corrective action order.

(iii) Corrective Action Order. A corrective action order shall be in writing and directed at the highest level management official in the TGO Facility or TGO Facility Department to which it applies. The corrective action order shall clearly state the nature of the gaming regulatory violations, and the specific actions required to correct the gaming regulatory violations. The order shall specify a reasonable time for compliance, taking into account all relevant facts and the nature of the actions required.

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substantial good faith efforts toward compliance, or (C) filed a timely appeal of the order. In cases where the TGO has failed to either comply or appeal the order within the required time frames, the Department or Facility management official responsible for compliance may be sanctioned through license suspension not exceeding 30 days.

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(3) Commissioners and Employees – Activities Prohibited. Commissioners, TGC employees, the Director, and TGA employees shall not:

- (a) Serve as an officer, employee or manager of the TGO, or any Tribal gaming or non-Tribally owned gaming or gambling operation, or any Tribally licensed gaming vendor;
- (b) Receive or share in, directly or indirectly, profits of any gaming activity, other than authorized per capita payments;
- (c) Be beneficially interested in any contract for the manufacture, supply, sale or other provision of goods or services to, or connected with, any gaming activity licensed by the Tribes;
- (d) Participate in any gaming activity regulated by the TGC under this chapter, except as required in the lawful discharge of their duties. This prohibition shall not apply to the annual Tribal member bingo night, provided a TGA inspector who is not participating is delegated responsibility for regulating this event;
- (e) Solicit, receive, or accept anything of value from any person or entity, or person in control of an entity, that is required to obtain a license from the TGA or any employee, agent, or representative of a person or entity, or person in control of an entity, that is required to obtain a

license from the TGA; provided, however, that the prohibitions of this subsection shall not apply to items of insignificant value that are distributed without charge to the general public by a person or entity that is required to obtain a license from the TGA.

(4) Environment and Public Health and Safety. All gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and public health and safety. The TGO shall be subject to all applicable Tribal regulatory laws and policies covering environmental protection, occupational health and safety, Building Codes, food safety and land use. Enforcement in these nongaming areas shall not be by the TGC, but shall be the responsibility of Tribal officials and departments with regulatory authority over these nongaming areas. [Res. 2015-391; Res. 2015-277; Res. 2014-484; Res. 2013-472; Res. 2007-134; Res. 2006-74; Res. 2006-20; Ord. 55 § 3, 11-4-2005 (Res. 2005-366)].

10.05.040 Regulation of gaming.

(1) Operation of Gaming Establishments.

(a) Gaming Permitted as Licensed. Except to the extent authorized by an agreement pursuant to the provisions of IGRA or as otherwise permitted by law and this chapter, Class II and III gaming operations shall only be conducted in Tribally owned, operated and licensed facilities pursuant to the provisions of this chapter and, for Class III gaming, the Compact. Such activities shall be conducted in accordance with the terms and conditions of the license issued to the gaming facility by the TGA prior to the conduct of any gaming therein.

(b) Facility License. A separate facility license shall be required for each separate place, facility or location in which a gaming operation is authorized by the Tribes. The gaming facility license shall identify: the name and address of the facility; type of gaming allowed; effective date of the license; name and telephone number of the TGO; and such other matters as the TGA may deem necessary to the conduct of gaming activities therein, or as may be required under the Compact or other applicable law.

(2) Licensing.

(a) Licenses.

(i) Licensing Program Overview. The Tribes' gaming licensing program shall be administered through the TGA. The program shall be an investigative licensing process under which all applicants for Class II and Class III gaming licenses are evaluated against the standards set forth in, and subject to the requirements of, this chapter, all Gaming Regulations

promulgated hereunder, IGRA, NIGC regulations, Compact requirements, and any other applicable Tribal, Federal, or State laws.

(ii) Licensing Requirements. An annual Tribal Gaming License is required for:

- (A) Each Class III gaming facility and gaming operation located on Tulalip Tribal lands;
- (B) Each Class II gaming facility and gaming operation located on Tulalip Tribal lands;
- (C) Each State lottery retailer located on Tulalip Tribal lands;
- (D) Each employee of a Class II or Class III gaming operation, the Director and all TGA employees;
- (E) Each gaming vendor;
- (F) Each nonexempt, nongaming vendor;
- (G) Each nonexempt gaming financier.

(iii) Burden on Applicant. The burden of proving an applicant's qualifications to receive a license hereunder is at all times on the applicant. Applicants must accept any risk of adverse public notice, embarrassment or other action that may result from the application process and expressly waive any claim for damages as a result thereof.

(iv) Applicant Claim of Privileges. An applicant may claim any privilege afforded by law in connection with a gaming license application or investigation, but a claim of privilege with respect to any testimony or evidence pertaining thereto may constitute sufficient grounds for denial, suspension or revocation.

(v) Release of Information. Any persons applying for a license shall agree to release all information necessary in order for the TGA, NIGC and the State Gaming Agency to complete their suitability determination. Applicants must update all such information promptly on an ongoing basis.

(vi) Gaming License Confers No Property Right. A Tribal Gaming License is a revocable privilege, and no licensee shall have any vested or property right in a Tribal Gaming License. A Tribal Gaming License is personal to the licensee, and may not be assigned or transferred.

(vii) Types of Licenses.

(A) Gaming Facility and Gaming Operation License. A single license for each Class II or Class III gaming facility operating on Tulalip Tribal lands.

(B) Category A License. Any primary management official, gaming key employee, or closely associated independent contractor with influence over the management of the gaming operation shall obtain a Category A license. The TGA shall conduct or cause to be conducted a background investigation to determine if such person has:

1. Any criminal record or any reputation, prior activities, habits or associations which might pose a threat to the public interest or to the effective regulation of gaming.
2. Anything else in his/her background that might create or enhance the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of gaming.

Additional procedures for Category A licensing application and background investigations shall be set forth by regulation. Those who do not meet the required qualifications shall be denied a Category A license, or the license if issued may be revoked.

(C) Category B License. Persons who are not among those identified in subsection (2)(a)(vii)(B) of this section, but are to be employed at a gaming facility on Tulalip Tribal lands in another nongaming capacity, shall be required to obtain a Category B license from the TGA. Such persons shall complete a short form Category B application. A Category B license may be denied if the TGA finds that the applicant has been convicted of a felony or crimes involving dishonesty, or is engaged in any activity which the TGA deems would render such person a danger to the safety and security of the Tribes, property of the Tribes, any gaming employee or patron, or the public.

Those who do not meet the required qualifications shall be denied a Category B license, or the license if issued may be revoked. Nongaming key employees shall be required to submit to both Tribal licensing requirements and NIGC licensing requirements.

(D) Gaming Vendor License. Vendors of goods and services directly related to Class II and III gaming and nonexempt gaming financiers must meet all Tribal licensing and State certification and suitability requirements. Gaming vendor licensing requirements

may be more fully set forth in TGC regulations. The gaming vendor license must be renewed annually. The Tribes shall not enter into, or continue to make payments pursuant to, any contract or agreement that would require licensing if the gaming vendor has been denied a license or is deemed unsuitable, or the license or suitability determination has expired without renewal.

(E) Gaming Vendor License Exemptions for Gaming Financiers. Third party financing extended or guaranteed for the Class II or Class III operation and facility by an agency of the United States, a member institution of the FDIC, or an institution regulated by the Comptroller of the Currency is exempt from licensing requirements.

(F) Nongaming Vendor License. Vendors who are deemed not to be gaming vendors and who provide only nongaming goods and related services to the TGO shall, unless exempt, complete a short form application.

(G) Nongaming Vendor Licensing Exemptions. The following categories of vendors are exempt from licensing requirements: (1) nongaming vendors supplying less than \$25,000 in goods or services annually, (2) vendors supplying only accounting or legal services, and (3) nongaming vendors supplying only food, beverage, gift shop, advertising, promotional, entertainment or marketing goods and services.

(H) State Lottery Retailers. All State lottery retailers shall complete a short form application.

(I) Conditional Licenses. Licenses that contain conditions that are necessary for an individual to qualify for a license.

(viii) License Renewal. All licenses, other than temporary licenses, shall be subject to renewal annually. Licenses may be suspended or revoked upon the occurrence of any act which, if known during the application process, would have disqualified such person or entity for such a license.

(ix) License Investigations. The TGA may employ all reasonable means, including engaging outside services and investigators, to acquire the information necessary to determine whether or not a license should be issued. Applicants shall agree to release all information necessary in order for the TGA to achieve its goals under this section and to furnish such information to the NIGC, the State Gaming Agency, or other agencies as may be required by Tribal, Federal or State law or the Compact.

(A) License Fees and Costs. All license applicants shall pay to the TGA a nonrefundable fee, in the amount set forth in the Gaming Regulations or fee schedule approved by the TGC and Board pursuant to the Gaming Regulations. Unless specifically waived by the TGA, all persons applying for a license shall be required to pay all applicable license fees and costs when due, including a reasonable deposit for costs that may be incurred in connection with the license application. Estimates of licensing costs will be provided to applicants upon reasonable request. All fees and costs must be received by the TGA prior to issuance of the license, unless the Tribes or the gaming operation has agreed to reimburse the TGA directly for all or part of such fees and costs.

(x) Background Investigations.

(A) The TGA Director or designee shall conduct or cause to be conducted an investigation sufficient to making a determination of eligibility as required pursuant to this chapter, NIGC regulations and the TGC, as more fully set forth in subsections (2)(a)(x)(B)(1) through (14) of this section:

1. Primary management officials;
2. Key employees; and
3. Any applicant for a Category A or Category B license.

(B) In conducting the background investigation, all the following information shall be requested from each key employee or primary management official license applicant:

1. Full name, other names used (oral or written), Social Security number(s), birth date, place of birth, citizenship, gender, and all languages (spoken or written);
2. Current and for the previous five years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
3. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under subsection (2)(a)(x)(B)(2) of this section;
4. Current business and residence telephone numbers;

5. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
6. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
7. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such a license or permit was granted;
8. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any;
9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved, and the date and disposition;
10. For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to subsection (2)(a)(x)(B)(8) or (9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
11. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
12. A photograph;
13. Any other information the TGA deems relevant; and
14. Fingerprints consistent with TGA procedures and pursuant to NIGC regulation § 522.2(h).

