

VIA EMAIL

April 28, 2025

Regina Cuellar, Tribal Chairwoman Shingle Springs Band of Miwok Indians Shingle Springs Rancheria (Verona Tract), California 5281 Honpie Road Placerville, CA 95667

Re: Shingle Springs Band of Miwok Indians Gaming Ordinance

Dear Chairwoman Cuellar:

I am writing with respect to the February 3, 2025 request of the Shingle Springs Band of Miwok Indians to the National Indian Gaming Commission to review and approve the Tribe's gaming ordinance. The gaming ordinance was adopted by Resolution No. 2024-58 of the Tribal Council.

Thank you for providing the gaming ordinance for our review. The ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations. If you have any questions concerning this letter, please contact Senior Attorney Austin Badger at (202) 632-7003.

Sincerely,

Sharon M. Avery Chairwoman (A)

SHINGLE SPRINGS BAND OF MIWOK INDIANS



Shingle Springs Rancheria, (Verona) Tract, California 5281 Honpie Road, Placerville CA 95667 P.O. Box 1340, Shingle Springs CA 95682 (530) 676-8010 office; (530) 676-8033 fax

RESOLUTION 2024-58

SUBJECT: APPROVAL OF AMENDMENTS TO THE GAMING ORDINANCE

WHEREAS the Shingle Springs Band of Miwok Indians (the "Tribe") is a federally recognized Indian tribe possessing inherent powers of self-government; and

WHEREAS, the Tribe and its citizens are eligible for the special programs and services provided by the United States, by virtue of their status as Indians; and

WHEREAS, the Tribal citizens, on June 19, 1976, did adopt the Articles of Association to form a better community government, exercise rights and responsibilities, and promote the welfare of the people; and

WHEREAS, pursuant to Article III of the Tribe's Articles of Association, the Shingle Springs Tribal Council ("Tribal Council") is the duly elected governing body of the Tribe; and

WHEREAS, pursuant to Article VI of the Tribe's Articles of Association, the Tribal Council possesses the authority to enact laws that promote the general welfare of the Tribal government and its citizens.

WHEREAS, the Tribe may engage in particular types of gaming on its Rancheria under the Indian Gaming Regulatory Act as a means to promote tribal economic development and self-sufficiency and to generally protect the health and welfare of its members (25 U.S.C. §2701 *et seq.*); and

WHEREAS, the Tribe, through its governmental entity the Shingle Springs Tribal Gaming Authority, is currently operating a gaming facility under the Gaming Ordinance ("Ordinance") passed by the Tribe in 1996; and

WHEREAS, the Tribal Council has reviewed the proposed amendments to the "Gaming Ordinance," a copy of which is attached, and has found them consistent with the Tribe's goals and obligations.

NOW THEREFORE, BE IT RESOLVED that the Tribal Council hereby approves amendments to the attached "Gaming Ordinance" and authorizes the Chairwoman or her designee to execute all documents and agreements necessary as may be required to give effect to the transactions herein contemplated and to take such other actions as may hereby be necessary and appropriate to carry out the obligations there under.

BE IT FURTHER RESOLVED that this "Gaming Ordinance" supersedes and replaces all previous codes, ordinances, or resolutions in conflict with this one.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

CERTIFICATION

As a duly elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that at a meeting duly called, noticed, and convened on the 9th day of January 2025 at which time a quorum of (-6-) was present, this resolution was duly adopted by a vote of (-6-) FOR, (-0-) AGAINST, (-0-) ABSTAINED, and said resolution has not been rescinded or amended in any form.

Dif	January 9, 2025
Chairperson	Date
ATTEST:	
1. ZIMEM	January 9, 2025
Secretary	Date

TITLE 3. Gaming Ordinance

GENERAL PROVISIONS

The purpose of the Shingle Springs Band of Miwok Indians Gaming Ordinance is to regulate and provide for the licensing of Class II and Class III gaming on tribal lands of the Shingle Springs Band of Miwok Indians.

