



February 28, 2022

Erica M. Pinto, Chairwoman
Jamul Indian Village of California
P. O. Box 612
Jamul, CA 91935

Re: Jamul Indian Village Second Amended & Restated Gaming Ordinance,
Ordinance No. 2022-02

Dear Chairwoman Pinto:

I am writing with respect to the February 3, 2022, request of the Jamul Indian Village of California to the National Indian Gaming Commission to review and approve the Tribe's amended gaming ordinance. The amended gaming ordinance was adopted by Resolution No. 2022-06 of the Tribal Council.

Thank you for providing the amended 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,

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

E. Sequoyah Simermeyer
Chairman

**RESOLUTION OF THE TRIBAL COUNCIL OF THE
JAMUL INDIAN VILLAGE OF CALIFORNIA**

RESOLUTION NO. 2022-06

**RESOLUTION TO REPEAL ORDINANCE 2021-03 AND ADOPT THE
SECOND AMENDED & RESTATED GAMING ORDINANCE**

WHEREAS, the Jamul Indian Village of California ("Tribe") is a federally recognized Indian tribe possessing inherent powers of self-government and is governed by the Constitution of the Jamul Indian Village of California adopted April 1, 2017 and approved by the Regional Director, Bureau of Indian Affairs on April 28, 2017 (the "Constitution"); and

WHEREAS, pursuant to Article 4, Section 1 of the Constitution, the General Council of the Tribe is the governing body of the Tribe (the "General Council"); and

WHEREAS, pursuant to Article 9, Section 1 of the Constitution, the General Council retains the power to establish ordinances governing the conduct of tribal members and any person engaged in activities within the jurisdiction of the Tribe, to provide for the maintenance of law and order and the administration of justice and to administer tribal assets and manage all economic affairs of the Tribe; and

WHEREAS, pursuant to Article 4, Section 2 of the Constitution, the General Council may, by resolution, delegate its authority to the Tribal Council of the Tribe (the "Tribal Council"); and

WHEREAS, the General Council approved the Jamul Indian Village Gaming Ordinance pursuant to Resolution No. 2013-07, approved by the National Indian Gaming Commission ("NIGC") on July 1, 2013, which was amended by Resolution No. 2015-43, approved by the NIGC on February 11, 2016, and by Resolution No. 2019-06, approved by the NIGC on May 8, 2019 ("Gaming Ordinance"); and

WHEREAS, pursuant to Section 18.12 of the Gaming Ordinance, the General Council delegated its authority to the Tribal Council to approve amendments to the Gaming Ordinance; and

WHEREAS, the Tribal Council is empowered pursuant to the Constitution to carry forth any duties and authority delegated to it from the General Council; and

WHEREAS, pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. §2701 et seq., the Tribe is required to adopt a gaming ordinance for regulation of gaming activity on its trust land and obtain approval of such gaming ordinance by the NIGC; and

WHEREAS, any amendments of the Gaming Ordinance require approval of the NIGC; and



EMAIL info@jamulindianvillage.com

TEL 619.669.4785

FAX 619.669.4817

ADDRESS P.O. Box 612

Jamul, CA 91935

jamulindianvillage.com

WHEREAS, the Tribal Council, pursuant to the aforementioned authority, adopted the Jamul Indian Village Second Amended & Restated Gaming Ordinance, Ordinance No. 2021-03, on September 14, 2021 ("Ordinance 2021-03"); and

WHEREAS, the Tribal Council submitted the Ordinance 2021-03 for review and approval by the NIGC and pursuant to such review, the NIGC suggested revisions to Ordinance 2021-03; and

WHEREAS, the Tribal Council withdrew Ordinance 2021-03 from the NIGC review, and therefore Ordinance 2021-03 did not go into effect;

WHEREAS, the Tribal Council now desires to formally repeal Ordinance 2021-03 and adopt the revised Second Amended & Restated Gaming Ordinance, attached hereto as Exhibit A ("Second Amended & Restated Gaming Ordinance"), to comply with applicable NIGC regulations and resubmit the Amended & Restated Gaming Ordinance to the NIGC for further review and approval.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby adopts the Second Amended & Restated Gaming Ordinance.

BE IT FURTHER RESOLVED, that the Tribal Council repeals Ordinance 2021-03, and the Gaming Ordinance, such repeal of the Gaming Ordinance being effective only upon approval of the Second Amended & Restated Gaming Ordinance by the NIGC.

BE IT FINALLY RESOLVED, the Chairwoman of the Tribal Council is hereby authorized, empowered and instructed to: (i) submit the Second Amended & Restated Gaming Ordinance to the NIGC for review and approval; and (ii) to take all necessary actions to comply with the NIGC submission requirements and to facilitate the submission of the Second Amended & Restated Gaming Ordinance.

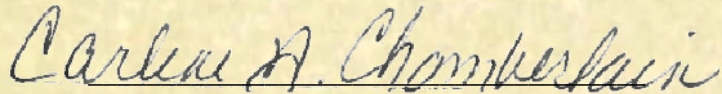
BE IT FURTHER RESOLVED, that if any provision of this Resolution or the application of any provision of this Resolution is held to be invalid, the remainder of the Resolution shall not be affected and shall continue in full force and effect.

BE IT FINALLY RESOLVED, that this Resolution shall become effective as of the date and time of its passage and approval by the Tribal Council.

CERTIFICATION OF SECRETARY

I, Carlene A. Chamberlain, Secretary of the Jamul Indian Village of California (the, "**Tribe**"), pursuant to Article 10, Section 4 of the Constitution of the Tribe, hereby certify that the foregoing document entitled RESOLUTION TO REPEAL ORDINANCE 2021-03 AND ADOPT THE SECOND AMENDED & RESTATED GAMING ORDINANCE, Resolution 2022-06 was enacted by the Tribal Council of the Tribe at a duly called meeting with a quorum (consisting of 6 of the 6 Tribal Council Members) present on February 1, 2022 by a vote of 5 FOR, 0 OPPOSED, and 0 ABSTAINING, and is an exact copy of the document, as it exists in the records of the Tribe.

Signed on this 1st day of February, 2022.

A handwritten signature in cursive script that reads "Carlene A. Chamberlain". The signature is written in dark ink and is positioned above the printed name and title.

Carlene A. Chamberlain

Secretary of the Jamul Indian Village of California

Exhibit A

SECOND AMENDED & RESTATED GAMING ORDINANCE



JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

Ordinance No. 2022-02
Adopted: February 1, 2022
Approved by NIGC: _____, 2022

EMAIL: info@jamilindianvillage.com

TEL: 619.669.4785
FAX: 619.669.4817
ADDR: P. O. Box 612
Jamil, CA 91935

jamilindianvillage.com

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

TABLE OF CONTENTS

	Page
1. Purpose, Policy and Sole Proprietary Interest.....	1
1.1 Purpose and Policy.....	1
1.2 Sole Proprietary Interest	1
1.3 Name.....	1
2. Gaming Authorization	1
2.1 Jurisdiction.....	1
2.2 Class II and Class III Authorization.....	1
2.3 Unauthorized or Unapproved Gaming.....	1
3. Definitions	1
4. Tribal Council: Powers and Duties	7
4.1 Delegation of Duties	7
4.2 Registered Agent.....	7
5. Jamul Gaming Commission.....	7
5.1 Establishment and Purpose	7
5.2 Duration and Attributes	7
5.3 Sovereign Immunity of the Commission	7
5.4 Assets of the Commission.....	8
5.5 Number of Commissioners; Qualifications; Background Investigation	8
5.6 Gaming Commission Background Investigation	8
5.7 Term of Office	9
5.8 Bylaws	9
5.9 Removal.....	9
5.10 Vacancies.....	9
5.11 Duties, Powers and Responsibilities	9
5.12 Meetings.....	11
5.13 Full-time or Part-time Exclusivity	11
5.14 Reporting Requirements	11
5.15 Compensation and Annual Budget	11
5.16 Gaming Commission Staff.....	12
5.17 Ethics	12

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

6.	Executive Director	13
6.1	Qualifications.....	13
6.2	Authority of Executive Director	14
7.	Gaming Personnel.....	14
7.1	Age.....	14
7.2	Compact and Employment Laws	14
8.	Files and Records to be Maintained by the Commission; Confidentiality of Information	14
8.1	Confidentiality of Documents.....	14
8.2	Scope of Confidentiality	15
8.3	Record Retention	15
9.	Gaming Surveillance.....	15
9.1	Purpose.....	15
9.2	Requirements	15
9.3	Responsibilities.....	15
9.4	Surveillance Records	16
10.	Gaming Security	16
10.1	Purpose.....	16
10.2	Investigations	16
10.3	Reports	16
10.4	Responsibilities.....	16
11.	Licensing of Primary Management Officials, Key Employees and Gaming Employees	16
11.1	Summary of Licensing Principles.....	16
11.2	Licenses	16
11.3	Current and Valid Gaming License Required.....	17
11.4	Application Procedure for Gaming License.....	17
11.5	Non-Key Gaming Employee Licensing.....	19
11.6	Qualifications.....	19
11.7	Temporary Licensure.....	20
11.8	Investigation.....	20
11.9	License Issuance; Renewals.....	22
11.10	Badge	22
11.11	Temporary Suspension of an Individual's License.....	22

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

11.12	Suspension or Revocation of License	22
11.13	Record of Proceedings	24
12.	Gaming Facility License	24
12.1	Compliance with Applicable Standards	24
12.2	Licensing Requirement	24
12.3	Threshold Licensing Criteria	24
12.4	Display of Gaming License	25
12.5	License Duration.....	25
12.6	Submission of License to NIGC and State Gaming Agency	25
12.7	Notice of Illegal Gaming Activity	25
13.	Financial Source License	25
13.1	Licensing Requirements	25
13.2	Exemptions	25
13.3	Registration for Holders of Tribal Bonds	26
13.4	Submission of License to State Gaming Agency.....	26
13.5	Application Form and Procedures	27
13.6	Financial Source Application Forms and Procedures - Individual	27
13.7	Duration; Renewal Process	28
14.	Gaming Resource Supplier License.....	28
14.1	Licensing Requirements	28
14.1	Exemptions	28
14.2	Submission of License to State Gaming Agency.....	29
14.3	Application Forms and Procedures.....	29
14.1	Duration; Renewal Process	29
15.	Fees	29
15.1	License and Application and Renewal Fees	29
16.	Licensing Principles.....	29
16.1	Reliance on Previously Issued License.....	29
16.2	Licensing Criteria for Entities.....	29
16.3	Institutional Investor	30
16.4	Appeals	30