(C) The background investigation shall be sufficient to allow the eligibility determination required under NIGC regulations and these Gaming Regulations. Background investigations shall include the following:

1. Verify applicant's identity through items such as Social Security card, driver's license, birth certificate, or passport;
2. Contact personal and business references;
3. Obtain a personal credit check for all key employees engaged in gaming finance or gaming accounting functions, and all primary management officials;
4. Conduct a criminal history check via submission of fingerprints to the NIGC, and obtain further information from the appropriate court regarding past felony and/or misdemeanor convictions and criminal charges within the past 10 years;
5. Inquire into any previous or existing business relationships with the gaming industry and Indian tribes by contacting the entities or tribes;
6. Verify the applicant's history and status with any licensing agency by contacting the agency; and
7. Take other appropriate steps to verify the accuracy of the information submitted by the applicant.

(D) In conducting a background investigation, TGA shall keep confidential the identity of each person interviewed in the course of the investigation, other than disclosure as required under Tribal, Federal or other applicable law.

(xi) Eligibility Determination.

(A) Upon completion of a background investigation sufficient to make an eligibility determination of a key employee or primary management official for granting a gaming license, the TGA Director or designee shall review an applicant's:

1. Prior activities;
2. Criminal record, if any; and
3. Reputation, habits, associations.

(B) If the Director or designee, in applying the standards adopted in this chapter, determines that licensing of the applicant poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair,

or illegal practices and methods and activities in the conduct of gaming, the Director or designee shall not license that person in a key employee or primary management official position.

(C) Upon completion of the background investigation requirements pursuant to this subsection, the TGA Director or designee shall make an eligibility determination to license the applicant. Before issuing a license, a complete application file shall be maintained by TGA, including the information contained in the background investigation and an investigative report, which shall include the following:

1. Steps taken in conducting a background investigation;
2. Results obtained;
3. Conclusions reached; and
4. The basis for those conclusions.

(xii) Submission of Notification of Results to the NIGC.

(A) TGA shall submit the investigative and eligibility determination reports to the NIGC within 60 days after an employee begins work. These reports shall include all of the following information:

1. Applicant's name, date of birth, and Social Security number; and
2. Date on which applicant began or will begin work as a key employee or primary management official; and
3. A summary of the information presented in the investigative report, which shall at a minimum contain:
 - a. Licenses that have been previously denied; and
 - b. Gaming licenses that have been revoked, even if subsequently reinstated; and
 - c. Every known criminal charge brought against the applicant within 10 years of the date of the application; and

d. Every felony of which the applicant has been convicted or any ongoing prosecution.

(B) After TGA has provided a notice of results of the background check to the Commission, TGA may license a primary management official or key employee.

(C) If a license is not issued to an applicant, or the license is granted and later revoked, TGA shall notify the NIGC and shall forward copies of its eligibility determination and investigative report to the NIGC for inclusion in the Indian Gaming Individuals Records System.

(D) The gaming operation shall not employ or continue to employ any person as a key employee or primary management official who does not have a license within 90 days of beginning work.

(xiii) Granting a License.

(A) Within 30 days after issuance of the license, TGA shall notify the NIGC of its issuance. In no event shall the gaming operation employ as a key employee or primary management official who does not have a license after 90 days.

(B) Upon receipt of notice of results for a key employee or primary management official, the Chair has 30 days to request additional information from a tribe concerning the applicant or licensee and to object.

(C) TGA will retain the following information for a period of no less than three years from the date of termination of employment:

1. Applications for licensing;
2. Investigative reports; and
3. Eligibility determinations.

(D) If within the 30-day period established under this chapter, the NIGC provides a statement itemizing objections to issuance of a license to a key employee or primary management official, TGA shall reconsider the application, taking into account such objections. The licensee shall be notified of a right to a hearing under the procedures

set forth in subsection (2)(a)(xiv)(B) of this section. TGA retains the right to make the final determination whether to issue the license to such applicant.

(xiv) License Revocation/Suspension.

(A) License Suspensions Pending Revocation. If, after issuing a gaming license, the Director finds evidence or receives reliable information from the NIGC, or other reliable source, indicating that a licensed person or entity was not or would not then be eligible for licensing under the eligibility criteria established in the subsections above, the Director shall immediately suspend such license pending license revocation and shall notify in writing the licensee of the suspension, the basis for the suspension and the proposed revocation. The grounds for immediate suspension pending revocation of a license shall be the same as the grounds for denying a license as provided for in this chapter and the Gaming Regulations, and in the case of a conditional license a violation of any conditions as well. The right to a revocation hearing vests only upon receipt of a license granted under this chapter.

(B) Initial Review Hearing. If a TGO employee license is suspended under subsection (2)(a)(xiv)(A) of this section, the affected employee shall be entitled to an initial review hearing before the Tribal Gaming Court within five business days of suspension. The date and time of the review hearing shall be stated on the notice of the suspension and proposed revocation. At the review hearing, the TGA shall present the information on which the suspension is based, and the affected employee shall be given an opportunity to respond. If the Tribal Gaming Court determines the suspension was based on evidence or reliable information that the licensed person was not or would not then be eligible for licensing under the applicable eligibility criteria, it shall uphold the suspension pending a full appeal hearing on the license revocation, if an appeal is timely filed by the aggrieved licensee.

If the Tribal Gaming Court finds at the initial review hearing the TGA information was unreliable or the evidence insufficient to establish grounds for license suspension pending revocation, the individual's license shall be reinstated.

(C) License Revocation. If the Gaming Court upholds a suspension pending revocation at the initial review hearing, the aggrieved licensee shall have the right to a license revocation appeal hearing. Within 14 days of the initial review hearing, the Director shall issue a final notice of revocation setting forth in detail the basis for the license revocation. Appeals must be filed in writing with the Tribal Gaming Court no later than

16 days of the date of certified mailing, or 14 days of personal service of the revocation notice, or the license revocation shall become final and not subject to further appeal.

(D) Temporary Suspension as a Sanction. The TGA may issue a license suspension notice of up to 30 days to responsible TGO management officials who fail to either comply with or appeal a corrective action order. Such suspensions shall not be imposed summarily. Licensees receiving a license suspension notice as a sanction under this section shall have the right to appeal in writing to the Tribal Gaming Court within five days of receipt of notice of the suspension. If appealed, the suspension shall not be effective until after the licensee is afforded a hearing before the Tribal Gaming Court. If not appealed, the suspension shall be effective the day after the appeal period has run.

(E) TGA shall notify the NIGC of decisions to reinstate or revoke a license within 45 days.

(xv) Gaming Facilities Licenses. Each separate gaming place, location or facility shall require a separate license that must be renewed annually. Before gaming operations can be conducted therein, the TGA shall inspect and license each gaming facility in accordance with this chapter, the Compact, and any requirements of IGRA.

(xvi) Effect of the Compact. Notwithstanding anything in this section or any other part of this chapter to the contrary, any licensing procedures required under the Compact for Class III gaming activities shall be implemented as provided therein.

(b) Application Forms/Privacy.

(i) Privacy Act Notice. 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 (NIGC) members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a Tribe or the NIGC in connection with the issuance, denial, or revocation of a Gaming License, or investigations of activities while associated with a Tribe or a Gaming Operation. Failure to consent to the disclosures indicated in the notice will result in the Tribe being unable to license you in for a Primary Management Official or Key Employee position.

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

(ii) Notice Regarding False Statements. 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 ([18 U.S.C. 1001](#)).

(iii) Any existing key employee or primary management official, unless otherwise specifically exempted by the TGA, shall be notified that they shall either:

(A) Complete a new application form that contains the Privacy Act notice and the notice regarding false statements; or

(B) Sign a statement that contains the Privacy Act and consent to the routine uses described in that notice, and sign a statement that contains the notice regarding false statements.

(c) Confidentiality.

(i) All applications for Tribal Gaming Licenses and license renewals, and supporting data and information, shall be treated as confidential by Commissioners, employees of the TGC, the Director, TGA employees and inspectors, and shall not be divulged under any circumstances, either during service on the TGC as a TGC employee, as the Director, as a TGA employee or inspector, or thereafter, except:

(A) As ordered by a court of competent jurisdiction;

(B) Disclosures to the State Gaming Agency or its agents authorized or required by the Compact;

(C) Disclosures to the NIGC authorized or required by its regulations or Federal law;

(D) Review and discussion of such information in closed TGC proceedings, and in camera Tribal Gaming Court proceedings; or

(E) Provision of such information to the Board of Directors at its request for its in camera review.

(ii) Violations of Confidentiality. Each willful violation of any of the provisions of this section shall constitute grounds for:

(A) Removal as a Commissioner for cause;

(B) Discharge as an employee of the TGC or TGA pursuant to applicable personnel procedures.

(3) Audit.

(a) The Tribes shall cause an annual outside independent audit of gaming operations to be conducted, and shall submit the resulting audit reports to the NIGC and the TGC.

(b) All gaming-related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit.

(4) Gaming Activities, Regulations and Controls.

(a) Permitted Gaming Activities.

(i) Unauthorized Gaming Prohibited. All gaming activities on Tulalip Tribal lands (whether Class I, II or III) are prohibited except as expressly authorized under this chapter.

(ii) Class I Gaming. Class I gaming activities are hereby permitted to the extent consistent with Tribal custom and practice. Class I gaming shall not require a license and is not regulated under this chapter. The Board of Directors may prohibit or prevent any conduct that is claimed to be Class I gaming if it finds that such conduct is not in accordance with Tribal customs or practices or violates IGRA or any other applicable law.