Section 1. Definitions

For the purpose of this Ordinance, notwithstanding the terms prescribed in Title 1, Section 1 of this Code, the terms below shall have the following meanings:

- A. "Band" refers to the Members of the Shingle Springs Band of Miwok Indians of the Shingle Springs Rancheria.
- B. "Casino" refers to the Red Hawk Casino.
- C. "Compact" refers to the Amended and Restated Tribal-State Gaming Compact Between The Shingle Springs Band of Miwok Indians and The State of California.
- D. "Gaming Enterprise" means the business enterprise or entities through which the Tribe conducts, regulates, and/ secures gaming on Indian Lands pursuant to the Indian Gaming Regulatory Act, including but not limited to, any retail sales, hotel and resort amenities, entertainment facilities and commercial activity associated therewith.
- E. "Gaming Activities" means the Class III Gaming activities authorized under the Compact in Section 3.1.
- F. "Gaming Facility" means Red Hawk Casino, or, any building in which Class III gaming activities or gaming operations occur, or in which the business records, receipts, or other funds of the gaming operation are maintained (but excluding offsite facilities primarily dedicated to storage of those records, and financial institutions), and all rooms, buildings, and areas, including parking lots and walkways, a principal purpose of which is to serve the activities of the gaming operation.
- G. "Indian Gaming Regulatory Act" and/ or "IGRA" refers to the Indian Gaming Regulatory Act of 1988 (P.L. 100-497, 18 U.S.C. § 1166 et seq. and 25 U.S.C. § 2701 et seq.), and any amendments thereto, as interpreted by all regulations promulgated thereunder.
- H. "Key Employee" means:
 - i. a person who performs one or more of the following functions:
 - 1. bingo caller;

- 2. counting room supervisor;
- 3. chief of security;
- 4. floor manager;
- 5. pit boss;
- 6. dealer;
- 7. croupier;
- 8. approver of credit;
- 9. Custodian of gaming systems as defined in 25 CFR 547.2 and similar class II / III systems, gaming cash or gaming cash equivalents, gaming supplies or gaming system records;
- 10. Custodian of surveillance systems or surveillance system records.
- Any gaming operation employee authorized by the gaming operation for unescorted access to secured gaming areas designated as secured gaming areas by the SSTGC;
- iii. if not otherwise licensed as a key employee or primary management official, the four persons most highly compensated by the gaming operation;
- iv. Gaming Commissioners and SSTGC Staff; and
- v. Any other employee of the gaming enterprise as documented by the SSTGC as a key employee.
- I. "Licensee" shall mean any individual, business, or other entity that has been granted a gaming license pursuant to applicable law and the provisions of this ordinance.
- J. "Management Contractor" shall mean any Gaming Resource Supplier with whom the Tribe has contracted for the management of any Gaming Activity or Gaming Facility, including, but not limited to, any person who would be regarded as a management contractor under IGRA.
- K. "NIGC" means the National Indian Gaming Commission.
- L. "Ordinance" shall mean this Gaming Ordinance
- M. "Primary Management Official" means:
 - i. any person having management responsibility for a management contract;
 - ii. any person who has authority:
 - 1. to hire and fire employees of the gaming operation; or

- 2. to set up a working policy for the gaming operation.
- iii. the chief financial officer or other person who has financial management responsibility;
- iv. the general manager or a position with duties similar to a general manager; and
- v. any other employed management official of the gaming enterprise as documented by the SSTGC as a primary management official.
- N. "Secured Gaming Area" refers to any physical space within the gaming operation, as designated by the SSTGC, to which unescorted access is granted exclusively to keyemployees.
- O. "State Gaming Agency" means the entities authorized to investigate, approve, regulate and license gaming pursuant to the Gambling Control Act (Chapter 5 (commencing with section 19800) of Division 8 of the California Business and Professions Code), or any successor statutory scheme, and any entity or entities in which that authority may thereafter be vested.
- P. "**Tribal Gaming Commission**" and/or "**SSTGC**" shall mean the Shingle Springs Tribal Gaming Commission and the board of commissioners appointed by Tribal Council to function as the Tribe's Gaming Regulatory Agency which is responsible for carrying out the Tribe's regulatory responsibilities under IGRA and the Tribal Gaming Ordinance.

Section 2. Authorized Gaming Activities

- 2.1 Class II Gaming. All forms of Class II gaming as defined in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq. ("IGRA")), section 2703(7)(A) and 25 C.F.R. section 502.3 are hereby authorized.
- 2.2 Class III Gaming. All forms of Class III gaming as defined in IGRA section 2703(8) and 25 C.F.R. section 502.4, and permitted under any tribal-state gaming compact, and related amendments, with the State of California entered into pursuant to section 2710(d) of IGRA (the "Compact") are hereby authorized.

Section 3. Ownership of Gaming

- 3.1 The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming activity authorized by this Ordinance.
 - (a) On behalf of the Tribe, the Shingle Springs Tribal Gaming Commission shall be the sole entity regulating gaming activity authorized by this Ordinance, as outlined in its bylaws and in accordance with its internal

- policies and procedures, as approved by the Shingle Springs Tribal Council.
- (b) On behalf of the Tribe, the Shingle Springs Tribal Gaming Authority shall be the sole entity managing the operation of the gaming activity authorized by this Ordinance as outlined in the Gaming Authority Ordinance and in accordance with its internal policies and procedures, as approved by the Shingle Springs Tribal Gaming Commission.