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

17.	Games	30
17.1	Who May Not Play	30
17.2	Patron Disputes	30
18.	Individually-Owned Gaming Operations.....	31
18.1	Authorization	31
18.2	Ordinance Requirements.....	31
19.	Miscellaneous	31
19.1	Gaming Rules	31
19.2	Use of Net Gaming Revenues.....	32
19.3	Minimum Internal Control Standards	32
19.4	Annual Audit.....	32
19.5	Commission Right to Conduct Audits	32
19.6	Gaming Device Technical Standards.....	33
19.7	Exclusion or Ejection of Individuals.....	33
19.8	Emergency Evacuation and Preparedness Plans	33
19.9	Minors.....	33
19.10	Sovereign Immunity	33
19.11	Severability	33
19.12	Repeal	33
19.13	Amendments	34
19.14	Effective Date	34

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

1. Purpose, Policy and Sole Proprietary Interest

1.1 Purpose and Policy. The purpose of this Ordinance is to set forth the laws of the Tribe regarding all Gaming Activities conducted on the Tribe's Indian Lands. The Ordinance is intended to govern the Gaming Activities of all individuals, employees, consultants, business entities, vendors, boards, committees, commissions and administrative review bodies on the Tribe's Indian Lands. The purpose of this Ordinance is to ensure that the Gaming Activities conducted on the Tribe's Indian Lands are conducted fairly and honestly, and that all internal departments, enterprises, officials and employees of the Tribe work cooperatively to advance the best interests of the Tribe in protecting its Gaming Activities as well as its Patrons. It is the intent of the Tribe that this Ordinance and provisions within shall be interpreted in a manner so as to comply with the terms of the Compact, IGRA, and applicable NIGC regulations.

1.2 Sole Proprietary Interest. The Tribe shall have the sole proprietary interest in and responsibility for the conduct of all Gaming Activities authorized by this Ordinance; provided, however, that the Tribe may, in accordance with IGRA, and when authorized under applicable Federal law and the Compact (where applicable), enter into a management contract for management of all or part of the Gaming Operation, or authorize a third-party to have a proprietary interest in Gaming Activities on its Indian Lands in accordance with Section 18.

1.3 Name. This Second Amended & Restated Gaming Ordinance shall be known as the "**Gaming Ordinance**".

2. Gaming Authorization

2.1 Jurisdiction. This Ordinance is applicable to all Indian Lands under the jurisdiction of the Tribe.

2.2 Class II and Class III Authorization. Class II and Class III Gaming are each hereby authorized on the Tribe's Indian Lands.

2.3 Unauthorized or Unapproved Gaming. Class II and Class III Gaming by any Person on the Tribe's Indian Lands except as authorized pursuant to this Ordinance is prohibited.

3. Definitions

This Section shall govern the definitions of words and phrases used in this Ordinance. All words or phrases not defined in this Section are used in their ordinary and everyday sense.

3.1 "**Affiliate**" means, with respect to any specified Person, any other Person who directly or indirectly, through one or more intermediaries, controls, is or becomes controlled by, or is or comes under common control with the specified Person. For purposes of this definition, "control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a Person, whether through the ownership of voting securities or other interests, by contract, governmental authority or otherwise.

3.2 "**Applicant**" means any Person filing an Application for a Gaming License, Gaming Facility License, Financial Source License or Supplier License pursuant to Sections 11, 12, 13, and 14 of this Ordinance.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

3.3 **"Application"** means any application for a Gaming License, Gaming Facility License, Financial Source License, or Supplier License.

3.4 **"Bond"** means any security within the meaning of the Securities Act of 1933 (15 U.S.C. § 77a et seq.) that constitutes an evidence of indebtedness issued pursuant to a trust indenture between the issuer of the security and a trustee who has a right to enforce the terms of the bonds on behalf of all holders of the bonds.

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

3.6 **"Class II Gaming"** means:

(a) The game of chance commonly known as bingo (whether or not electronic, computer or other technologic aids are used in connection therewith) in which:

(1) The game is played for prizes, including monetary prizes, with cards bearing numbers or other designations;

(2) The holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; or

(3) The game is won by the first individual covering a previously designated arrangement of numbers or designation on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo.

(b) Card games which:

(1) Are explicitly authorized by the laws of the State; or

(2) Are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games. Class II Gaming does not include any banking card games, including baccarat, chemin de fer, or blackjack (twenty-one), or electronic or electro-mechanical facsimiles of any game of chance or slot machines of any kind.

3.7 **"Class III Gaming"** means all forms of Gaming that are not Class I or Class II.

3.8 **"Commission"** means the Jamul Gaming Commission as established by this Ordinance.

3.9 **"Commissioner"** means a duly appointed member of the Jamul Gaming Commission.

3.10 **"Compact"** means the Tribal-State Compact between the Tribe and the State of California including all subsequent amendments thereto, authorized by IGRA or other applicable law.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

3.11 **"Compliance Certificate"** means a certificate issued by a qualified building and safety expert which states that the construction of the Gaming Facility complies with the Tribe's applicable building and safety codes.

3.12 **"Financial Source"** means a Person extending or guaranteeing financing, directly or indirectly, for the purpose of constructing, developing, maintaining, equipping, or operating the Gaming Facility or Gaming Operation.

3.13 **"Financial Source License"** means the permit granted by the Commission to a Financial Source.

3.14 **"Games", "Gaming", or "Gaming Activity"** means any activity, operation, or game of chance which is considered Class II or Class III Gaming.

3.15 **"Gaming Device"** has the same meaning as defined in the Compact.

3.16 **"Gaming Employee"** means any individual who (a) conducts, operates, maintains, repairs, accounts for, or assists in any Gaming Activities, or is in any way responsible for supervising any such Gaming Activity or individuals who conduct, operate, maintain, repair, account for, or supervise any such Gaming Activity, (b) is in a category under federal or tribal law requiring licensing; (c) is an employee of the Commission with access to confidential information, or (d) is an individual whose employment duties require or authorize access to areas of the Gaming Facility in which any activities related to Gaming Activities are conducted, but that are not open to the public.

3.17 **"Gaming Equipment"** means any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any Gaming Activity, whether or not specifically designed for that purpose, but excluding tables and chairs normally used in the occupancy of a Gaming Facility.

3.18 **"Gaming Facility"** means any building on the Tribe's Indian Lands in which Gaming Activities or Gaming Operation occurs, 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.

3.19 **"Gaming Facility License"** means the official and revocable permission granted by the Commission to the Gaming Facility allowing the conduct of Gaming.

3.20 **"Gaming License"** means the official and revocable permission granted by the Commission to an Applicant in order to be a Primary Management Official, Key Employee, or Gaming Employee. Nothing herein shall create a property interest in the issuance or retention of a Gaming License.

3.21 **"Gaming Operation"** means the Tribe's business enterprise that offers and operates Gaming Activities.

3.22 **"Gaming Personnel"** means any individual employed by the Gaming Operation.

3.23 **"Gaming Resources"** means any goods or services provided or used in connection with Gaming Activities, whether exclusively or otherwise, including, but not limited to, equipment, furniture, gambling devices and ancillary equipment, implements of Gaming Activities such as playing cards and

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

dice, furniture designed primarily for Gaming Activities, maintenance or security equipment and services, and Class III Gaming consulting services. "Gaming Resources" does not include professional accounting and legal services.

3.24 **"Gaming Resource Supplier"** means any Person who, directly or indirectly, manufactures, distributes, supplies, vends, leases, or otherwise purveys Gaming Resources to the Gaming Operation or Gaming Facility, provided that the definition of Gaming Resource Supplier does not include a purveyor of equipment or furniture that is not specifically designed for, and is distributed generally for use other than in connection with, Gaming Activities, if the purveyor is not otherwise a Gaming Resource Supplier, the compensation received by the purveyor is not grossly disproportionate to the value of the goods or services provided, and the purveyor is not otherwise a person who exercises a significant influence over the Gambling Operation.

3.25 **"Incident"** means an accident, event or omission involving any individual on the premises of the Gaming Facility which results in injury, damage to property, loss of revenue, any unusual interruption in the conduct of any Game, or a deviation from normal operating policies and procedures.

3.26 **"Indian Gaming Regulatory Act"** or **"IGRA"** means Public Law 100- 497, 102 Stat. 2426, 25 U.S.C. § 2701, et seq., as amended.

3.27 **"Indian Lands"** means all lands within the exterior boundaries of the reservation of the Tribe and any lands title to which is either held in trust by the United States for the benefit of the Tribe or individual or held by the Tribe or individual subject to restriction by the United States against alienation and over which the Tribe exercises governmental power.

3.28 **"Institutional Investor"** means any:

- (a) Bank as defined in Section 3(a)(6) of the Federal Securities Exchange Act;
- (b) Banking, chartered, or licensed lending institution;
- (c) Insurance company as defined in Section 2(a)(17) of the Investment Company Act of 1940, as amended;
- (d) Chartered or licensed life insurance company or property and casualty insurance company;
- (e) Investment company registered under Section 8 of the Investment Company Act of 1940, as amended;
- (f) Investment advisor registered under Section 203 of the Investment Advisors Act of 1940, as amended;
- (g) Collective trust funds as defined in Section 3(c)(11) of the Investment Company Act of 1940, as amended;
- (h) Closed end investment trust;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(i) Employee benefit plan or pension fund that is subject to the Employee Retirement Income Security Act of 1974, as amended;

(j) A state or federal government pension plan; or

(k) Such other Person that the Commission determines is an Institutional Investor;

that acquires voting or nonvoting units in the ordinary course of its investment business and holds those units for investment purposes only and not for the purpose of causing, directly or indirectly, the election of a majority of the board of directors or any change in the corporate charter, bylaws, management, policies, or operations of the business entity in which it holds those securities.