(iii) Class II and Class III Gaming. Class II and Class III gaming conducted on Tribal lands is hereby authorized, provided the Tribes has the sole proprietary interest in and responsibility for the conduct of any gaming operation. The Tribes also reserves the right to contract with and license a person or entity to operate or manage a gaming operation pursuant to the provisions of IGRA or as otherwise permitted by law. Nothing herein shall prohibit the Tribes from engaging the services of non-Tribal persons as employees or engaging any person or entity to assist the Tribes in the management of a gaming operation or service pursuant to a management agreement entered into under the provisions of IGRA. Class III gaming shall be conducted in accordance with the Compact or any alternative thereto as provided by IGRA. In addition to any other remedies which may be available, the TGA shall have authority to order immediate cessation of any Class II or III gaming activity on Tulalip Tribal lands that is not owned or authorized by the Tribes.

(iv) Any Class II or III gaming establishment or activity operating on Tulalip Tribal lands which is not owned or expressly authorized by the Tribes is prohibited and declared to be unlawful and a public nuisance, the remedy for which shall be an injunction and/or abatement and/or a civil fine(s) not to exceed \$5,000 per day, per violation. Fines may be issued by the Director and established as liens upon specifically described property involved in a violation of this chapter, by order of the Tribal Gaming Court. All liens shall be recorded with the appropriate government offices. Upon 20 days' written notice served, or 50 days' notice by publication, with opportunity to request a hearing no later than 10 days after expiration of the notice period, the Tribal Gaming Court may order the property sold at public auction, or forfeited to the Tribes.

(v) The foregoing prohibitions or assertions of Tribal authority are not intended to apply to the State or State lottery retailers, authorized pursuant to Chapter [67.70](#) RCW, implementing State regulations and procedures and this chapter. Accordingly, the Tribes will not then object to the following assertions of concurrent State authority in regard to the State lottery:

(A) The issuance and revocation of lottery retailer licenses and the regulation of the manner of lottery ticket sales within the boundaries of the Tulalip Tribal lands, pursuant to State law;

(B) State Court jurisdiction over State lottery license issues, including issuance or revocation, the conduct of a lottery retailer, the financial relationship between any licensee and the State lottery and other matters regarding State lottery operation;

(C) Jurisdiction of the State, or any lawfully appointed designee thereof, over State lottery administrative disputes, in accordance with State law;

(D) The entry upon Tulalip Tribal lands and property where State lottery operations are conducted, including investigators or enforcement officers, solely for the purpose of conducting investigations and enforcing the provisions of Chapter [67.70](#) RCW.

(b) Prohibited Acts Related to All Gaming Activity.

(i) No person or entity, or person in control of an entity, required to obtain a license from the TGA shall give, or attempt to give, anything of value to:

(A) TGC Commissioners;

(B) TGC employees;

(C) The Director;

(D) TGA employees; or

(E) The Board of Directors;

Provided, however, these prohibitions shall not apply to items of insignificant value that are distributed without charge to the general public by such person or entity.

(ii) No person or entity participating in gaming activity at the TGO or any other Tribally licensed gaming operation shall:

(A) Cheat in any such gaming activity;

(B) Possess any cheating device within the TGO or other Tribally licensed gaming operation; or

(C) Use any cheating device during the conduct of any such gaming activity.

In the event a TGA employee suspects that cheating is taking place, the TGA is hereby granted the authority to seize any article of property reasonably believed to be a cheating device. Upon the Director's finding that cheating has occurred or that an article of property is a cheating device, the Director may impose fines of not more than \$5,000 upon each person or entity found to be cheating or determined to be in possession of a cheating device. The Director may also order restitution of any funds unlawfully obtained through cheating. The Director is authorized to seek recovery of any such fines or restitution, including reasonable attorneys fees and all costs, in the Tulalip Gaming Court.

(c) Internal Control Standards.

(i) The initial Gaming Regulations for this chapter shall be adopted concurrently by Board resolution with this chapter. The Gaming Regulations shall include the Minimum Internal Control Standards as stated in [25 CFR Parts 542 and 543](#), as they now exist, which are hereby adopted as the Tribal Internal Control Standards and designated as the TICS Appendix to the Gaming Regulations. Where there is a direct conflict between a Compact internal control standard and the TICS Appendix, or where a Compact internal control standard provides a level of control that equals or exceeds the level of control under the TICS Appendix, the Compact internal control standard shall prevail. In all other cases, the

TICS Appendix requirements shall prevail. The TICS Appendix shall not be construed to expand the scope of gaming activities authorized under the Compact.

(ii) The TGO shall be required to institute and maintain internal controls that are not less stringent than the minimum internal control standards required under the TICS Appendix. The TGC shall not regulate compliance of TGO internal controls or standard operating procedures that are more stringent than, or that are not specifically required by, the TICS Appendix or the Compact. Accordingly, TGC/TGA enforcement for violations of the TICS Appendix shall only be pursuant to the corrective action order procedures as provided for elsewhere in this chapter.

(iii) The Tribes shall require an independent TICS Appendix compliance audit of the TGO to be conducted on an annual basis. This compliance audit may be combined with the annual audit required under this chapter. The internal audit department function required by the TICS Appendix will be performed by auditors separate from the TGO and TGC. The internal auditors shall report directly to the Board. All audit reports shall be submitted to the Board and the TGC.

(d) Patron Dispute Resolution.

(i) Procedure.

(A) Whenever a TGO employee and such TGO employee's supervisors are unable to resolve a gaming dispute with a patron, such TGO employee shall refer the customer to the Director. The Director shall review the complaint for compliance with regulatory requirements and provide a written determination to the patron, TGO and the TGC.

(B) Patrons disputing TGA's decision may appeal in writing to the Dispute Resolution Review Committee at the official TGA address within 10 days of receiving decision.

(C) TGO may also appeal the final determination to the Dispute Resolution Review Committee using the same guidelines available to the customer.

(ii) Dispute Resolution Review Committee.

(A) The Dispute Review Committee shall consist of two TGA employees or Commissioners and one uninvolved operational employee from the affected TGO department in the gaming dispute.

(B) Upon receiving notice from the patron the Dispute Review Committee shall schedule a hearing within 10 calendar days of receipt of the request.

(C) The Dispute Review Committee shall take into consideration any of its prior decisions and other documentation provided by the patron, TGA, and TGO.

(D) The Dispute Review Committee shall issue a written decision within 10 days of the hearing via certified mail with return receipt to the patron, the TGA and the TGO.

(E) The decision of the Dispute Review Committee shall be final and binding upon the patron and the TGO and shall not be subject to judicial review, dispute resolution, administrative or other legal action.

(5) Appeals.

(a) Right of Appeal.

(i) Any person or entity against whom the Director imposes a fine for cheating, or for conducting Class II or III gaming activities which are not owned or authorized by the Tribes, may appeal such action to the Tribal Gaming Court.

(ii) Any person or entity subject to a Tribal Gaming License denial, suspension or revocation authorized by this chapter or Gaming Regulation may appeal such action to the Tribal Gaming Court.

(iii) The TGO may appeal corrective action orders to the Tribal Gaming Court.

(b) Tribal Gaming Court. An administrative tribunal, the Tribal Gaming Court is hereby established with jurisdiction to decide appeals under this chapter. The Judge of the Tribal Gaming Court shall be a trial Judge of the Tulalip Tribal Court.

(c) Initial Review Hearings for Summary Suspensions. The Tribal Gaming Court shall conduct initial review hearings for summary suspensions in accordance with the procedures contained in this chapter.

(d) Subpoenas. The Tribal Gaming Court shall have jurisdiction to issue and enforce subpoenas at the request of the TGC or the Director for investigation and hearing, and at the request of appellant for the purpose of requiring the attendance of relevant witnesses at hearing.

(e) Manner and Time for Appeal. Appeals shall be commenced by written Notice of Appeal filed with the Clerk of the Tribal Gaming Court and served on the Director within 14 calendar days of the delivery of written notice of the action or corrective action order appealed, or within 16 calendar days of the mailing thereof by certified mail, return receipt requested, to the last address of the person or entity on file with the TGC or TGA. The Tribal Gaming Court shall dismiss any such appeal not timely filed.

(f) Content of Notice of Appeal. The Notice of Appeal shall identify:

(i) The action appealed;

(ii) The date of the action;

(iii) Each ground for the appeal; and

(iv) The appellant's name, mailing address, and if applicable, the number of the appellant's Tribal Gaming License.

(g) Scheduling of Hearing. The Tribal Gaming Court shall schedule a hearing to occur within 30 days after the filing of the Notice of Appeal, and may continue the hearing for good cause. Failure to hold a hearing within such 30-day period shall not constitute grounds for reversal or modification of the action of the TGC or Director.

(h) Representation at Hearing. Any person admitted to practice before the Tulalip Tribal Court may represent the appellant at the hearing. The TGC or TGA shall be represented at the hearing by the Director, or the Director's designee. The Board may authorize the Tulalip Prosecuting Attorney's Office or outside attorney to provide legal services and representation to the TGC and TGA. With approval of the TGC, the Director may utilize an outside attorney-at-law to represent the TGC at a hearing.

(i) Rules of Procedure. The Tribal Gaming Court shall establish rules of procedures for the administrative hearing. Pre-hearing discovery by the appellant shall be limited to examining and obtaining copies of the licensing and enforcement files of the TGC, the Director, or the TGA which directly relate to the licensing action being appealed. Both parties shall be entitled to pre-hearing disclosure of witnesses and exhibits each party intends to introduce at hearing.

(j) Hearing. The hearing shall be to provide an opportunity for the appellant to be heard on the action being appealed. The appellant shall have the burden of proof under the applicable standard of review. Testimony shall be under oath and oral testimony shall be subject to cross-

examination. The administrative hearing shall be less formal than a general civil proceeding under TTC Titles [2](#) and [3](#). Technical rules of evidence shall not apply at hearings. The Tribal Gaming Court may consider hearsay evidence and may limit or exclude irrelevant or unduly repetitious evidence.

(k) Personnel Issues. Rights that a Tribal employee may have under the Tulalip Tribal Government Employee Handbook:

(i) Are entirely separate from, and have no bearing upon, the issue of entitlement to a Tribal Gaming License, or the propriety of the denial, suspension or revocation of a Tribal Gaming License; and

(ii) Shall not be considered by the Tribal Gaming Court in deciding any appeal of the denial, suspension or revocation of a Tribal Gaming License, and the Tribal Gaming Court shall have no authority to issue remedies related to employment, including back pay or reinstatement of employment.