Section 4. Use of Gaming Revenues

- 4.1 Net revenues from gaming authorized by this Ordinance shall only be expended by the Tribal Council for one or more of the following purposes:
 - (a) to fund tribal government operations or programs;
 - (b) to provide for the general welfare of the Tribe and its members;
 - (c) to promote tribal economic development;
 - (d) to donate to charitable organizations; or
 - (e) to help fund operations of local government agencies.
- 4.2 The Tribe shall ensure that per capita payments to tribal members from revenues derived from its gaming operations are made only in accordance with a revenue allocation plan submitted to and approved by the Secretary of the Interior under IGRA section 2710(b)(3), and which complies with the requirements of 25 C.F.R. Part 290.
- 4.3 The Tribe shall not make payments from revenues derived from its gaming operations pursuant to or relating in any way to a contract which the National Indian Gaming Commission ("NIGC") has declared void or violative of federal law.

Section 5. Annual Audit

- 5.1 The SSTGC shall cause to be conducted, at least annually, an independent audit of the books and records of each gaming operation, and shall submit the resulting audit reports to the NIGC.
- 5.2 All gaming related contracts resulting in purchases of supplies, services, or concessions in excess of \$25,000 in any year (except contracts for professional legal or accounting services) shall be specifically included within the scope of the audit conducted pursuant to this section.

Section 6. Environmental/Public Health and Safety Protection

6.1 In compliance with IGRA section 2710(b)(2)(E), the construction and maintenance of any gaming operation, and the operation of all gaming, shall be conducted in a manner which adequately protects the environment and the public health and safety.

Section 7. Application for Gaming Licenses

- 7.1 Each Key Employee and Primary Management Official shall complete an application for an initial gaming license or renewal of an existing gaming license for each gaming operation on an application form prescribed by the SSTGC.
- 7.2 The SSTGC may also require vendors to the facility to complete an application for an initial vendor license or renewal of an existing vendor license for each gaming operation on an application form prescribed by the SSTGC.
- 7.3 An application for a gaming license shall include:
 - (a) the following privacy notice prescribed by 25 C.F.R. section 556.2:

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 SSTGC 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 the SSTGC or the National Indian Gaming Commission in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with the Tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in the Tribe's being unable to license you for a primary management official or key employee position.

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

your application.

(b) the following notice regarding false statements prescribed in part by 25

C.F.R. 556.3:

A false statement on any part of your license application, supporting documentation or supplemental information you provide as part of this application may be grounds for not hiring you, denying, suspending or revoking your gaming license, or for terminating you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).

Section 8. Licensing of Key Employees and Primary Management Officials

- 8.1 The Tribe, through its regulating entity, the Shingle Springs Tribal Gaming Commission, shall ensure the policies and procedures set out in this Ordinance are implemented with respect to Key Employees and Primary Management Officials employed at any facility conducting gaming operations authorized by this Ordinance.
- 8.2 The policies and procedures set out under this ordinance, and amendments thereof, shall be effective as of the date of their approval and certification by the Tribal Council and shall only be implemented with respect to those designated as a Key Employee or Primary Management Official thereafter, as well as any Key Employee or Primary Management Official who after such date, is subject to the renewal of their gaming license.

Section 9. Background Investigations

- 9.1 The SSTGC shall conduct, or cause to be conducted, a background investigation of each applicant for a position designated as a Key Employee or Primary Management Official sufficient to determine the applicant is eligible to hold a gaming license. To reach this determination, the SSTGC shall satisfy itself that the applicant:
 - (a) is not a minor;
 - (b) is a person of good character, honesty, and integrity;
 - (c) has no prior activities, criminal record, reputation, habits, and associations which pose a threat to the public interest or the interest of the Tribe or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities

- in the conduct or gaming or the carrying on of the business and financial arrangements incidental to the conduct of gaming;
- (d) has not supplied false and/or misleading information or who has not omitted material information required under IGRA, NIGC regulations and this Ordinance:
- (e) has not had a gaming license revoked for cause in any jurisdiction since the effective date of IGRA;
- (f) has not failed to meet any suitability requirements under the Compact; and
- (g) is a person whose background, reputation or associations will not adversely impact the Tribe or its gaming operation.
- 9.2 If in making the qualification determination referenced in subsection 9.1 above the SSTGC determines that licensing an individual 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 SSTGC shall not license that individual as a Key Employee or Primary Management Official.
- 9.3 In conducting its background investigation, the SSTGC shall keep confidential the identity of each person interviewed in the course of the investigation.
- 9.4 The SSTGC shall request the following background investigation information from each Key Employee and Primary Management Official:
 - (i) full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
 - (ii) currently, and for the previous 5 years, business and employment positions held, ownership interests in those businesses, business and residence addresses and phone numbers, and driver's license numbers;
 - (iii) the names and current addresses and phone number of at least 3 personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (ii) of this subsection;
 - (iv) current business and residence telephone numbers;
 - (v) a description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