3.29 **"Key Employee"** means

(a) A person who performs one or more of the following functions:

(1) Bingo caller;

(2) Counting room supervisor;

(3) Managers or supervisors of security employees;

(4) Custodian of Gaming supplies or cash;

(5) Floor manager;

(6) Pit bosses;

(7) Dealer;

(8) Croupier;

(9) Approver of credit;

(10) Custodian of Gaming Devices, including individuals with access to cash and/or accounting records within such Gaming Devices;

(b) If not otherwise included in Section 3.29(a), any other individual whose total cash compensation is in excess of fifty thousand dollars (\$50,000) per year; or

(c) If not otherwise included in Section 3.29(a),(b), the four most highly compensated employees of the Gaming Operation; or

(d) Any other person designated by the Tribe as a Key Employee.

3.30 **"License"** shall mean a Gaming License, Gaming Facility License, Financial Source License or Supplier License issued pursuant to the provisions of this Ordinance.

3.31 **"Licensee"** means any Person who has been issued a valid and current License.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

3.32 **"Major Gaming Resource Supplier"** means any Gaming Resource Supplier who provides in excess of \$500,000.00 of equipment, goods, supplies or services to the Gaming Operation or Gaming Facility in any consecutive twelve-month period.

3.33 **"Management Agreement"** means an NIGC approved contract between the Tribe and a Manager that provides for management of all or part of the Gaming Operation.

3.34 **"Manager"** means any Gaming Resource Supplier with whom the Tribe has entered into a Management Agreement.

3.35 **"Net revenues"** means gross Gaming revenues of the Gaming Operation less (a) amounts paid out as, or paid for, prizes, and (b) total Gaming-related operating expenses, including all those expenses of the Gaming Operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.

3.36 **"NIGC"** means the National Indian Gaming Commission.

3.37 **"Non-Key Gaming Employee"** means a Gaming Employee who is not a Key Employee.

3.38 **"Ordinance"** means this Second Amended & Restated Gaming Ordinance, as it may from time to time be amended.

3.39 **"Patron"** means any individual who participates as a player in Gaming Activity at the Gaming Facility.

3.40 **"Person"** means any person or entity, whether a natural person, trustee, corporation, general partnership, limited partnership, limited liability company, limited liability partnership, trust, estate, business association, Indian tribe (including the Tribe), commission, instrumentality, firm, joint venture, governmental authority, Affiliate of the Tribe, or otherwise.

3.41 **"Primary Management Official"** means:

(a) The individual(s) having management responsibility for a Management Agreement;

(b) Any individual who has authority to (i) hire and fire Key Employees, or (ii) to set operations policy for the Gaming Operation, including employment policies;

(c) The chief financial officer or other individual who has financial management responsibility; or

(d) Any other person designated by the Tribe as a Primary Management Official.

3.42 **"Providers of Non-Gaming Services"** means a Gaming Resource Supplier that does not provide Gaming Equipment or services directly related to Gaming Activities. Providers of Non-Gaming Services provide goods or services to the Gaming Facility including, but not limited to equipment, transportation, food, linens, janitorial supplies, and maintenance or security services.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

3.43 **"Regulation"** means a Gaming regulation adopted by the Commission in accordance with the terms of this Ordinance.

3.44 **"Related Person"** means an officer, director, shareholder (if the shareholder directly holds more than 5% of the outstanding shares), manager, or member of the Manager or the Manager's Affiliates.

3.45 **"State"** means the State of California.

3.46 **"State Gaming Agency"** means the entities authorized to investigate, approve, and regulate gaming licenses pursuant to the Gambling Control Act (Chapter 5, commencing with Section 19800) of Division 8 of the California Business and Professions Code, and includes, but is not limited to, the California Gambling Control Commission.

3.47 **"Supplier License"** means the permit granted by the Commission to a Gaming Resource Supplier.

3.48 **"Tribal"** means of or pertaining to the Tribe.

3.49 **"Tribal Council"** means the elected governing body of the Tribe exercising authority pursuant to Article 9, Section 2 of the Constitution of the Tribe.

3.50 **"Tribe"** means the Jamul Indian Village of California.

4. Tribal Council: Powers and Duties

4.1 Delegation of Duties. The Tribal Council delegates certain duties and responsibilities to the Commission under Section 5 of this Ordinance.

4.2 Registered Agent. The Chairperson of the Tribe shall be the designated and registered agent to receive notice of violations, orders, or determinations that are issued pursuant to IGRA or the Compact.

5. Jamul Gaming Commission

5.1 Establishment and Purpose. There shall be a Commission whose purpose is to exercise the delegated authority and responsibilities enumerated in this Ordinance. The Commission shall be primarily responsible for carrying out the Tribe's regulatory responsibilities under IGRA and this Ordinance. It is the responsibility of the Commission to conduct on-site regulation of the Gaming Operation in order to enforce the terms of the Compact, IGRA and this Ordinance.

5.2 Duration and Attributes. The Commission shall have perpetual existence and succession in its own name, unless dissolved under Tribal law. The Tribe reserves unto itself the right to bring suit against any Person in its own right, on behalf of the Tribe, or on behalf of the Commission, whenever the Tribe considers it necessary to protect the sovereignty, rights, and interests of the Tribe or the Commission.

5.3 Sovereign Immunity of the Commission. As an instrumentality and authorized agency of the Tribe, the Commission shall enjoy all the privileges and immunities of the Tribe, including immunity from suit in any state, federal or tribal court. Nothing contained in this Ordinance shall be deemed or construed to be a waiver of the sovereign immunity of the Commission.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

5.4 Assets of the Commission. The Commission shall have only those assets specifically assigned to it by the Tribe or acquired in its name by the Tribe. No activity of the Commission shall implicate or involve assets of Tribal members or the Tribe that are not assigned to the Commission in writing. Nothing in this Ordinance or any activity of the Commission shall implicate or in any way involve the credit of the Tribe.

5.5 Number of Commissioners; Qualifications; Background Investigation.

(a) Number of Commissioners. The Commission shall be comprised of three Commissioners, a Chairperson, a Vice-Chairperson, and one other Commissioner, each appointed by a majority vote of the Tribal Council.

(b) Qualifications. To serve on the Commission, an individual:

- (1) Must be an enrolled member of the Tribe;
- (2) Must be at least 21 years of age; and
- (3) Must meet all other qualifications set forth in this Ordinance or in the bylaws of the Commission, including submission to drug screening prior to appointment.

(c) The following individuals may not serve as Commissioners:

- (1) Gaming Personnel;
- (2) Individuals related to any Financial Source or Gaming Resource Supplier (including any principal thereof);
- (3) Individuals that would not qualify for a tribal gaming license; and
- (4) Members of the Tribal Council.

(d) The Commissioner qualifications set forth in this Ordinance may be modified by the Tribal Council if a vacancy persists on the Commission for more than three months due to a lack of qualified applicants.

(e) The Commission qualifications set forth in this Ordinance may be waived on a case-by-case basis as deemed appropriate and necessary by the Tribal Council.

(f) The Commissioners shall be treated as employees of the Tribe for all purposes.

5.6 Gaming Commission Background Investigation. All Commissioners shall submit to a background investigation conducted by the Tribal Council, or its designee. Members of the Commission may not participate in matters relating to their background investigation. All candidates shall disclose all current or possible conflicts of interest as part of such background investigation. No individual shall be eligible for appointment to, or continue services on, the Commission, if:

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(a) He or she has been convicted of, or entered a plea of guilty or nolo contendere to any of the following offenses and the conviction has not been pardoned by the Tribe or otherwise removed from the record by executive pardon or state court order:

(1) A felony;

(2) Any offense involving fraud or misrepresentation;

(3) Any gaming related offense, including a violation of the provisions of any state gaming law made applicable to the Tribe pursuant to federal law or the Compact; or

(b) He or she has been convicted of a crime involving theft, fraud, or conversion; or

(c) His or her prior activities, criminal record, or reputation, habits, or associations pose a threat to the public interest, threaten the effective operation of Gaming, or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of Gaming; or

(d) He or she has a present interest in the conduct of any Gaming enterprise (other than in the Gaming Operation by virtue of his or her membership in the Tribe), or in any business which provides goods or services to the Gaming Facility or Gaming Operation, or he or she has any personal, business, or legal relationship which places him or her in a conflict of interest; or

(e) He or she fails to comply with the conditions of his or her appointment.

5.7 Term of Office. The Commissioners serving upon the effective date of this Ordinance, shall continue to serve their respective terms on the Commission. At the expiration, or early termination, of an existing Commissioner's term, appointments of the Commissioners by the Tribal Council shall be for a period of four (4) years. The Commissioners may be reappointed for successive terms.

5.8 Bylaws. The Commission shall adopt bylaws approved by the Tribal Council consistent with Tribal law.

5.9 Removal. Commissioners shall serve at the pleasure of the Tribal Council and may be removed from office before the expiration of their terms by a majority vote of the Tribal Council.

5.10 Vacancies. If any Commissioner shall die, resign, be removed, or otherwise be unable to serve, the Tribal Council shall declare his or her position vacant and shall appoint a successor to fill the position. The term of office of any individual so appointed shall be for a term of four (4) years.