(l) Applicable Law. The applicable law at the hearing shall be this chapter and any Gaming Regulations adopted under authority of this chapter.

(m) Decision. The decision of the Tribal Gaming Court shall be in writing, shall state the reasons for the decision, and shall be final and not subject to further appeal to the Tulalip Tribal Court of Appeals or otherwise. The remedies available to the appellant shall be limited to: (i) issuance or reinstatement of gaming license, (ii) reversal of any license suspension, (iii) vacating or mitigating fine, and (iv) reversal or modification of any corrective action order.

(n) Standard of Review. In rendering its decision on appeals on the issues of the issuance or reinstatement of a gaming license, or vacating or mitigating a fine, if the Court finds that the appellant has failed to prove that the TGA action was either an abuse of discretion or clearly erroneous, the Tribal Gaming Court shall uphold the action of the TGA. In all other appeals, the action of the TGA shall be upheld if the Tribal Gaming Court finds it to be reasonable under the facts and circumstances present. The Tribal Gaming Court shall not have jurisdiction to order any relief or sanction which is in addition to, or in excess of that, ordered by the TGA.

(o) NIGC Notification. The TGA shall notify the NIGC of all decisions that relate to the revocation or reinstatement of a gaming license. [Res. 2014-484; Res. 2008-121; Res. 2007-267; Ord. 55 § 4, 11-4-2005 (Res. 2005-366)].

10.05.050 Gaming revenues.

(1) Except as provided for under the terms of an agreement pursuant to the provisions of IGRA or as otherwise permitted by law, all net revenues generated from any gaming activity are the property of the Tribes. The Tribes shall ensure that all net revenues from Class II and Class III gaming activities shall only be used for the following purposes:

- (a) To fund Tribal government operations or programs;
- (b) To provide for the general welfare of the Tribes and its members;
- (c) To promote economic development for the Tribes;
- (d) To donate to charitable organizations;
- (e) To help fund operations of local governmental agencies;
- (f) To make per capita payments from net revenues to the membership in accordance with the Tulalip gaming revenue allocation plan approved by the Secretary of the Interior pursuant to IGRA.

(2) Compliance with this section shall be governed exclusively by the terms of the approved Tulalip gaming revenue allocation plan. [Res. 2014-484; Ord. 55 § 5, 11-4-2005 (Res. 2005-366)].

10.05.060 General provisions.

(1) Independence from Tribal Security Agencies. All Tribal security agencies are, and shall remain, separate from and independent of the TGC and TGA. Without limiting the foregoing, the TGO's security operations and surveillance operations divisions are without police authority or power and it shall be the responsibility of such security operations and surveillance operations divisions to observe and immediately report to the TGC or TGA all gaming regulatory violations of the Compact, this chapter, TGC regulations and other gaming laws or regulations applicable to the TGO, upon detection of the violation, and to assist the TGC, the Director, TGA employees and inspectors.

(2) Sovereign Immunity. Nothing in this chapter shall be deemed to constitute a waiver of immunity on the part of the Tulalip Tribal government, corporation, or any entity created by either as to any assets or property of any nature whatsoever, or the adjudication of any Federal rights or immunities. The sovereign immunity of the Tribes is hereby extended to, and shall protect, the TGC, Commissioners, TGC employees, the Director, and TGA employees and inspectors from civil liability of any nature for any act, omission or statement taken or made in the lawful performance of their duties under this chapter or any Gaming Regulations adopted pursuant thereto; provided, that such immunity shall not

protect any person from procedures and sanctions expressly authorized and imposed under this chapter.

(3) Privilege. Any written or oral statement made in the course of any official investigation, proceeding or process by any Commissioner, any TGC employee, the Director, or any TGA employee shall be absolutely privileged and shall not constitute a basis for civil liability of any Commissioner, the Director, or any TGA or TGC employee for defamation or otherwise. Moreover, the listing of any person on the list of excluded persons required by the Compact, or the provisions of such list to the State Gaming Agency, shall also be absolutely privileged and shall not constitute a basis for civil liability of any Commissioner, any TGC employee, the Director, or any TGA employee for defamation or otherwise.

(4) Compliance with Federal Law. The TGO will comply with all applicable Federal law, including the Bank Secrecy Act, [31 U.S.C. 5311](#) et seq.

(5) Compact. Nothing in this chapter is intended to modify or rescind any mandatory requirements or duties set forth in the Compact between the Tulalip Tribes and the State of Washington. Issues related to the Compact negotiation, interpretation, amendment, and dispute resolution are specifically reserved to the Board of Directors, unless the Compact expressly provides otherwise.

(6) Severability and Construction.

(a) All factors incident to the activities authorized in this chapter shall be closely controlled by the Tribes and the provisions of this chapter shall be liberally construed to achieve such end.

(b) If any clause, part or section of this chapter be adjudged invalid, such judgment shall not affect or invalidate the remainder of this chapter, but shall be confined in its operation to the clause, part or section directly involved in the controversy in which such judgment is rendered. If the operation of any clause, part or section of this chapter shall be held to be unconstitutional or otherwise invalid, it is hereby declared that, had the invalidity of such clause, part or section been considered at the time of the enactment of this chapter, the remainder of this chapter would nevertheless have been adopted without such invalid clauses, parts or sections.

(7) Effective Date. This chapter shall become effective the date of the latter occurrence of the review(s) and approval(s) required by: the Constitution of the Tribes; the Compact; IGRA and the NIGC. [Res. 2014-484; Ord. 55 § 6, 11-4-2005 (Res. 2005-366)].

Gaming Regulations

Regulation 1 Authority and purposes.

(1) Authority. These Gaming Regulations are promulgated pursuant to the authority conferred by Chapter [10.05](#) TTC (amended and restated). [Res. 2014-484; Ord. 55 Reg. 1, 11-4-2005 (Res. 2005-366)].

Regulation 2 Definitions.

(1) Definitions. Unless a different meaning is clearly indicated, the terms used in these Gaming Regulations shall have the same meaning as defined in Chapter [10.05](#) TTC, the Compact and the Indian Gaming Regulatory Act. The singular shall mean the plural and the plural shall mean the singular.

(a) “Applicant” means any person or entity that has applied to the TGA for a license or a Tribal Gaming License renewal as herein defined.

(b) “Career offender” means any person who pursues or who has pursued activities in an occupational manner deemed to be criminal violations in violation of the Criminal Code and/or of the public policy of the Tulalip Tribes. For purposes of this section, “occupational manner” shall mean the systematic planning, administration, management or execution of an activity for financial gain.

(c) “Career offender cartel” means any group of persons who operate together as career offenders.

(d) “Cheat” means to:

(i) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator;

(ii) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator;

(iii) Engage in any act, practice, or course of operation while participating in a gaming activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or any operator;

(iv) Alter the selection of criteria which determine the result of a game or the amount or frequency of payment in a game;

(v) Aid, abet or conspire to commit any of the foregoing prohibited conduct.

- (e) “Cheating device” means any machine, mechanism, equipment, card, die, or other device used, or attempted to be used, to cheat.
- (f) “Compact” means the Tribal-State Compact for Class III gaming between the Tulalip Tribes and the State of Washington, as the same may be amended from time to time.
- (g) “Director” means the Director of the TGA.
- (h) “Entity” means any sole proprietorship, corporation, not-for-profit corporation, limited liability company, joint venture, partnership (general or limited), trust, association, organization, government, tribe, political subdivision, municipal corporation, governmental agency, consortium of persons, consortium of persons and any one or more of the foregoing, or consortium of any of the foregoing.
- (i) “Gaming facility” means the room or rooms, building or portions thereof in which Class II and/or Class III gaming as authorized by Chapter [10.05](#) TTC is conducted on Tulalip Tribal lands.
- (j) “Gaming vendor” means any person or entity providing any goods or services to the Tribes directly in connection with the operation of the Class III gaming, including equipment, maintenance or security services for a gaming facility.
- (k) “Nongaming vendor” means any person or entity providing tangible nongaming items of inventory, equipment, and fixtures, used in connection with any gaming operation (such as office furniture, office supplies, soda or liquor and soda or liquor dispensing equipment), and service for such inventory, equipment and fixtures (such as service for soda dispensing equipment).
- (l) “Key employee” means a TGO employee who performs one or more of the following functions:
- (i) Cage manager;
 - (ii) Cage shift supervisor;
 - (iii) Vault cashier;
 - (iv) Main bank cashier;
 - (v) Line cashier;
 - (vi) Count team member;

- (vii) Count team supervisor;
- (viii) Director of security operations;
- (ix) Security personnel;
- (x) Chief operations officer;
- (xi) Shift manager;
- (xii) Pit manager;
- (xiii) Floor supervisor;
- (xiv) Dealer;
- (xv) Bingo caller;
- (xvi) Bingo supervisor;
- (xvii) Bingo cashier;
- (xviii) Custodian of gaming supplies or cash;
- (xix) Croupier;
- (xx) Approver of credit;
- (xxi) Custodian of gambling devices, including persons with access to cash and accounting records within such devices;
- (xxii) Any employee engaged in finance or accounting functions;
- (xxiii) If not otherwise included, any other TGO employee whose total cash compensation is in excess of \$50,000 per year; or
- (xxiv) If not otherwise included, the four most highly compensated persons in the TGO.

(m) "License" means a Tribal Gaming License issued by the TGA including gaming facility licenses, Category A licenses, Category B licenses, gaming vendor licenses, and nongaming vendor licenses, as these licenses are defined in Chapter [10.05](#) TTC.

(n) "Licensee" means any person or entity to whom the TGA has issued a license, or temporary license.

(o) "NIGC" means the National Indian Gaming Commission established pursuant to the Indian Gaming Regulatory Act.

(p) "Person in control" means each person determined by the Director to have the ability to exercise significant influence or control over the actions of an entity.