- (vi) a description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (vii) the name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (viii) 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, including any paperwork showing the disposition of the charge;
- (ix) for each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), the name and address of the court involved and the date and disposition;
- (x) for each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is not otherwise listed pursuant to paragraphs (viii) or (ix) of this subsection, the criminal charge, the name and address of the court involved, and the date and disposition;
- (xi) the name and address of any licensing or regulatory agency with which the applicant has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (xii) a current photograph;
- (xiii) a complete history of the applicant's educational background, including the names of any colleges, universities, trade or vocational schools, and high schools attended, and include a copy of the diploma or G.E.D. if awarded;
- (xiv) a description of the applicant's family, including an explanation of the relationships described (e.g., parents, guardians, etc.);
- (xv) any financial statement from the applicant's accountant or other financial information specifically requested on the application form, for example, income sources, assets owned, insurance policies, mortgages, and other information relating to the filing of bankruptcy or other obligations;
- (xvi) a description of the applicant's spousal status including, if applicable, the existence of any previous marriages;

- (xvii) fingerprints of the applicant to be taken for a criminal history check. A criminal history check will include a check of criminal history records information maintained by the Federal Bureau of Investigation;
- (xviii) a statement authorizing law enforcement agencies and prior employers to release information and respond to questions relating to the applicant's records, habits, reputation, and associations;
- (xix) all applicants are required to submit to a drug screening test and, if employed, random screening tests thereafter; and
- (xx) any other information the SSTGC deems relevant.

Section 10. Report to the NIGC

- 10.1 Before issuing a license to a Key Employee or Primary Management Official, the SSTGC shall prepare an investigative report summarizing each background investigation of a Key Employee or Primary Management Official that the gaming operation intends to employ.
- 10.2 Each investigative report shall include the following:
 - (a) the steps taken in conducting the background investigation;
 - (b) the results obtained;
 - (c) the conclusions reached; and
 - (d) the basis for those conclusions.
- 10.3 No later than 60 days after a Key Employee or a Primary Management Official begins work, the SSTGC shall submit to the NIGC a notice of results of the background investigation. The notice of results shall contain:
 - (a) the applicant's name, date of birth, and social security number;
 - (b) the date on which the applicant began or will begin work as a Key Employee or Primary Management Official;
 - (c) a summary of the information presented in the investigative report, which shall at a minimum include a listing of:
 - (i) licenses that have been previously denied;
 - (ii) gaming licenses that have been revoked, even if subsequently reinstated;

- (iii) every known criminal charge brought against the applicant within the last 10 years of the date of application; and
- (iv) every felony of which the applicant has been convicted or any ongoing prosecution.
- (d) a copy of the SSTGC's qualification determination made under subsection 9.1 above.
- 10.4 If a gaming license is not issued to an applicant, the SSTGC:
 - (a) shall notify the NIGC; and
 - (b) shall forward copies of its qualification determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System.
- 10.5 With respect to Key Employees and Primary Management Officials, the SSTGC shall retain applications, investigative reports, and eligibility determinations for gaming licenses and reports (if any) of background investigations for inspection by the NIGC for no less than 3 years from the date of termination of employment.
- 10.6 A gaming operation shall not employ as a Key Employee or Primary Management Official a person who does not have a gaming license 90 days after a license application has been submitted.

Section 11. Granting a Gaming License

- 11.1 If, within a 30 day period after the NIGC receives an investigative report, the NIGC notifies the SSTGC that it has no objection to the issuance of a gaming license pursuant to a license application filed by a Key Employee or Primary Management Official, the SSTGC may issue a license to such applicant. Within 30 days after the issuance of the license, the SSTGC shall notify the NIGC of its issuance.
- 11.2 The SSTGC shall respond to a request for additional information from the NIGC concerning a Key Employee or Primary Management Official who is the subject of an investigative report. Such a request shall suspend the 30 day period under subsection 11.1 above until the NIGC receives the additional information.
- 11.3 If, within the 30 day period described in subsection 11.1 above, the NIGC provides the SSTGC with a statement itemizing objections to the issuance of a gaming license to a Key Employee or to a Primary Management Official applicant, the SSTGC shall reconsider the application, taking into account the

objections itemized by the NIGC. The SSTGC shall make the final decision whether to issue a gaming license to such applicant.