5.11 Duties, Powers and Responsibilities. The Commission shall perform all duties, exercise all powers, promulgate all Regulations, assume and discharge all responsibilities and carry out and affect all purposes of this Ordinance relating to the regulation of the Gaming Operation. In all decisions, the Commission shall act to promote and ensure the integrity, security, honesty and fairness of the Gaming Operation and administration of all Gaming Activity. No Commissioner shall act independently of the Commission. Any such acts may be grounds for removal. Subject to any restrictions contained in this Ordinance or in any other applicable law, the Commission is authorized to exercise, by majority vote or by delegation to the Executive Director, the following responsibilities:

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

- (a) To draft and maintain internal Commission bylaws and operating procedures appropriate to implement the provisions of this Ordinance, including conflicts of interest, codes of conduct and operating procedures that identify the method by which the Commission will monitor and investigate compliance with applicable Gaming laws;
- (b) To consult with and make recommendations to the Tribal Council regarding changes in Tribal Gaming laws and Regulations;
- (c) To correspond with the NIGC regarding compliance with the rules and regulations of that agency. The Commission shall coordinate with the Tribal Council regarding correspondence with the NIGC on any matter;
- (d) To ensure that all fees assessed by the NIGC are paid on a timely basis;
- (e) To prepare proposals, including budgetary and monetary proposals, the purpose of which is to enable the Tribe to carry out the purpose and intent of this Ordinance, and to submit the same for consideration by the Tribal Council; provided, however, that no such proposal shall have any force or effect unless it is approved by the Tribal Council;
- (f) To enforce the requirements of this Ordinance and the Compact with respect to the Gaming Operation and Facility;
- (g) To monitor and investigate the place of business, equipment, facilities, tangible personal property, and the books, records, papers, vouchers, accounts, documents, and financial statements of the Gaming Operation, including the inspection of Gaming Equipment and any premises where Gaming Equipment is distributed, provided that all monitoring and investigations must be conducted pursuant to policies and procedures adopted in conformance with Tribal law and that all monitoring and investigations are for the purpose of determining compliance with applicable Gaming laws;
- (h) To draft and implement licensing procedures, including the establishment and imposition of licensing fees, for all Primary Management Officials, Key Employees, Gaming Employees, Financial Sources, and Gaming Resource Suppliers;
- (i) To approve or disapprove the Gaming License of any Applicant;
- (j) To suspend or revoke any Gaming License;
- (k) To develop procedures for the establishment and maintenance of a list of individuals banned from the Gaming Facility;
- (l) To approve the rules, Regulations and procedures for each Game;
- (m) To approve the Gaming Operation's surveillance floor plan;
- (n) To conduct administrative reviews pursuant to this Ordinance;
- (o) To license Gaming Facilities pursuant to this Ordinance;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

- (p) To act as the designated agent to receive all regulatory notices, other than those notices addressed in Section 4.2 of this Ordinance;
- (q) To ensure that all Gaming Activity is conducted honestly and fairly;
- (r) To ensure that the Gaming Facility is constructed in a manner that adequately protects the environment and the public health and safety;
- (s) To issue subpoenas and compel the attendance of witnesses for regulatory proceedings before the Commission;
- (t) To administer oaths and to require testimony under oath before the Commission;
- (u) To impose fines, up to \$5,000 for each violation of this Ordinance, with each day that a violation continues being a separate violation and subject to a commensurate fine;
- (v) To seize any money received or obtained by a Patron in violation of this Ordinance pending a civil forfeiture of such seizure; and
- (w) To take any and all actions necessary and incidental to the foregoing to ensure Gaming Activities within Tribal Lands are operated in accordance with all applicable laws, regulations, and the Compact.

5.12 Meetings. Meetings of the Commission shall be held at least once each month and additionally as directed by the Chairperson of the Commission. Additional meetings shall be held if requested by the Chairperson or by at least two other Commissioners. Meetings may be called at any time, by any means, with unanimous consent of the Commissioners.

5.13 Full-time or Part-time Exclusivity. The Commission shall identify the appropriate work schedule for its members and employees. Each Commissioner and the Executive Director shall perform his or her duties and responsibilities on a full-time or part-time basis, as determined by the Commission, and will not, during his or her tenure in office, be engaged in any other profession or business activity that may impede the Commissioner or Executive Director's ability to perform duties on behalf of the Commission or that competes with the Tribe's interests.

5.14 Reporting Requirements. The Commission shall adhere to the following reporting requirements:

- (a) The Commission shall meet with the Tribal Council upon request, and no less than quarterly;
- (b) Minutes of all Commission meetings shall be filed with the Secretary of the Tribal Council within thirty (30) days of their approval; and
- (c) Summary reports of all matters pertaining to the business of the Commission shall be provided to the Tribal Council on a monthly basis.

5.15 Compensation and Annual Budget. The Tribal Council shall determine Commissioner compensation. Compensation shall be established by the Tribal Council in a manner consistent with the

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

Tribe's internal rules and bylaws. At least ninety (90) days prior to the end of each fiscal year, the Commission shall prepare a budget for the next year's operation and shall submit the budget to the Tribal Council. The Tribal Council shall review the operating budget of the Commission in the same fashion as all other Tribal budgets. In preparing the annual budget, all actual and anticipated surplus funds of the Commission shall be taken into account. The Tribal Council may adopt, amend or replace the annual budget.

5.16 Gaming Commission Staff. Commission staff shall be supervised by the Executive Director. Any staff position, including the position of Executive Director, may only be held by an individual who meets the standards and qualifications set forth in Section 11.6.

5.17 Ethics.

(a) Commissioners and Commission staff shall not hold financial interests that conflict with the conscientious performance of their duties.

(b) Commissioners and Commission staff shall not engage in financial transactions using nonpublic information or allow the improper use of such information by others on their behalf to further any private interest.

(c) Commissioners and Commission staff shall not solicit or accept any gift or other item of monetary value, including complimentary items or services, from any individual seeking official action or inaction from, doing business with, or conducting activities regulated by the Commission, or whose interests may be substantially affected by the Commission. This restriction does not apply to items of de minimis value or items or services available to all members of the Tribe or to all members of the Commission.

(d) Commissioners and Commission staff shall not use their positions for private gain.

(e) Commissioners and Commission staff shall act impartially, in accordance with all relevant tribal, federal and state laws (where applicable), and shall not give preferential treatment to any private organization or individual, including to any individuals related to Commissioners or Commission staff.

(f) Commissioners and Commission staff shall not engage in outside employment (including seeking or negotiating for future employment) or any other activity that conflicts with their Commission duties and responsibilities.

(g) Commissioners and Commission staff shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

(h) Commissioners and Commission staff shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards listed in this Section 5.17.

(i) Commissioners and Commission staff shall fully comply with internal Commission bylaws governing conflicts of interest and codes of conduct.

(j) Commissioners shall disclose to the Tribal Council any conflicts of interest. The Executive Director shall disclose to the Commission any conflicts of interest. Commission staff members

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

shall disclose to the Executive Director any conflicts of interest. If there is a real or apparent conflict of interest related to any matter before the Commission, the Commissioner subject to the conflict of interest shall not take part in a decision related thereto.

6. Executive Director

6.1 Qualifications. The position of Executive Director of the Commission is hereby created. The Commission shall appoint the Executive Director, subject to confirmation of the appointment by the Tribal Council.

- (a) To serve as the Executive Director, an individual:
 - (1) Must be at least 21 years of age;
 - (2) Must have a minimum of five years in any combination of the following:
 - (A) Post-secondary education;
 - (B) Gaming training;
 - (C) Gaming experience in one or more of the following areas:
 - (i) Gaming laws or regulations;
 - (ii) Gaming operations;
 - (iii) Gaming licensing;
 - (iv) Auditing;
 - (v) Indian law;
 - (vi) Administrative reviews;
 - (vii) Background investigations;
 - (viii) Surveillance;
 - (ix) Law enforcement; or
 - (x) Business administration or business management; and
 - (3) Must meet all other qualifications set forth in this Ordinance, including the standards and qualifications set forth in Section 11.6.
- (b) The following individuals may not serve as the Executive Director:
 - (1) Gaming Personnel;
 - (2) Individuals related to any Financial Source or Gaming Resource Supplier (including any principal thereof);
 - (3) Individuals who would not qualify for a tribal gaming license;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(4) Members of the Commission or the Tribal Council; and

(5) Individuals holding any other elected office within the Tribal government.

(c) The Executive Director qualifications set forth in this Ordinance may be modified by the Tribal Council if a vacancy persists for more than three months due to a lack of qualified applicants.

(d) The Executive Director shall devote his or her entire time and attention to the duties imposed under this Ordinance and the business of the Commission and shall not pursue any other business or occupation unless approved by the Commission.

(e) The Executive Director shall not have any pecuniary interest in any business or company holding a License under this Ordinance.

6.2 Authority of Executive Director.

(a) The Executive Director shall furnish to the Commission such services that the Commission delegates to the Executive Director to carry out the Commission's functions;

(b) The Executive Director shall have authority to hire such professional, clerical, technical and administrative personnel as may be necessary;

(c) The Executive Director may:

(1) Carry out all responsibilities delegated by the Commission;

(2) Negotiate and execute any and all contracts for the purchase of goods and services as directed by the Commission. Such purchases shall be in accordance with the procurement policies and procedures of the Tribe;

(3) Hire such staff as appropriate, consistent with the Commission budget; and

(4) Perform all other duties as delegated by the Commission.

7. **Gaming Personnel**

7.1 Age. All Gaming Personnel positions shall be filled by individuals who are at least 18 years of age.

7.2 Compact and Employment Laws. All Gaming Personnel are subject to the Compact and all employment laws and requirements that are otherwise applicable to employees of the Gaming Facility or Gaming Operation.

8. **Files and Records to be Maintained by the Commission; Confidentiality of Information**

8.1 Confidentiality of Documents. The Commission shall ensure that all records and information obtained pursuant to the exercise of its authority and responsibilities shall remain confidential and shall not be disclosed to individuals who are not directly involved in the regulation and oversight of the Gaming Operation. The Commission shall maintain a file of all Applications and supporting materials

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

submitted pursuant to this Ordinance, together with a record of all actions taken with respect to those Applications.

8.2 Scope of Confidentiality. The identity of each Applicant, and the following information (collectively, "**Application Information**") shall be treated as confidential, all information and data:

(a) Included within any Application for a License and any supporting materials, including the information requested pursuant to Section 11.4(b);

(b) Required by the Commission to be furnished to it under this Ordinance or which may otherwise be obtained relative to the finances, earnings or revenue of any Applicant or Licensee;

(c) Pertaining to an Applicant's criminal record, antecedents or background which have been furnished to or obtained by the Commission from any source; and

(d) Provided to the members of the Commission or its employees by a governmental agency or a person interviewed in the course of the background investigation (including the identity of any person interviewed), or on the assurances that the information will be held in confidence and treated as confidential.