(q) "Primary management official" means any person:

(i) Who has responsibility for a management contract; or

(ii) Who has authority:

(A) To hire and fire employees; or

(B) To set up a working policy for the TGO; or

(iii) The chief financial officer or other person who has financial management responsibility of the TGO.

(r) "RCW" means the Revised Code of Washington.

(s) "State Gaming Agency" means the Washington State Gambling Commission.

(t) "Temporary license" means a license issued by the TGA prior to the completion of all necessary investigation pursuant to these Gaming Regulations.

(u) "TGA" means the Tulalip Gaming Agency established by the TGC as its gaming enforcement and investigative branch.

(v) "TGA employee" means those persons employed by the TGA.

(w) "TGA inspector" means those TGA employees authorized by the Director to participate in the investigatory duties of the TGA.

(x) "TGC" means the Tulalip Gaming Commission.

(y) "TGO" means any TGA licensed Class II or Class III gaming in any gaming facility operated by the Tribes on Tulalip Tribal lands.

(z) "Tribes" and "Tribal(ly)" mean the Tulalip Tribes.

(aa) "Tulalip Tribal lands" means (i) all lands within the limits of the Tulalip Indian Reservation boundaries, and (ii) any lands title to which is either held in trust by the United States for the benefit of the Tribes or individual or held by the Tribes or individual subject to restriction by the United States against alienation over which the Tribes exercises governmental power. [Res. 2014-484; Ord. 55 Reg. 2, 11-4-2005 (Res. 2005-366)].

Regulation 3 TGA administration.

(1) Employment of TGA Inspectors and Other TGA Employees. The Director shall, in accordance with the procedure of the Tulalip Tribal Government Employee Handbook, employ TGA inspectors and TGA employees as the Director deems necessary or appropriate to carry out all of the duties of the Director, subject to approved budgetary funding; provided, that in no event shall the Director employ any person as a TGA employee, or continue to employ an existing TGA employee, if such person is or becomes an employee of the TGO, any other licensee, or any other gaming operation (whether or not Tribally licensed). TGA employees shall meet gaming licensing requirements. The TGA Director and the TGA inspectors shall require a Category A license. All other TGA employees shall require a Category B license.

(2) TGA Policies and Procedures. The Director may develop policies and procedures governing Tribal and Federal Gaming Regulations, to include gaming Compact compliance matters, which policies and procedures shall be submitted first to the TGC for its review and approval, and upon such approval, submitted by the TGC to the Board of Directors for adoption. Nothing in this section shall restrict the Director's authority to develop internal TGA operating policies and procedures in accordance with and pursuant to Tribal government policy relating to employee matters or nongaming daily operations, which shall not require submission or approval to the TGC. [Res. 2014-484; Ord. 55 Reg. 3, 11-4-2005 (Res. 2005-366)].

Regulation 4 Gaming facility exclusions.

(1) Excluded Persons.

(a) The Director shall establish a list of persons barred from all gaming facilities of the TGO which shall be known as and hereinafter referred to as the list of excluded persons. The Director may include the name of any person on such list the presence of whom in any TGO gaming facility is determined by the Director, in his sole discretion, to be contrary to the best interests of the Tribes. Without limiting the generality of the foregoing, persons who may be included on the list of excluded persons include:

(i) Persons with a criminal history, or history of association with career offenders or career offender cartels, of a nature that poses a threat to the integrity of the TGO;

(ii) Persons who have engaged in conduct, or who have a reputation for engaging in conduct, that could adversely affect public confidence or trust in the integrity or safety of the TGO; and

(iii) Persons who engage in conduct which adversely affects the health, security and welfare of the TGO, patrons or employees, including but not limited to cheating, assault, theft, panhandling or misrepresentation, fraud, threatening or intimidating behavior, use and/or possession of a controlled substance or drug paraphernalia, intoxication or disorderly conduct.

(b) Problem Gambling Exclusions.

(i) Voluntary Exclusions. Upon notification to the TGA and written agreement by the person seeking assistance with a gambling problem, the TGA shall be authorized to serve exclusion notices from any and all TGO gaming facilities on Tulalip Tribal Lands. The Director, or assignee, has the discretion to allow persons to come onto gaming facilities for purposes of employment while excluded under this provision.

(ii) Involuntary Exclusions. Upon written notification to the TGA of a person with a gambling problem, a review of the totality of circumstance shall be conducted and forwarded to the Director for final determination of whether to exclude the person based on problem gambling.

(c) The Director shall send a copy of the list of excluded persons to the State Gaming Agency and the TGO on a quarterly basis.

(d) The reason(s) for including a person on the list of excluded persons shall be maintained in separate TGA files and shall not be set forth on the list of excluded persons. Such separate files shall be maintained on a confidential basis, and shall not be available for examination or provided to any person other than the Director, TGA inspectors and TGA employees specifically authorized by the Director, and the TGC.

(e) The TGA and the TGO shall employ their best efforts to preclude persons named on the list of excluded persons from entering any TGO gaming facility. All persons on the list of excluded persons who have received notice of such exclusion shall be subject to prosecution for trespass if they enter any TGO gaming facility.

(f) No licensed or permitted employee of the TGO shall be excluded unless, prior to such exclusion, the person's license is suspended or revoked. If the person's license is later reinstated and the person becomes reemployed by the TGO, such exclusion shall be rescinded.

(i) A licensed or permitted employee of the TGO may request TGA to initiate a voluntary exclusion for problem gambling under the terms of subsection (1)(b)(i) of this section, Voluntary Exclusions. In such instances, the voluntary exclusion shall only apply to prohibiting the employee from participating in gaming activities off-duty within any TGO and shall not be used in conjunction with any other licensing investigations, suspension or revocation determinations.

(g) Any person excluded shall have the right to petition the Director for an order removing them from the list of excluded persons; provided, that a person excluded may not petition to have their exclusion overturned until after a period of one year from the date of exclusion. The Director shall establish procedures for hearing petitions from excluded persons. [Res. 2014-484; Res. 2012-523; Res. 2011-261; Res. 2007-304; Ord. 55 Reg. 4, 11-4-2005 (Res. 2005-366)].

Regulation 5 Investigations.

(1) Investigatory Authority. The TGA, the Director, TGA inspectors, and TGA employees specifically authorized to do so by the Director shall have authority to:

(a) Investigate the conduct of any licensee to enforce and to assist in the enforcement of Chapter [10.05](#) TTC;

(b) Investigate whether grounds exist for the granting, denial, suspension, or revocation of a license; and

(c) Investigate allegations related to unlicensed or unauthorized Class II or III gaming activity occurring on Tulalip Tribal lands.

(2) Recording Incidents. The TGA shall have the responsibility to record any and all unusual occurrences within the TGO establishments. Each incident, without regard to materiality, shall be assigned a sequential number and, at a minimum, the following information shall be recorded in indelible ink in a bound notebook from which pages cannot be removed and each side of each page of which is sequentially numbered:

(a) The assigned number;

(b) The date;

- (c) The time;
- (d) The nature of the incident;
- (e) The person involved in the incident; and
- (f) The Security Department employee assigned, if any. Alternative computer documentation and/or procedures may be utilized which provide at least the level of control described by the standards in this section.

(3) Conduct of Investigations.

(a) At any time during the conduct of an investigation authorized by these Gaming Regulations, the TGC, the Director, TGA inspectors, and TGA employees specifically authorized to do so by the Director shall have the right to:

- (i) Conduct interviews of witnesses;
- (ii) Take written statements from witnesses;
- (iii) Free and immediate access to all gaming facilities, gaming areas, premises, facilities, offices, employees, books and records (including computer records), and any and all off-site storage (whether located on or off Tulalip Tribal lands) of the licensee;
- (iv) Free and immediate access to, and use of, all surveillance equipment and surveillance records;
- (v) Inspect, examine and photocopy all papers, books, and records of the TGO;
- (vi) Examine or inspect any gaming devices, equipment or supplies of the TGO;
- (vii) Seize, remove, and/or impound any cheating devices.

(b) The TGA shall conduct investigations in a professional manner which will not unnecessarily disrupt the legitimate operations of the TGO.

(4) Issuance of Investigatory Subpoenas. During the course of any investigation, the Chairman of the TGC, the Director, any TGA inspector, and/or a TGA employee specifically authorized to do so by the Director may request the Gaming Court to issue and to enforce any investigatory subpoena authorized by Chapter [10.05](#) TTC.

(5) Confidentiality.

(a) Except to the extent required by applicable law, and except as provided in subsection (5)(b) of this section, all information gathered during an investigation by the TGC, the Director, the TGA, or TGA inspectors is designated as confidential and shall not be divulged to persons or entities other than the TGC, the Director, the TGA, and TGA inspectors and other TGA employees specifically authorized by the Director, and, where required by the Federal law or the Compact, the NIGC or the State Gaming Agency.

(b) Except to the extent that nondisclosure or privacy of such confidential information is prohibited by applicable Tribal or other law, all information collected in an investigation:

(i) May be admitted into evidence and discussed during the course of any hearings or other proceedings before the TGC or the Gaming Court; and

(ii) In the case of information supporting a license denial, suspension, revocation or fine, shall be divulged to the applicant or licensee.

(c) This section shall not confer any rights upon any person or entity and shall not be construed as providing a basis for a claim by any person or entity for damages by way of defamation or otherwise due to release of any information designated as confidential by this Gaming Regulation. [Res. 2014-484; Ord. 55 Reg. 5, 11-4-2005 (Res. 2005-366)].

Regulation 6 Licensing.

(1) Required Licenses. An annual license is required in every instance specified by the Compact, Chapter [10.05](#) TTC, and applicable Federal law.

(2) Prohibition of Unlicensed Activities.

(a) A person may not be employed at any Class II or Class III gaming facility unless they have been issued a license or temporary license. In addition to the required license, each employee of a Class III gaming facility must also meet all State certification requirements, if any, contained in the Compact.

(b) No person or entity may engage in conduct or activity for which a license is required without first obtaining such license. In addition to the required license, each person or entity manufacturing, supplying, selling, or otherwise providing gaming-related services to Class III gaming facilities shall also meet all State certification requirements, if any, contained in the Compact.