Section 12. Gaming License Suspension and Right to Hearing

- 12.1 If, after the issuance of a gaming license, the SSTGC receives reliable information from NIGC, or otherwise, indicating that a Key Employee, Primary Management Official, or other person or entity is not eligible for a license under this Ordinance, the SSTGC shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
- 12.2 The SSTGC shall notify the licensee of the time and place in which a hearing on the proposed license revocation will take place.
- 12.3 The right to a revocation hearing shall vest upon receipt of a license or at such earlier time as is determined by tribal law, regulation, and/or policy and shall take place within 10 days of the licensee's receipt of the notice provided under Section 12.1.
- 12.4 During the revocation hearing, the SSTGC shall inform a licensee of the basis for the proposed revocation and a licensee shall present any/ all evidence that may be relevant to the SSTGC's final determination on whether to revoke or reinstate a gaming license.
- 12.5 After any/ all evidence has been considered, by majority vote, the SSTGC shall issue its final determination on whether to revoke or reinstate a gaming license and shall then notify the NIGC of its decision within 45 days.
- 12.6 In the event the State Gaming Agency denies or refuses to renew an applicant's determination of suitability, the Gaming Commission shall revoke any license previously issued and, absent such determination of suitability by the State Gaming Agency, deny any new license to the applicant. Such action is subject to any process or exceptions permitted under an applicable tribal-state compact and any appeal rights the applicant may have under state law.

Section 13. Facility Licenses

13.1 The SSTGC shall issue a separate facility license for each and every place, operation, or location on Indian lands where Class II or Class III gaming authorized under this Ordinance is conducted. At least every year after the initial issuance of a facility license, the SSTGC shall renew the license to each place, operation, or location on Indian lands where Class II or Class III gaming authorized under this Ordinance is conducted.

- 13.2 The SSTGC shall specify the form, conditions and content for the application for such licenses, which shall be submitted by the general manager of the gaming operation.
- 13.3 Within 30 days of issuing a renewed facility license, the SSTGC shall submit to the NIGC a copy of the renewed license. Along with the renewed facility license, the SSTGC shall submit to the NIGC:
 - (a) an attestation certifying that by issuing the license:
 - (i) the SSTGC has identified and enforces the environmental, health, and public safety laws, resolutions, codes, policies standards or procedures applicable to the gaming operation;
 - (ii) the SSTGC is in compliance with those laws, resolutions, codes, policies standards or procedures, or, if not in compliance, the SSTGC will identify those with which it is not in compliance, and will adopt and submit its written plan for the specific action it will take, within a period not to exceed 6 months, required for compliance. At the successful completion such written plan, or at the expiration of the period allowed for completion, the SSTGC shall report the status thereof to the NIGC. In the event the SSTGC estimates that action for compliance will exceed 6 months, the NIGC must concur in such an extension of time, otherwise, the SSTGC will be deemed non-compliant. The NIGC will consider the consequences on the environment and the public health and safety, as well as mitigation measures the SSTGC may provide in the interim, in considering requests for extensions of time.
 - (iii) the SSTGC is ensuring that the construction and maintenance of the gaming facility, and the operation of all gaming, is conducted in a manner which adequately protects the environment and the public health and safety.
 - (b) a document listing all laws, resolutions, codes, policies standards or procedures identified by the Tribe as applicable to its gaming facilities, other than federal laws, in the following areas:
 - (i) emergency preparedness, including but not limited to fire suppression, law enforcement and security;
 - (ii) food and potable water;
 - (iii) construction and maintenance;

- (iv) hazardous materials;
- (v) sanitation (both solid and wastewater); and
- (vi) other environmental or public health and safety laws, resolutions, codes, policies standards or procedures adopted by the Tribe in light of climate, geography, and other local conditions and applicable to its gaming places, facilities and locations.
- 13.4 After the first submission of a document under paragraph (b) of this subsection, the Tribe may, in lieu of complying with that paragraph, certify to the NIGC that it has not substantially modified its laws protecting the environment and public health and safety.

Section 14. Effective Date/Repeal

14.1 This Ordinance shall be effective immediately upon approval by appropriate governmental authority and, once approved, all previous gaming ordinances shall be repealed.

Adopted on 4/27/1996 by Resolution 1996-04 Approved on 8/18/2010 by Resolution 2010-58 Approved on 5/29/2014 by Resolution 2014(A) Approved on 1/9/2024 by Resolution 2024-58