8.3 Record Retention. The Commission shall retain all Application Information, investigative reports, and eligibility determinations for applications for a Primary Management Official or Key Employee for a period of not less than three (3) years from the date of either the termination of employment of the Applicant, or should the Applicant never be employed with the Gaming Operation, the date the Application for licensure was received by the Commission.

9. Gaming Surveillance

9.1 Purpose. The purpose of surveillance systems is to safeguard the Gaming Operation's assets, to deter and detect criminal acts and regulatory violations, and to maintain public confidence and trust that Gaming at the Gaming Operation is conducted honestly and free of criminal elements and activity.

9.2 Requirements. The Gaming Operation shall ensure proper surveillance of the Gaming Operation, which shall include a closed-circuit television surveillance system consistent with industry standards for gaming facilities of the type and scale operated by the Tribe, which system shall be approved by, and may not be modified without the approval of, the Commission. Surveillance personnel shall be overseen by the Commission.

9.3 Responsibilities. The Commission shall be responsible for all Gaming surveillance activities including, but not limited to:

(a) Purchase and maintenance of surveillance equipment;

(b) Development, implementation, and maintenance of written policies and procedures for the conduct and integrity of the surveillance department, subject to approval of the Commission;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(c) Development, implementation, and maintenance of additional procedures governing the use and release of the surveillance recordings or reports, subject to approval of the Commission; and

(d) Maintenance of the Gaming Facility surveillance floor plan required pursuant to the Compact, subject to approval of the Commission. The surveillance floor plan will address Commission access to the surveillance system, which may include dedicated access, at the Commission's discretion.

9.4 Surveillance Records. Surveillance personnel shall provide to the Commission a copy of any time-recorded video and accompanying audio (if available) as soon as reasonably practicable after request, and in no event later than twenty-four hours of such request. Surveillance personnel shall retain video recordings for such period of time as directed by the Commission.

10. Gaming Security

10.1 Purpose. The purpose of Gaming security is to assist in safeguarding the Gaming Operation's assets and to protect the Gaming Personnel and Patrons by deterring and detecting criminal acts and regulatory violations.

10.2 Investigations. Gaming security personnel shall be responsible for conducting all investigations and reports of incidents at the Gaming Facility consistent with the Compact and all applicable Tribal law.

10.3 Reports. Gaming security personnel shall provide to the Gaming Operation and the Commission a complete copy of all Incident reports. The procedure for recording of all Incidents shall be consistent with the requirements of the Compact.

10.4 Responsibilities. Gaming security personnel are responsible for the:

(a) Development, implementation, and maintenance of written policies and procedures for the conduct and integrity of Gaming security, subject to approval of the Commission; and

(b) Development, implementation, and maintenance of additional procedures governing the use and release of Incident reports, subject to approval of the Commission.

11. Licensing of Primary Management Officials, Key Employees and Gaming Employees

11.1 Summary of Licensing Principles. All persons in any way connected with the Gaming Operation or Facility who are required to be licensed or to submit to a background investigation under IGRA and the Compact, including, but not limited to, all Gaming Employees and Gaming Resource Suppliers, and any other person having a significant influence over the Gaming Operation must be licensed by the Commission.

11.2 Licenses. The Commission shall issue Licenses for all Persons for which a License is required under IGRA and the Compact, including:

(a) Class II and Class III Gaming Facilities;

(b) Key Employees;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

- (c) Primary Management Officials;
- (d) Gaming Employees;
- (e) Financial Sources; and
- (f) Gaming Resource Suppliers.

11.3 Current and Valid Gaming License Required. All Primary Management Officials and Key Employees employed by the Gaming Operation must possess a valid Gaming License or have an Application for a Gaming License pending.

11.4 Application Procedure for Gaming License. Every individual seeking employment as a Primary Management Official or as a Key Employee shall submit a Gaming License Application and additional supplemental information to the Commission on such forms or in such manner as the Commission may require.

(a) The following notices, as the same may be amended from time to time, shall be placed on the Application before it is filled out by an Applicant:

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

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

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

(b) At a minimum, Applications for Primary Management Official and Key Employee shall contain the following information:

(1) The Applicant's full name, including all other names used (oral or written), current home and business addresses and telephone numbers, gender, Social Security Number, place of birth, date of birth, citizenship, any driver's license numbers and any other valid government issued identification held within the past five years, and the business and residential addresses over the past five years;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

- (2) The position for which the Applicant is applying;
- (3) The names, current addresses, and telephone numbers of three references who are not related to the Applicant and who were acquainted with the Applicant when the Applicant resided at each of the addresses listed under paragraph (b)(1) above;
- (4) A list of the Applicant's current and previous business and employment positions held over the preceding five years, including the names, addresses, and telephone numbers of his or her employers, and the positions held;
- (5) The names and addresses and a brief description of all businesses in which the Applicant currently holds, or has within the last five years held, an ownership or financial interest;
- (6) A description of any existing and any previous employment relationship with the Tribe or any other Indian tribe, including the position held, the name of the tribe, and the name and address of an individual who can attest to the accuracy of the information provided;
- (7) A description of any current or past non-employee business relationship which the Applicant has had with the Tribe or any other Indian tribe, including the ownership interests in those businesses, and the name of the tribe and the name and address of an individual who can attest to the accuracy of the information provided;
- (8) A statement as to whether the Applicant has had any existing or previous employment with, or ownership interest in, any gaming-related business. If so, the Applicant shall provide a written statement describing his or her position, the dates during which the position was held, a description of the Applicant's ownership interest (when applicable), job responsibilities, the name, address, and telephone number of the business, and the name and address of an individual who can attest to the accuracy of the information provided;
- (9) A list of all gaming-related licenses or permits for which the Applicant has filed an application, whether or not those licenses were granted, and the name, address and telephone number of the licensing or regulatory agencies with which such applications were filed;
- (10) A list of all professional, business, or occupational licenses or permits for which the Applicant has filed an application, whether or not those licenses or permits were granted, and the name, address and telephone number of the regulatory agency with which such applications were filed;
- (11) A list of all languages that the Applicant can write or speak;
- (12) Written permission giving the Commission the right to investigate the Applicant's background, including his or her criminal record, civil and criminal judgments, and credit history;
- (13) A complete disclosure of any pending civil or criminal action (including any misdemeanor) against the Applicant, including, to the extent applicable, the name and address of the police department and court involved, the charge, and the date of disposition, if any;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(14) A statement as to whether or not the Applicant has ever been charged with a crime (including any misdemeanor), and if so, the charge, the name and address of the court involved, the final disposition of the case, and the date of final disposition;

(15) A disclosure of any civil or criminal judgments rendered against the Applicant, including the case number, a description of the judgment, the date of disposition, and the name and address of the court involved;

(16) Any other information, as determined by the Commission, that might bring into question the Applicant's fitness to be employed within a Gaming Facility;

(c) Each Application shall include an affirmative consent of the Applicant to the jurisdiction of the Commission for purposes of processing the Application;

(d) Each Application shall be accompanied by a sworn statement that the Applicant will abide by all applicable Tribal and federal laws, Regulations and policies;

(e) Each Application shall be accompanied by a written statement that the Applicant has read, understands and approves of notices and NIGC requirements related to:

(1) The Privacy Act of 1974;

(2) False statements; and

(3) Credit reporting; and

(f) Each Application shall be accompanied by a photograph of the Applicant. All Applicants for a Primary Management Official license or Key Employee License are required to submit fingerprint cards. The Commission is hereby identified as the law enforcement agency responsible for taking fingerprints. Following receipt of an Applicant's fingerprint cards, the Commission will forward an Applicant's fingerprint cards to the NIGC for a criminal history check through the Federal Bureau of Investigation National Crime Information Center.

11.5 Non-Key Gaming Employee Licensing. Non-Key Gaming Employees must be licensed by the Commission. Non-Key Gaming Employee Applicants will submit an Application for a Non-Key Gaming Employee license to the Commission on such a form or in such manner as the Commission may require. The Application for a Non-Key Gaming Employee License shall contain all information necessary for the Commission to investigate the Non-Key Gaming Employee's background, including his or her criminal record, civil and criminal judgments, and credit history, but shall not require all of the information detailed in Section 11.4 for Primary Management Officials and Key Employees. If the Commission determines that the Applicant is suitable for licensure based on the Commission's review of the Application and the results of the criminal history check, the Commission will license the Non-Key Gaming Employee. Non-Key Gaming Employees are not required to undergo the complete investigation procedures set forth in Section 11.8 of this Ordinance.

11.6 Qualifications. The Commission shall conduct a criminal history check on all Applicants.

(a) Eligibility for Licensure. The Commission shall review an Applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a determination, pursuant

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

to this Ordinance, concerning the suitability for licensure of Applicants. No license shall be issued to an Applicant if it is determined that employment of an Applicant would pose a threat to the public interest or to the effective regulation of Gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming.

(b) No individual shall be licensed as a Primary Management Official, Key Employee or Gaming Employee if:

(1) He or she has been convicted of, or entered a plea of guilty or nolo contendere to any of the following offenses and the conviction has not been pardoned by the Tribe or otherwise removed from the record by executive pardon or state court order:

(A) A felony;

(B) Any offense involving fraud or misrepresentation; or

(C) Any Gaming related offense;

(2) His or her prior activities, criminal record, if any, and reputation, habits, and associations pose a threat to the public interest, threaten the effective operation and regulation of Gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of Gaming;

(3) The credit history of the Applicant is deemed unacceptable or warrants further investigation because it contains a finding of excessive past due unsecured credit accounts, as determined by the Commission pursuant to a policy or regulation approved by the Tribal Council. Such policy or regulation shall set forth the standards for evaluating whether or not an individual's past due unsecured credit accounts are excessive for purposes of this subsection (3);

(4) He or she is not an individual of good character, honesty or integrity; or

(5) His or her application to the State Gaming Agency for licensure or a determination of suitability, or for a renewal of such a licensure or determination, has been denied.