(c) Any nonexempt person or entity extending financing, either directly or indirectly, to the TGO shall first be required to obtain a license. In addition, financing entities shall be required to meet all State certification requirements, if any, contained in the Compact.

(3) Applications for Licenses and Renewals.

(a) Each applicant shall apply on forms provided by the TGA, and shall submit the completed application form under penalty of perjury.

(b) Under the annual license renewal requirement set forth in TTC [10.05.040](#)(2)(a)(viii), the Director may require, in his discretion, less information than required under the initial application.

(c) The Director may require an applicant to submit, under penalty of perjury, such additional information and documents as the Director deems relevant to evaluate the application for initial license or license renewal.

(d) Gaming key employees and primary management officials shall be required to submit additional information as provided for in these Gaming Regulations for Category A licenses. All other employees shall submit a short form licensing application for Category B licenses.

(e) In the case of an entity which applies for an initial license or license renewal, the Director may require the applicant to submit such information as the Director deems appropriate to allow the Director to identify each person in control of such entity, and evaluate each such person in control as if they were the applicant.

(f) Applicants for the following licenses shall pay to the TGA a nonrefundable fee, in the amount initially set forth below, at the time such applicant submits its application for initial license, license renewal, or license replacement to the TGA. (The following license fee schedule may be adjusted annually by the TGC, with approval of the Board of Directors. Annual fee schedule adjustments shall become effective upon approval by the Board of Directors and shall thereafter be publicly posted.)

(i) Initial or renewal TGO Class II facility application: \$10,000.

(ii) Initial or renewal TGO Class III facility application: \$20,000.

(iii) Initial or renewal gaming vendor application/headquarters in Washington State: \$100.00.

(iv) Initial or renewal gaming vendor application/headquarters not in Washington State: \$200.00.

(v) Initial or renewal nongaming vendor application/headquarters in Washington State: \$50.00.

(vi) Initial and renewal nongaming vendor application/headquarters not in Washington State: \$100.00.

(vii) Initial employee application for Class II gaming activity/residing in Washington State: Category A – \$50.00; Category B – \$25.00.

(viii) Initial employee application for Class III gaming activity/residing in Washington State: Category A – \$50.00 plus the then-current State Gaming Agency fee for certification; Category B – \$25.00.

(ix) Renewal employee application for Class II or Class III gaming activity/residing in Washington State: Category A – \$25.00; Category B – \$15.00.

(x) Initial employee application for Class II gaming activity/residing outside Washington State: Categories A and B – \$50.00.

(xi) Initial employee application for Class III gaming activity/residing outside Washington State: Categories A and B – \$50.00 plus the then-current State Gaming Agency fee for certification.

(xii) Renewal employee application for Class II gaming activity or Class III gaming activity/residing outside Washington State: Category A and B – \$25.00.

(xiii) Initial and renewal State lottery retailer application: \$50.00.

(xiv) Replacement of license I.D. badge: \$15.00.

(g) In addition to the fee described in subsection (3)(f) of this section, applicants shall pay for all costs and expenses (including, without limitation, applicable State certification fees, transportation, lodging, meals, document reproduction, law enforcement records searches, and an hourly rate for each TGA inspector and TGA employee participating in such investigation) incurred by the TGA in conducting investigations into their backgrounds, suitability, and qualifications for receiving a license or license renewal. The Director shall establish an hourly

rate for each hour spent by TGA inspectors and other TGA employees in conducting such investigations. Estimates of licensing costs will be provided to applicants upon reasonable request. All fees and costs must be received by the TGA prior to issuance of the license, unless the Tribes or the TGO has agreed to reimburse the TGA directly for all or part of such fees and costs. With respect to employee applications residing in Washington State, the Director may waive the requirement to pay for costs and expenses.

(4) Issuance of Temporary Licenses.

(a) Unless the initial screening or the background investigation discloses, within 20 days of the receipt of a completed application, that the applicant has a criminal history or is otherwise deemed unsuitable for licensure pursuant to these Gaming Regulations, the Compact, Tribal or Federal law, the Director may issue a temporary license to the applicant. Any applicant who was licensed by another Tribes' gaming operation immediately prior to applying for a license, and who has a current State certification, may be immediately issued a temporary license by the Director pending completion of the license investigation. The temporary license shall be valid for the period fixed by the Director, not to exceed six months.

(b) A temporary license shall only be issued when the Director is satisfied that the investigation of the person or entity applicant conducted thus far, and the application in its entirety, indicates at least one of the following:

(i) The applicant meets all the requirements of these Gaming Regulations, Tribal law, Federal law, and the Compact, and the applicant does not present any danger to the public or to the reputation or integrity of the Tribes or the TGO; or

(ii) Issuance of a temporary license is of economic necessity to the TGO and is just under the circumstances.

(c) The temporary license shall become void and be of no effect upon either the issuance or denial of a license.

(d) No person or entity issued a temporary license pursuant to these Gaming Regulations shall be entitled to receive any refund of the annual license fee submitted in connection with such person's or entity's initial license application.

(e) The Director may change a temporary license into a license when:

(i) All investigations into the license application are complete; and

(ii) The Director is satisfied the holder of a temporary license qualifies to hold a license. When the TGA changes a temporary license into a license, the date of issuance of the license shall be deemed that of the first temporary license.

(f) A temporary license may expire of its own accord, or it may be suspended, revoked, or summarily suspended under the same terms and conditions as a license.

(g) The Director may issue consecutive temporary licenses in his or her discretion.

(h) The Director may, if an emergency of temporary nature occurs and short-term specialized skills are needed to correct the problem, grant a license for the period of time necessary to fix, repair, or correct the emergency problem. At all times it shall be the Director who decides, based upon the circumstances surrounding the problem, if there is sufficient cause for issuance of such a temporary emergency license.

(5) Licensing of Persons Under Age of 21 Years.

(a) The Director shall not ordinarily grant a license to a person less than 21 years of age, and in no event grant a license to any person less than 18 years of age, to work in gaming areas or where otherwise prohibited by applicable law.

(b) Should the Director grant a license to a prospective TGO employee under 21 years of age, the following conditions shall be reduced to writing and signed by the applicant and forwarded to the Chairman of the TGC for approval:

(i) The applicant agrees to enter or leave the TGO establishment through an entrance reserved for employees only and not use the common entrances of patrons or other visitors;

(ii) The applicant agrees to proceed from the employee's lounge of the TGO establishment directly to and from the pit or other employment area without loitering in any area in which gaming activity occurs;

(iii) The applicant agrees, during lunch breaks, to proceed directly to and from the pit or other employment area to the fast foods deli or restaurant of the TGO establishment without loitering in any area in which gaming activity occurs. All other breaks shall be in the deli area or in the TGO establishment's employee lounge;

(iv) The applicant agrees to use only the restrooms that have been installed by the TGO establishment's employee lounge and not those that are located throughout the TGO

establishment; and

(v) If the applicant is working in the TGO's Maintenance Department, the applicant agrees to perform the functions of the job and refrain from loitering and talking with the patrons or other TGO employees in any area in which gaming activity occurs.

(6) Conditional License. The Director may issue a conditional license to Tribal member or Tribal member affiliate applicants or licensees who do not strictly meet the licensing criteria required under these Gaming Regulations. The Director shall only issue a conditional license upon a finding that (a) the applicant or licensee is a Tribal member or Tribal member affiliate who does not satisfy all required licensing criteria, (b) the applicant or licensee is not disqualified due to a felony criminal conviction within the last 10 years that is of the type specifically listed in these regulations as disqualifying, and (c) the Director has determined that imposing conditions on a licensee will sufficiently ameliorate licensing concerns and that the applicant or licensee who strictly adheres to such conditions will not pose an appreciable risk to the public or to the lawful operation of a gaming facility. Conditional licenses shall not be issued to applicants or licensees who satisfy all licensing criteria. For purposes of this regulation, "Tribal member affiliate" means a nonmember spouse, parent or child of a Tribal member.

Upon a determination that an applicant or current licensee qualifies for a conditional license, the Director may impose all reasonable conditions necessary to address the deficiencies in the applicant's licensing qualifications and to protect the lawful operation of the gaming facility. The satisfying of conditions by the licensee shall be necessary to maintaining their license eligibility. The conditions shall be reviewed periodically for compliance and at each renewal cycle to determine if it is necessary for the conditions to continue in force. The issuance of a conditional license is within the discretion of the Director, and the conditions contained in a conditional license shall not be subject to appeal. Failure to adhere to specific conditions imposed by a conditional license shall be grounds for license suspension or revocation, which may be appealed through the license appeal procedure.

The issuance of a conditional license does not alter any NIGC licensing requirements, or State certification license requirements, and holders of conditional licenses must satisfy all requirements imposed by the NIGC or the State Gaming Agency, where applicable. The TGC is authorized to enter into cooperative arrangements with the NIGC and State Gaming Agency regarding conditional licensees. All conditional licenses in effect at the time of enactment of the resolution codified in this subsection shall remain in effect under the criteria applicable at the time the conditional license was issued, until the license expiration date.

(7) Surrender, Loss or Destruction of License Identification Badge.

(a) Upon the loss, mutilation or destruction of any license identification badge, the licensee shall immediately notify the TGA and submit an application for a replacement license identification badge, on a form approved by the Director.

(b) Such application shall be accompanied by a written statement signed by the licensee which details the circumstances under which the license identification badge was lost, mutilated, or destroyed, and which certifies that such license was, in fact, lost, mutilated, or destroyed.

(c) A mutilated license identification badge shall be surrendered to the TGA upon issuance or denial of a replacement license identification badge.

(d) A lost license identification badge, when found, must be immediately surrendered to the TGA.

(8) License Renewal.

(a) Every licensee intending to continue engaging in Tribal gaming employment during the next year or applicable license period shall apply for renewal of the license at least 30 days prior to the end of the previous license period, unless the TGA prescribes a different time period.

(b) Subject to the power of the TGA to deny, revoke or suspend licenses, in any case in which a licensee has made a timely and sufficient application for the renewal of a license for the conduct of a previously licensed activity of a continuing nature, and paid all required licensing fees, the existing license shall not expire until such application has been finally acted upon by the TGA.

(c) Renewal of a license may be denied by the TGA for any reason which would, or could, have prevented its original issuance.

(9) Revocation or Expiration of License – Notice. It is the responsibility of the TGA to provide written notice to the TGO of all license suspensions, revocations and expirations. Licensees who receive a license expiration notice shall not be permitted to return to work as licensed TGO employees until their license renewal forms and fees have been submitted to the TGA. Upon submission of an application and required fees, a TGO employee may return to work under the previously expired license until the TGA takes action on the renewal application, or the license is suspended or revoked. A licensee who has received a license suspension, revocation or expiration notice from the TGA shall notify their supervisor within 24 hours after receipt of such notice. When any licensee changes employment, is terminated or resigns, the TGO shall notify the Director within seven days.

(10) Identification Badges. The TGA shall require all gaming employees to wear, in plain view, license identification badges issued by the TGA which include photo, first name and a four-digit identification

number unique to the license, the license class and/or State certification, if required, which shall include a Tribal seal or signature, and a date of expiration. The function of license identification badges is to identify gaming license holders who are employed by the TGO. Only current employees of the TGO may possess a gaming employee license identification badge, and must immediately return their identification badge upon separation from TGO employment. Lack of employment in the TGO, however, will not affect a person's gaming license status and a person may be reissued an identification badge if their license remains in good standing and they are subsequently reemployed by the TGO. [Res. 2014-484; Res. 2007-267; Res. 2006-147; Ord. 55 Reg. 6, 11-4-2005 (Res. 2005-366)].

Regulation 7 Additional requirements applicable to Category A licenses for key employees and primary management officials.

(1) Additional Requirements. The provisions of this section shall apply, in addition to the licensing requirements in Regulation 6, in the case of Category A licenses.

(2) Eligibility Determination.

(a) The Director shall review a person's prior activities, criminal record, if any, reputation, habits and associations to make a finding concerning the eligibility of a key employee or a primary management official for employment with the TGO. If the Director determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the TGO shall not employ that person in a key employee or primary management official position.

(b) The following individually and collectively are reasons for which the TGA deems it to be in the Tribal or public interest to deny a license or license renewal for a person or entity:

(i) The applicant is not at least 21 years of age, unless the Director determines to license such person under the provisions of these Gaming Regulations.

(ii) The applicant has made a material misrepresentation or omission of fact on the application for license or renewal, or has otherwise made a misrepresentation of, or failed to disclose, a material fact to the TGC, the Director, any TGA inspector, the State Gaming Agency, or any agent of the State Gaming Agency.

(iii) The applicant obtained a license or license renewal, State certification, or State license by fraud, misrepresentation, or concealment.

(iv) Subject to any applicable time periods in subsections (2)(b)(v) and (vi) of this section, the applicant, or any person in control of an entity applicant, has engaged in any conduct involving deceit, dishonesty, theft, assault or other physical violence.

(v) The applicant, or any person in control of an entity applicant, has been convicted of, forfeited bond upon a charge of, pleaded guilty to, is subject to current prosecution or pending charges or a conviction which is under appeal for, or has committed acts which constitute any of the following offenses:

(A) Forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to any Tribal, State, or Federal agency, or of filing false reports with any Tribal, State or Federal agency, or of any similar offense or offenses.

(B) Bribing or otherwise unlawfully influencing a public official or employee of the Tribes, any state or the United States.

(C) Any crime, whether a felony or misdemeanor, involving any gambling activity, or any felony involving dishonesty or theft.

(D) Within the past 10 years: (1) any felony involving assault, physical harm to individuals, physical violence or moral turpitude, or (2) any misdemeanor involving dishonesty or theft; provided, however, crimes, other than gambling, of a Tribal member relating to the exercise or defense of Tribal treaty rights shall not be grounds for denial of a license.

(vi) The applicant, or any person in control of an entity applicant, has, within the past five years, been convicted of any misdemeanor involving physical harm to individuals, or nonviolent felony not covered by subsection (2)(b)(v) of this section.

(vii) The applicant, or any person in control of an entity applicant, is on the list of excluded persons or qualifies to be on such list.

(viii) There is probable cause to believe the applicant, or any person in control of an entity applicant, is involved in the manufacture, sale or distribution of illegal substances.

(ix) The applicant, or any person in control of an entity applicant, has abstracted, purloined, willfully misapplied, taken or carried away with intent to steal, any money, funds, or other property of the TGO or of any person or entity.

- (x) The applicant, or any person in control of an entity applicant, has engaged in conduct to defraud the TGO or any person or entity, or to otherwise wrongfully deprive the TGO or any person or entity, of money, property or other thing of value.
- (xi) The applicant, or any person in control of an entity applicant, has engaged in cheating as a gaming employee or as a patron.
- (xii) The applicant, or any person in control of an entity applicant, has had a gaming license suspended, revoked, or forfeited by any other jurisdiction.
- (xiii) The applicant, or any person in control of an entity applicant, has pursued, or is pursuing, economic gain in an occupational manner or context which is in violation of the criminal laws of the Tribes, the State of Washington, or the United States, if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this State. For the purposes of this section, "occupational manner or context" shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.
- (xiv) The applicant, or any person in control of an entity applicant, is a career offender or a member of a career offender cartel or an associate of a career offender cartel in such a manner which creates probable cause to believe that the association is of such a nature as to be inimical to the proper operation of the authorized gambling or related activities in this State.
- (xv) The applicant, or any person in control of an entity applicant, has, without good cause, failed to appear and testify fully and truthfully, and produce any records, at the time and place designated in an investigatory subpoena or subpoena duces tecum issued under these Gaming Regulations.
- (xvi) The applicant, or any person in control of an entity applicant, has failed to immediately notify the TGA of any criminal charge filed against the applicant, or any person in control of an entity applicant, and of any criminal conviction, whether such charge or conviction arises under any Tribal, State or Federal law.
- (xvii) The applicant, or any person in control of an entity applicant, has knowingly caused, aided, abetted, or conspired with another to engage in conduct that constitutes grounds for denying a license under any of the provisions of this section.

The above guidelines are not intended to be an exhaustive list of reasons justifying license denial or revocation, but if the Director relies on reasons for license denial or revocation that are not expressly stated above, the reasons shall be of a similar character or type to those stated above, and shall relate directly to the underlying standard for licensing found in subsection (2)(a) of this section. [Res. 2014-484; Res. 2006-147; Ord. 55 Reg. 7, 11-4-2005 (Res. 2005-366)].

Regulation 8 Additional requirements applicable to gaming vendors and nongaming vendors.

(1) Additional Requirements. The licensing provisions in these Gaming Regulations shall apply in the case of licensing of any nonexempt gaming vendors and nongaming vendors, in addition to the other relevant licensing provisions contained in these Gaming Regulations.

(2) Nonexempt Gaming Vendors and Nongaming Vendors License Application.

(a) All nonexempt gaming and nongaming vendors with contracts of a value of \$25,000 or more annually shall be required to submit license applications on the appropriate gaming vendor and nongaming vendor forms provided by the TGA. Such applications shall request information that includes Federal tax I.D. number, legal structure of business (corporation, L.L.C., partnership, sole proprietorship, etc.), and list of principals of the business.

(b) In addition, for gaming vendors the TGA shall conduct additional investigation as deemed necessary by the TGA, including, but not limited to, background investigation of the principals of the business, including a criminal history check, reference checks, government regulatory checks, previous business relationships with gaming industry or Indian tribes, and any other information the TGA deems relevant.

(3) State Certification. Each nonexempt gaming vendor and nongaming vendor shall be licensed by the TGA and meet applicable State certification requirements contained in the Compact (certification may not be applicable to nongaming vendors). The TGA, at its discretion, may rely on State certification determinations, or information obtained in the State certification process in processing gaming vendor and nongaming services vendor licenses.

(4) Annual Licenses Required. Gaming vendor and nongaming vendor licenses shall be subject to renewal annually thereafter. [Res. 2014-484; Ord. 55 Reg. 8, 11-4-2005 (Res. 2005-366)].

Regulation 9 Additional requirements applicable to gaming devices, new games and associated equipment.

(1) Rules for Class II and Class III Gaming Departments.

(a) No unlicensed gambling games shall be operated upon the premises of the TGO.

- (b) The TGO shall obtain TGA approval of the specific rules for Class II and III games. Summaries of the rules of each game relevant to the method of play and odds paid to winning bets shall be visibly displayed, or a written copy of such rules shall be kept in pamphlet form at all gaming facilities and made available to any person upon request.
- (c) Whenever the TGO desires to temporarily remove or suspend a game from a licensed play status, the TGO shall provide advanced written notice to the TGA.
- (d) Before any gaming device is deployed to the gaming floor and placed into play or reactivated, the TGO shall advise the Director in writing of its intention and date to activate or reactivate such game. Upon the TGA's inspection of any gaming device previously sealed the game may be exposed to play.
- (e) Written requests to add new games, or modify existing licensed games, shall be presented to the Director no later than five days prior to the requested date of modifications or additions. [Res. 2014-484; Ord. 55 Reg. 9, 11-4-2005 (Res. 2005-366)].

Regulation 10 Acceptance of gratuities from patrons.

- (1) No TGO employee directly concerned with management, accounting, security and surveillance shall solicit or accept any tip or gratuity from any player or patron.
- (2) The TGO shall establish a procedure for receiving and accounting for all tips received by other gaming employees. [Res. 2014-484; Ord. 55 Reg. 10, 11-4-2005 (Res. 2005-366)].

Regulation 11 Internal control standards.

- (1) Internal Control Standards.

- (a) The TGO shall institute written internal controls which meet or exceed the Internal Control Standards set forth in the TICS Appendix ([25 CFR Parts 542](#) and [543](#), as they now exist) which is hereby incorporated as part of these Gaming Regulations. Where the TICS Appendix indicates procedures are required to be established by either the Tribal regulatory authority or the gaming operation, the TGO shall establish the required procedures and submit them to the Director for approval.
- (b) The TGA shall monitor TGO's internal controls for compliance with the TICS Appendix, but shall not regulate compliance of TGO internal controls or standard operating procedures that are more stringent than, or that are not specifically required by, the TICS Appendix or the Compact.