(c) Each Person who has a License shall have a continuing obligation to inform the Commission immediately upon the occurrence of any circumstance or event which may disqualify the Person from obtaining or retaining a License. Failure to report any such occurrence may result in suspension or revocation of the Application or License and immediate termination from employment.

11.7 Temporary Licensure. The Commission shall develop standards and procedures for the temporary licensure of Applicants who have filed an Application for a License. An Applicant who has submitted an Application as a Primary Management Official or Key Employee may be given a temporary License for a period of ninety (90) days, all other Gaming Employees may be issued a temporary license for a period of up to a year. No Primary Management Employee or Key Employee shall continue to be employed if that Primary Management Employee or Key Employee does not have a license within ninety (90) days from the start of employment with the Gaming Operation.

11.8 Investigation. When an individual submits an Application for a Primary Management Official or a Key Employee License, the Commission shall:

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(a) Conduct a background investigation of the Applicant and create and maintain an investigative report as to findings and conclusions of the foregoing background investigation, including, but not limited to:

- (1) Steps taken in conducting the background investigation;
- (2) The results obtained from the background investigation;
- (3) The conclusions reached as a result of the background investigation; and
- (4) The basis for those conclusions.

Based upon the results of the background investigation and the written investigative report, the Commission shall determine the eligibility of the Applicant to receive a Gaming License.

(b) Upon completion of the background investigation and a determination of eligibility for a Gaming License, the Commission shall forward the Applicant's completed Application materials and an investigative report with a determination as to whether the Commission intends to license the Applicant to the NIGC (to the extent required by 25 CFR Part 556) and the State Gaming Agency (to the extent required by the Compact) no later than sixty (60) days after the Applicant begins work as a Key Employee or Primary Management Official (the "**Notice of Results**"). The Notice of Results shall contain:

- (1) Applicant's name, date of birth, and social security number;
- (2) Date on which Applicant began or will begin work as a Key Employee or Primary Management Official;
- (3) A summary of the information presented in the investigative report, which shall at a minimum include a listing of: (i) license applications filed by Applicant that have previously been denied; (ii) gaming licenses held by Applicant that have been revoked, even if subsequently reinstated; (iii) every known criminal charge brought against the Applicant within the last ten (10) years of the date of the Application; and (iv) every felony of which the Applicant has been convicted or any ongoing prosecution of Applicant for a felony; and
- (4) A copy of the eligibility determination made under 25 CFR § 556.5.

(c) For a thirty-day period, beginning when the NIGC receives a report submitted pursuant to Section 11.8(b) above, the Chairperson of the NIGC may request additional information from the Commission concerning the individual who is the subject of a report. Such a request shall suspend the thirty-day period until the Chairperson receives the additional information.

(d) If, within the thirty-day period described in Section 11.8(c) above, the NIGC provides the Commission with a statement itemizing objections to the issuance of a License, the Commission shall reconsider the Application, taking into account the objections itemized by the NIGC. The Commission shall make the final decision whether to issue a License to the Applicant.

(e) In the event that the Commission does not license an Applicant, the Commission shall notify the NIGC and forward copies of the Commission's eligibility determination and Notice of Results to the NIGC for inclusion in the Indian Gaming Individual Record System.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(f) Within thirty (30) days after the issuance of a permanent License to a Primary Management Official or to a Key Employee, the Commission shall notify the NIGC of its issuance.

11.9 License Issuance; Renewals. Any Gaming License issued pursuant to the requirements of this Section 11 shall be effective from the date of issuance and shall state on its face the name of the Gaming Employee, and the date that the Gaming License became effective. In no event shall a permanent License be issued to a Primary Management Official or to a Key Employee until the Notice of Results have been submitted to the NIGC. Such a Gaming License shall be effective for two years from the date of issuance and shall be renewed every two years thereafter. For a renewal of a Gaming License, Applicants shall provide to the Commission updated materials and information, as requested by the Commission.

11.10 Badge. Any individual who holds a Gaming License issued pursuant to this Ordinance must wear in plain view at all times while in the Gaming Facility an identification badge issued by the Commission. The badge must display, at a minimum, a photograph of the individual and an identification number that is adequate to enable the Commission to readily identify the individual and determine the validity and date of expiration of his or her Gaming License.

11.11 Temporary Suspension of an Individual's License. Temporary suspension of an individual's License is appropriate when the individual's continued presence in the Gaming Facility or Gaming Operation poses a direct and immediate threat to the general public or to the safety, health and welfare of the Tribe.

(a) Grounds for Temporary Suspension. The Commission may suspend the License of any individual for not more than thirty (30) days if the Commission has good and reliable cause to believe:

(1) That any of the grounds for suspension or revocation listed in Section 11.12(a) have occurred; and

(2) That the individual's continued presence in the Gaming Facility or Gaming Operation a direct and immediate threat to the general public or to the safety, health and welfare of the Tribe.

(b) Procedure for Temporary Suspension. The Commission may issue a notice of temporary suspension of a License if the Commission has cause to believe that any of the reasons in Section 11.11(a)(1) or Section 11.11(a)(2) above apply to the individual. The Commission shall provide written notice to the individual that states with specificity the grounds upon which it is based, including citations to the relevant provisions of this Ordinance, and the individual's right to administrative review. The individual has the right to file a request for review with the Commission within five (5) calendar days of receipt of the notice of temporary suspension. The Commission shall hold an administrative review on the notice of temporary suspension within fourteen (14) calendar days of its receipt of the notice of request for review. At the administrative review, the individual shall have an opportunity to present documentation and any other information as to the License should not be temporarily suspended. After such administrative review, and in no event later than thirty (30) days from the issuance of the notice of temporary suspension, the Commission shall issue a final decision regarding the temporary suspension. Any final decision of the Commission to condition, grant, deny, suspend or revoke a License may be appealed pursuant to Section 16.4 of this Ordinance, as applicable.

11.12 Suspension or Revocation of License.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(a) Grounds for Suspension or Revocation. The Commission may suspend or revoke any License it has issued for any of the following reasons if such reasons are material:

(1) The Licensee has willfully withheld pertinent information or has made false statements on an Application;

(2) The Licensee has willfully promoted, played, or participated in any Gaming Activity operated in violation of Tribal, state or federal law, or has violated any provision of this Ordinance;

(3) The Licensee has improperly offered something of value to a Commissioner or any other individual in an attempt to avoid or circumvent any applicable law;

(4) The Licensee has willfully been involved in the falsification of books or records which relate to the operation of Gaming Activity;

(5) The Licensee has been convicted of, or has entered a plea of guilty or *nolo contendere* to, any crime involving gaming, fraud, theft, embezzlement or other activity which, if it had been perpetrated at his or her place of employment, would injure or pose a threat to the public interest, the integrity of the Gaming Activity, or the effective operation of Gaming, or would enhance the dangers of unfair, unsuitable, or illegal gaming practices;

(6) The Licensee has willfully refused to comply with any lawful directive of the Tribe, the federal government, or any court of competent jurisdiction;

(7) The Licensee has been determined to have present or prior activities, criminal record, or reputation, habits or associations which pose a threat to the public interest or to the effective operation of Gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices or methods or activities in the conduct of Gaming;

(8) The Licensee no longer meets the explicit License qualifications set forth in this Ordinance; or

(9) The Commission receives information from the State Gaming Agency that the Licensee is unsuitable for a License.

It is the intent of the Tribe when adopting this Ordinance that the Commission shall consider the gravity of an offense and whether such offense occurred on multiple occasions or was an isolated instance, when considering whether it is appropriate to suspend or revoke a License under this Ordinance.

(b) Procedure for Suspension or Revocation. Whenever the Commission shall have cause to believe that any of the reasons under Section 11.12(a) apply to any Person who holds a License issued by the Commission, the Commission shall serve upon the Person an order to show cause why the License should not be suspended or revoked. The order to show cause shall state with specificity the grounds upon which it is based, including citations to the relevant sections of this Ordinance, the time and place for the administrative review, and notice that the Person shall have the opportunity to present documentation and any other relevant information. The administrative review shall be set for not less than ten (10) days or more than thirty (30) days from the date of the order to show cause. Subject to Section 11.12(c), and the Commission's authority to temporarily suspend a license pursuant to Section 11.11, no

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

License will be suspended or revoked until the administrative review by the Commission is concluded and a final written decision is rendered by the Commission.

(c) Suspension Due to Notice of Information from NIGC. Notwithstanding anything else herein to the contrary, if, after the issuance of a permanent License, the NIGC notifies the Commission that a Key Employee or Primary Management Official is not eligible for employment pursuant to 25 CFR § 556.5 (the "**NIGC Notification**"), the Commission shall immediately suspend the License and shall provide the Licensee with written notice of suspension and the reasons for the proposed revocation. The Commission shall notify the Licensee of the time and place for a revocation hearing on the proposed revocation of the License. After a revocation hearing is conducted by the Commission, the Commission shall decide whether to revoke or to reinstate the License. The Commission shall notify the NIGC of its decision within forty-five (45) days from the date of receipt of the NIGC Notification.

11.13 Record of Proceedings. The Commission shall maintain a complete and accurate record of all proceedings relating to the issuance, denial, temporary suspension, suspension, revocation of all Licenses and of the imposition of any fines on a Licensee or imposition of a condition on a License. Records pertaining to the issuance, denial, temporary suspension, suspension, revocation of a License and of the imposition of any fines on a Licensee or imposition of a condition on a License shall be confidential and be handled in compliance with Section 8.

12. Gaming Facility License

12.1 Compliance with Applicable Standards. The construction and maintenance of any Gaming Facility, and the operation of Gaming Activities, shall be conducted in a manner that adequately protects the environment and the public health and safety, and shall comply with requirements of the Compact and all other applicable health, safety, and environmental standards.

12.2 Licensing Requirement. The Commission is responsible for issuing a separate license to each Gaming Facility located on the Indian Lands that meets the requirements of Section 12.3, and after receiving information regarding the following:

(a) The Gaming Facility meets all applicable health and safety standards.

(1) To show compliance with applicable health and safety standards, the Gaming Operation shall submit certified copies of Compliance Certificates.

(2) If health and safety standards are not met, proof must be submitted by the Gaming Operation of the process of improvements that will place the Gaming Facility in compliance with the applicable standards.

(b) The Commission shall forward all Compliance Certificates to the State Gaming Agency within ten (10) days of issuance.

12.3 Threshold Licensing Criteria. The Commission may only issue a Gaming Facility license if:

(a) The Gaming Facility is located on Indian Lands:

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(b) The Gaming Activity to be conducted at the Gaming Facility is Class II or Class III Gaming as defined by this Ordinance and IGRA; and

(c) The Gaming Facility is authorized by a resolution of the Tribal Council.

12.4 Display of Gaming License. A current valid Gaming Facility License shall be prominently displayed at each Gaming Facility.

12.5 License Duration. A Gaming Facility License shall be issued for a period of two years, and shall be reviewed and renewed, if appropriate, every two years thereafter.

12.6 Submission of License to NIGC and State Gaming Agency. The Commission shall submit to the NIGC and the State Gaming Agency a copy of each Gaming Facility License.

12.7 Notice of Illegal Gaming Activity. If the Commission finds that the Gaming Facility is operating in violation of this Ordinance, or otherwise presents a threat to the public, the Commission shall immediately notify the Tribal Council.

13. Financial Source License

13.1 Licensing Requirements. Financial Sources shall be licensed by the Commission, unless such Financial Source is exempt pursuant to this Ordinance or the Compact, or such licensure requirement is waived as authorized by the Compact.

13.2 Exemptions. The following Persons do not need to file Applications for a Financial Source License:

(a) A licensed Gaming Resource Supplier who provides financing exclusively in connection with the sale or lease of Gaming Resources obtained from that supplier shall not be required to obtain a separate Financial Source license;

(b) A federally-regulated or state-regulated bank, savings and loan association, or other federally- or state-regulated lender and any fund or other investment vehicle which is administered or managed by any such entity;

(c) Any entity described in the California Gambling Control Commission's Uniform Tribal Gaming Regulation CGCC-2, subdivision (f) (as in effect on the date the Compact was fully executed), when that entity is a Financial Source solely by reason of being (i) a purchaser or a holder of debt securities or other forms of indebtedness issued directly or indirectly by the Tribe for a Gaming Facility or for the Gaming Operation or (ii) the owner of a participation interest in any amount of indebtedness for which a Financial Source described in Section 13.2(b), or any fund or other investment vehicle which is administered or managed by any such Financial Source, is the creditor;

(d) Any investor who, alone or in conjunction with others, holds less than 10% of any outstanding indebtedness evidenced by Bonds issued by the Tribe;

(e) An agency of the federal, the State, the Tribe, or local government providing financing, together with any person purchasing any debt securities or other forms of indebtedness of the agency to provide such financing;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(f) A real estate investment trust, as defined in 26 U.S.C. § 856(a), that is publicly traded on a stock exchange, registered with the Securities and Exchange Commission, and subject to regulatory oversight of the Securities and Exchange Commission;

(g) Non-Funding Term Lenders and Non-Funding Participants as described in the Dispute Resolution Agreement Regarding Section 6.4.6 of the 1999 Tribal-State Gaming Compact Between the Jamul Indian Village and the State of California; and

(h) An entity or category of entities that the State Gaming Agency and the Commission jointly determine can be excluded from the licensing requirements of this section without posing a threat to the public interest or the integrity of the Gaming Operation.

13.3 Registration for Holders of Tribal Bonds. Pursuant to the State Gaming Agency Uniform Tribal Gaming Regulations, including CGCC-1, CGCC-2, any of the following entities that is an actual or prospective holder of any Bond issued by the Tribe may register with the Commission on comparable forms utilized by the State Gaming Agency:

(a) Any federal-regulated or state-regulated bank or savings association or other federal- or state-regulated lending institution;

(b) Any company that is organized as an insurance company, the primary and predominant business activity of which is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and that is subject to supervision by the Insurance Commissioner of California, or a similar official or agency of another state;

(c) Any investment company registered under the federal Investment Company Act of 1940 (15 U.S.C. § 80a-1 *et seq.*);

(d) Any retirement plan established and maintained by the United States, an agency or instrumentality thereof, or by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions, for the benefit of its employees;

(e) Any employee benefit plan within the meaning of Title 1 of the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1001 *et seq.*);

(f) Any securities dealer registered pursuant to the federal Securities Exchange Act of 1934 (15 U.S.C. § 78a *et seq.*); and

(g) Any entity, all of the equity owners of which individually meet the criteria of this subsection 13.3.

Registration and renewal of registration under this Section 13.3 shall constitute a finding of suitability in compliance with the Compact.

13.4 Submission of License to State Gaming Agency. The Commission shall submit to the State Gaming Agency a copy of each Financial Source License.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

13.5 Application Form and Procedures. The Commission shall adopt Financial Source Application forms to license Financial Sources. At a minimum, the Financial Source Application form shall contain the following information:

- (a) The name of the Applicant, including any trade name to be used and the Applicant's principal place of business;
- (b) Whether the Applicant is a corporation, limited liability company, limited partnership or privately-held business entity, including the state in which the Applicant is organized and a general description of the nature of the Applicant's principal business;
- (c) The name, telephone number and mailing address for the contact person responsible for the Applicant's accounts payable and billing information;
- (d) The tax reporting status of the Applicant;
- (e) A list of all Persons that directly hold more than 10% of the ownership interests of the Applicant;
- (f) A list of the Applicant's officers and directors;
- (g) If a publicly-traded company, the Applicant's ticker symbol and a list of all exchanges on which the Applicant's shares are traded;
- (h) A list of any state or federal government agencies by which the Applicant is regulated; and
- (i) A list of any gaming licenses held by the Applicant.

An Applicant for a Financial Source License will be required to provide evidence that the Applicant is eligible for licensure as a Financial Source (if applicable), and a statement committing the Applicant to notify the Commission and the State Gaming Agency promptly of any termination of the Applicant's eligibility as a Financial Source.

13.6 Financial Source Application Forms and Procedures - Individual. The Financial Source Application form for individuals shall contain the following information:

- (a) The Applicant's full name, including all other names used (oral or written), current home and work addresses and telephone numbers, gender, Social Security Number, place of birth, date of birth, citizenship, marital information, educational and military background and driver's license number(s) and the addresses of his or her residences over the past five years;
- (b) The names, current addresses, and telephone numbers of three references who are not related to the Applicant and who were acquainted with the Applicant when the Applicant resided at each of the addresses listed under paragraph (a) above;
- (c) A list of the Applicant's current and previous jobs over the preceding five years, including the names, addresses, and telephone numbers of his or her employers, and the positions held;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(d) A statement as to whether the Applicant has had any past employment with, or ownership interest in, any gaming-related business. If so, the Applicant shall provide a written statement describing his or her position, the dates during which the position was held, a description of the Applicant's ownership interest (when applicable), job responsibilities, the name, address, and telephone number of the business, and the name and address of an individual who can attest to the accuracy of the information provided;

(e) A list of all gaming-related licenses for which the Applicant has applied, whether or not those licenses were granted, whether any disciplinary actions (including fines or temporary suspensions) were taken with respect to such Gaming-related licenses, and the name, address and telephone number of the regulatory agencies involved;

(f) A list of all professional and business licenses for which the Applicant has applied, whether or not those licenses were granted, and the name, address and telephone number of the regulatory agency involved;

(g) A complete disclosure of any pending civil or criminal action against the Applicant, including the name, and address of the police department and court involved;

(h) A statement as to whether or not the Applicant has ever been charged with a crime and if so, the charge, the name and address of the court involved, the final disposition of the case, and the date of final disposition; and

(i) A disclosure of any civil or criminal judgments rendered against the Applicant, including the case number, a description of the judgment, and the name and address of the court involved.

13.7 Duration; Renewal Process. A Financial Source License shall be issued for a period of two years, and shall be renewed every two years thereafter. Applicants for a renewal of a Financial Source License shall provide to the Commission updated materials, as requested, on the appropriate renewal Applications. Applicants for a renewal shall not be required to resubmit historical data already available to the Commission. Additional background investigations shall not be required of Applicants for a renewal unless the Commission determines, based upon the disclosure or discovery of new information, that there is a need for further information concerning the Applicant's continuing eligibility for a License.

14. Gaming Resource Supplier License

14.1 Licensing Requirements. Any Gaming Resource Supplier who provides, has provided, or has an agreement to provide at least \$25,000 in Gaming Resources in any twelve month period, or who has received as compensation for providing Gaming Resources to the Gaming Facility or Gaming Operation valued at \$25,000 or more in any consecutive twelve month period within the twenty-four month period immediately preceding application, shall be licensed by the Commission prior to the sale, lease, or distribution of any such Gaming Resources to the Gaming Facility or Gaming Operation.

14.1 Exemptions. The Commission may exclude Providers of Non-Gaming Services from the Supplier License requirement (a) if the Providers of Non-Gaming Services provide services or purvey equipment or furniture that is not specifically designed for, and is distributed generally for use other than in connection with, Gaming Activities, (b) if the Provider of Non-Gaming Services does not additionally provide Gaming Equipment to the Gaming Facility or Gaming Operation, (c) if the compensation received by the Provider of Non-Gaming Services is not grossly disproportionate to the value of the goods or services

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

provided, and (d) if the Provider of Non-Gaming Services is not otherwise a Person who exercises a significant influence over the Gaming Operation. The Commission may adopt separate Application forms and procedures to license or otherwise register Providers of Non-Gaming Services than those used by Gaming Resource Suppliers.

14.2 Submission of License to State Gaming Agency. The Commission shall submit to the State Gaming Agency a copy of each Supplier License.

14.3 Application Forms and Procedures. The Commission shall adopt forms consistent with the standards set forth in this Ordinance. All Supplier License Application forms shall, at a minimum, require the name of the Applicant, the address of the Applicant's principal place of business, and evidence that the Applicant is eligible for licensure as a Gaming Resource Supplier.