(c) The TGO shall submit its existing internal controls, and any subsequent internal control amendments, to the TGA for compliance review. If the review indicates TGO's internal controls do not meet the requirements of the TICS Appendix, or that the TGO is not implementing procedures required by the TICS Appendix, the Director shall meet with TGO management officials to facilitate compliance. If TICS compliance issues remain unresolved after a documented compliance meeting, the Director may issue a corrective action order to the TGO. The order shall state specifically which TICS Appendix requirements are not being satisfied by the TGO's internal controls, and require the TGO to submit amended internal controls and/or implement TICS Appendix required procedures. Violation of TICS shall not be a basis for adverse licensing actions against licensed employees or entities, except through the corrective action order process. [Res. 2014-484; Res. 2008-121; Ord. 55 Reg. 11, 11-4-2005 (Res. 2005-366)].

Regulation 12 Permitting.

(1) Required Permit.

(a) Every nonlicensed employee of the Tribal Gaming Operation who is employed in a nongaming area or in a nongaming facility, such as the hotel, food and beverage or hotel housekeeping, will be required to obtain a permit before being employed at the TGO.

(i) "Gaming facility" means the room or rooms, building or buildings or portions thereof in which Class II or Class III gaming as authorized by Chapter [10.05](#) TTC is conducted. For purposes of this regulation, "gaming facility" shall be deemed to include only those areas of a structure that the Tribes uses for Class II and/or III gaming operations.

(b) Permit is valid until employment is terminated by the TGO or is revoked by the TGA in accordance with subsection (4)(d) of this section.

(2) Permitting Process.

(a) Individuals applying for employment at the hotel shall apply for a Tulalip Tribes permit.

(b) The Tulalip Gaming Agency shall be the department responsible for issuing Tulalip permits.

(c) Permits will be issued within two business days from date the completed application is received.

(d) Applicant shall complete an application for permit on forms provided by the TGA, and shall submit the completed application form under penalty of perjury which will consist of:

- (i) Personal background information;
- (ii) Participation in legal or illegal activities in the State of Washington or other jurisdictions including foreign countries; and
- (iii) Criminal arrest record information.

(3) Permit Fees.

- (i) Initial permit application: \$30.00.
- (ii) Replacement of permit I.D. badge: \$15.00.

(4) Issuance of Permit.

- (a) The burden of establishing entitlement to a permit under this section shall be upon the applicant and the applicant shall have the burden to establish such entitlement.
- (b) Permit will be denied to any applicant who has:
 - (i) Been convicted of any felony within the past five years or the equivalent of a felony; or has a pending felony charge, by any jurisdiction; or
 - (ii) Been convicted of any crime, whether a felony or misdemeanor; involving any gambling activity, dishonesty or theft within the past five years; or
 - (iii) Been convicted of forgery, larceny, extortion, or conspiracy to defraud within the past five years; or
 - (iv) Been convicted of bribing or otherwise unlawfully influencing a public official or employee of the Tribes, any state or the United States within the past five years; or
 - (v) Been convicted within the past three years of any felony or the equivalent of a felony, involving assault, physical harm to individuals, physical violence or moral turpitude; provided, however, crimes, other than gambling, of a Tribal member relating to the exercise or defense of Tribal treaty rights shall not be grounds for denial of a permit; or
 - (vi) Been convicted of any sex crime.

(c) Notwithstanding subsection (4)(b) of this section, a conditional permit may be issued to a Tribal member or Tribal member affiliate applicant at the discretion of the Director in accordance with guidelines approved by the TGC and the Board of Directors of the Tulalip Tribes.

(i) If the conditions of a conditional permit are violated, the TGA shall issue a permit suspension pending revocation under subsection (5) of this section.

(d) The TGA may review an employee's criminal arrest information once every 12 months, or before this time if the TGA receives information the employee may no longer qualify for the permit. If an employee is charged with a felony or convicted of one of the crimes listed in this section during their employment at the TGO, the TGA will issue a permit suspension pending revocation to the permit holder and notify the TGO of such suspension.

(e) In the event an employee's permit is subject to revocation under this regulation, the TGA Director in his discretion may consider the employee, if eligible, as an applicant for a conditional permit under subsection (4)(c) of this section, subject to approved guidelines.

(5) Permit Revocation/Suspension.

(a) Permit Suspensions Pending Revocation. If, after issuing a permit, the Director finds evidence indicating that a permitted person was not or would not then be eligible for permitting under the permit issuance established in the subsections above, the Director shall suspend such permit pending permit revocation and shall notify in writing the permit holder of the suspension, the basis for the suspension and the proposed revocation. The grounds for suspension pending revocation of a permit shall be the same as the grounds for denying a permit as provided for in the Gaming Regulations, and in the case of a conditional permit a violation of any conditions as well.

(b) Initial Review Hearing. If a TGO employee permit is suspended under this section, the affected employee shall be entitled to an initial review hearing before the Tribal Gaming Court within five business days of suspension. The date and time of the review hearing shall be stated on the notice of the suspension and proposed revocation. At the review hearing, the TGA shall present the information on which the suspension is based, and the affected employee shall be given an opportunity to respond. If the Tribal Gaming Court determines the suspension was based on evidence or reliable information that the permitted person was not or would not then be eligible for a permit under the applicable issuance criteria, it shall uphold the suspension pending a full appeal hearing on the permit revocation, if an appeal is timely filed by the aggrieved permit holder.

If the Tribal Gaming Court finds at the initial review hearing the TGA information was unreliable or the evidence insufficient to establish grounds for permit suspension pending revocation, the individual's permit shall be reinstated.

(c) Permit Revocation. If the Gaming Court upholds a suspension pending revocation at the initial review hearing, the aggrieved permit holder shall have the right to a permit revocation appeal hearing. Within 14 days of the initial review hearing, the Director shall issue a final notice of revocation setting forth in detail the basis for the permit revocation. Appeals must be filed in writing with the Tribal Gaming Court no later than 16 days of the date of certified mailing, or 14 days of personal service of the revocation notice, or the permit revocation shall become final and not subject to further appeal.

(6) Surrender, Loss or Destruction of Permit Identification Badge.

(a) Upon the loss, mutilation or destruction of any permit identification badge, the employee shall immediately notify the TGA and submit an application for a replacement permit identification badge, on a form approved by the Director.

(b) Such application shall be accompanied by a written statement signed by the permitted employee which details the circumstances under which the permit identification badge was lost, mutilated, or destroyed, and which certifies that such permit was, in fact, lost, mutilated, or destroyed.

(c) A mutilated permit identification badge shall be surrendered to the TGA upon issuance of a replacement permit identification badge.

(d) A lost permit identification badge, when found, must be immediately surrendered to the TGA.

(7) Revocation of Permit – Notice.

(a) When any permitted employee changes employment, is terminated or resigns, the TGO shall immediately notify the TGA and security as soon as possible, but no later than 48 hours after separation from employment.

(b) Employees possessing a permit must immediately return their identification badge upon separation from TGO employment.

(8) Identification Badges.

(a) All permitted employees must carry their permit identification badges issued by the TGA which include photo, first name and a four-digit identification number unique to the permit which shall include a Tribal seal or signature.

(b) Permitted employees must display their badge while not in uniform in areas restricted to the public. [Res. 2015-475; Res. 2014-484; Res. 2014-398; Res. 2008-69; Ord. 55 Reg. 12, 11-4-2005 (Res. 2005-366)].

Regulation 13 Amusement games.

(1) Policy and Purpose. In keeping with the intent of Chapter [10.05](#) TTC to exert Tribal sovereignty and jurisdiction within the Tulalip Indian Reservation, the Tulalip Tribes shall regulate amusement games within the boundaries of the Tulalip Indian Reservation, and other Tribal restricted or trust lands. All persons or entities operating amusement games as defined herein shall be subject to the licensing requirements prescribed herein.

(2) Definitions and Rules of Applicability. For purposes of the TGA regulation of amusement games under this regulation, TGA shall use Chapter [230-13](#) WAC as a guide for the purpose of licensing and regulation of amusement games. For the purpose of this regulation, amusement games shall not be considered Class I, Class II, or Class III gaming as defined in [25](#) U.S.C. [2703](#).

(3) Licenses Required.

(a) No person or entity may engage in conduct or activity for which a license is required under this regulation without first obtaining a license.

(b) The Director shall require all applicable licensing information and any other information deemed appropriate by the Director for issuing a license, which may include background investigations. The Director has discretion to deny or issue an application for a license.

(c) Licenses may be conditional pending investigation and/or limited to specific times and locations as deemed appropriate and necessary by the Director.

(d) The Director may deny, renew, or revoke a license to any applicant under Regulation 6. Every licensee intending to continue with amusement game operation shall apply for renewal of the license at least 30 days prior to the end of the previous license period, unless the TGA prescribes a different time period.

(e) The TGA shall require all amusement game operators to display their amusement game licenses in plain view, which shall include a Tribal seal or signature, and date of expiration.

(4) Fees. Applicants shall pay a \$50.00 initial or renewal nonrefundable fee to the TGA at the time such applicant submits its application for initial license. The license fee schedule may be adjusted annually by the TGC, with approval of the Board of Directors.

(5) Other. The Tulalip Gaming Commission may adopt any other regulations or policies to further the regulation of amusement game licensing as authorized under this regulation. [Res. 2014-484].

Regulation 14 Civil infraction enforcement authority.

(1) The Tulalip Gaming Agency shall have the authority to issue civil infractions pursuant to the procedures set forth in Chapter 2.50 TTC, and as authorized by TTC 2.50.030(2) for offenses committed within the Tulalip gaming facilities and adjoining nongaming areas.

(2) Enforcement authority shall be limited to those civil infractions set forth in Chapters [3.40](#) and 3.75 TTC as applicable.

(3) TGA enforcement authority is shared and shall run concurrently with the Tulalip Tribal Police Department. [Res. 2017-190].