14.1 Duration; Renewal Process. A Supplier License shall be issued for a period of two years, and shall be reviewed and renewed, if appropriate, every two years thereafter. Applicants for a renewal of a Supplier License shall provide to the Commission updated materials and information as requested by the Commission.

15. Fees

15.1 License and Application and Renewal Fees. The Commission shall establish a fee schedule for Applications and License renewals. Unless specifically waived by the Commission, all Persons applying for a License shall be required to pay application and investigation fees when due, including a reasonable deposit for costs that may be incurred in connection with the License investigation. The Commission will set the Application fees and any applicable License renewal fees.

16. Licensing Principles

16.1 Reliance on Previously Issued License. In lieu of completing its own background investigation, and to the extent that doing so does not conflict with or violate IGRA or the Compact, the Commission may contract with the State Gaming Agency for the conduct of background investigations, may rely on a state finding of suitability previously issued under a gaming compact involving another tribe, or may rely on a State gaming license previously issued to the Applicant, to fulfill some or all of the Commission's background investigation obligation for licensing Applicants.

16.2 Licensing Criteria for Entities. For Applicants who are business entities, the licensing provisions of this Ordinance shall apply to the entity as well as:

- (a) Each of its officers and directors;
- (b) Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, and general manager;
- (c) Each of its owners or partners, if an unincorporated business;
- (d) Each of its shareholders who owns more than 10% of the shares of the corporation, if a corporation, or members who own more than a 10% membership interest of the limited liability company, if a limited liability company; and

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(e) Each Person (other than a Financial Source exempt under Section 13.2 of this Ordinance) that, alone or in combination with others, has provided financing in connection with any Gaming Activity at the Gaming Operation, if that Person provided more than 10% of:

- (1) The start-up capital;
- (2) The operating capital over a 12-month period; or
- (3) A combination thereof.

For purposes of this Section, where there is any commonality of the characteristics identified in (a) through (e) inclusive between any two or more entities, those entities may be deemed to be a single entity.

16.3 Institutional Investor. In the event an Institutional Investor directly or indirectly holds shares of a corporation or membership interests in an Applicant or Licensee or parent company of an Applicant or Licensee through its Affiliates, then such Institutional Investor shall not be required to submit an Application unless such Institutional Investor indirectly holds, through its Affiliates, more than 15% of the issued and outstanding shares or membership interests of an Applicant or Licensee or parent company of an Applicant or Licensee.

16.4 Appeals. Any Person aggrieved by a final decision of the Commission to condition, grant, deny, suspend or revoke a License or impose any fines on a Licensee may file a petition with the Commission requesting a hearing to reconsider the decision, and shall have the right to appeal such decision to the Tribal Council in accordance with such rules and regulations as may be promulgated by the Tribal Council for that purpose. If the Gaming Commission or Tribal Council reverses a prior licensure decision and issues a license to an application or licensee, such license shall not be issued for more than one (1) year, shall be subject to the renewal procedures set forth herein, and such reversal order and issuance of a license shall only be valid if to do so would not place the Tribe in violation of the Compact or of any applicable law. The Tribal Council may, by resolution, delegate its duties described in this Section 16.4 to the Tribal Court. A temporary suspension of an individual's license will be reviewed pursuant to Section 11.11(b) prior to any appeal.

17. Games

17.1 Who May Not Play. It is the policy of the Tribe that certain individuals for whom conflicts of interest exist may not participate in Gaming Activities conducted at the Gaming Facility. At a minimum, members and staff of the Commission, the Executive Director, and senior level employees and officers of the Gaming Operation may not participate in any Gaming Activity on the Tribe's Indian Lands. The Gaming Operation shall develop and maintain a standard operating procedure that identifies other positions and any applicable restrictions on Gaming Activity conducted at the Gaming Facility on file with the Commission.

17.2 Patron Disputes. Any Patron of the Gaming Facility who has a dispute, disagreement or other grievance that involves any Gaming Activity offered at the Gaming Facility shall have their dispute resolved in the following manner.

(a) Any Patron with a Gaming dispute shall be notified of the Patron's right to submit a written statement of the facts or circumstances surrounding the dispute with the Gaming Operation. Such written statement must be submitted within five (5) days of the day on which the dispute occurred. The

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

Gaming Operation shall have five (5) days to provide a written response to the Patron. If the dispute is not resolved to the satisfaction of the Patron, the Patron has the right to contact the Commission to resolve the dispute within thirty (30) days of the day on which the dispute occurred. If the Patron contacts the Commission to resolve the dispute, the Gaming Operation will provide to the Commission copies of the Patron's statement and the Gaming Operation's response.

(b) All disputes that are submitted to the Commission for resolution shall be decided by the Commission based on information provided by the Patron and the Gaming Operation. The decision of the Commission shall be in writing copied to the Patron and the Gaming Operation, and shall be issued within fifteen (15) days of submission of the matter to the Commission. The decision of the Commission regarding any Patron dispute shall be final and shall not be subject to further review by any court in any jurisdiction.

18. Individually-Owned Gaming Operations

18.1 Authorization. Any individually-owned gaming authorized by the Tribe shall be authorized pursuant to an ordinance adopted by the Tribal Council and approved by the NIGC which shall include the requirements set forth in this Section 18.

18.2 Ordinance Requirements. The ordinance regulating individually owned gaming shall, at a minimum:

- (a) require the individually owned gaming operation to:
 - (1) Be licensed by the Commission;
 - (2) Distribute not less than sixty percent (60%) of the net revenues from any individually owned gaming operation to the Tribe; and
 - (3) Pay an assessment to the NIGC as required by Section 25 C.F.R. §514.1.
- (b) require that income distributed to the Tribe from individually owned gaming only be used for the purposes set forth in Section 19.2.
- (c) include licensing standards that are at least as restrictive as those established by California governing similar gaming within the State of California.
- (d) require the denial of a license for any person that would not be eligible to receive a California license to conduct the same activity within the State of California.
- (e) apply California standards with respect to purpose, entity, pot limits, and hours of operation.

19. Miscellaneous

19.1 Gaming Rules. Gaming operated under this Ordinance shall be consistent with the Compact and any amendments thereto.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(a) All rules, Regulations and procedures for Games, including the method of play and the odds and method of determining amounts paid to winners, shall be approved and maintained by the Commission.

(b) Information regarding betting limits, the method of play, odds and payoff determinations shall be visibly displayed or available to Patrons in written form in the Gaming Facility.

19.2 Use of Net Gaming Revenues. Net Revenues from the Gaming Operation may only be used for the following purposes: (a) to fund Tribal government operations or programs; (b) to provide for the general welfare of the Tribe and its members, including issuing per capita payments to members of the Tribe pursuant to a revenue allocation plan approved by the Secretary of the Interior; (c) to promote Tribal economic development; (d) to donate to charitable organizations; and (e) to help fund operations of local government agencies.

19.3 Minimum Internal Control Standards. The Commission shall promulgate Regulations for the minimum internal control standards of the Gaming Operation. The minimum internal control standards shall:

(a) Contain standards for currency transaction reporting that comply with 31 CFR Part 103; and

(b) Establish internal control standards for all Class II and Class III Gaming Activities consistent with the requirements of this Ordinance, IGRA, the Compact, and the State Gaming Agency's Uniform Tribal Gaming Regulations.

The Commission shall require the Gaming Operation to implement a system of internal controls that complies with the minimum internal control standards adopted by the Commission. The Commission shall monitor and enforce compliance with the minimum internal control standards adopted by the Commission.

19.4 Annual Audit. The Gaming Operation shall ensure an annual audit of the Gaming Operation is conducted by an independent, certified public accounting firm in accordance with the auditing and accounting standards for audits of casinos of the American Institute of Certified Public Accountants. Copies of the annual audit will be provided to the Tribal Council and the Commission. The Commission shall submit the annual audit to the NIGC upon receipt. All gaming related contracts for supplies, services, or concessions in excess of twenty-five thousand dollars (\$25,000) shall be included in the scope of this audit, excluding contracts for legal services and accounting services.

19.5 Commission Right to Conduct Audits. The Commission may require audits of the financial statements of the Gaming Operation and of any Gaming Activity. The Commission shall require such audits to occur when necessary to ensure the integrity, security, honesty and fairness of the Gaming Operation and all Gaming Activity. The Commission shall take reasonable steps to coordinate the timing of these audits with the annual audit, provided that the Commission may require audits to occur at other times if necessary to preserve the assets of the Tribe or ensure the integrity, security, honesty and fairness of the Gaming Operation or any Gaming Activity. Such audits may:

(a) Be made by an independent CPA authorized to practice public accounting in the State of California;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(b) Include an opinion (qualified or unqualified), or if appropriate, disclaim an opinion on the financial statements taken as a whole in accordance with standards of the accounting profession established by rules and requirements of the California State Board of Accountancy and the American Institute of Certified Public Accountants;

(c) Disclose whether the accounts, records and control procedures maintained by the Gaming Operation are as required by the Compact, Ordinance or Regulations; and

(d) Provide for a review of the Gaming Operation's system of internal controls to disclose any deviation from prescribed rules, requirements, or industry practice and report such finding to the Commission and the Gaming Operation.

19.6 Gaming Device Technical Standards. The Commission shall adopt technical standards and specifications for the operation of Gaming Devices and other games consistent with the Compact and any amendments thereto.

19.7 Exclusion or Ejection of Individuals. The Commission shall provide for the establishment of a list of individuals who are to be excluded or ejected from the Gaming Facility. The list shall include any individual whose presence in the Gaming Facility is determined by the Commission to pose a threat to the integrity of Gaming Operation, a threat to the health, safety or welfare of Gaming Personnel or Patrons, interests of the Tribe, or State of California. Race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, or sexual orientation must not be grounds for placing the name of an individual on the list. The Commission shall promulgate Regulations providing due process to any individual whose name the Commission is considering placing on the exclusion list, and shall require all Licensees to exclude or eject from a Gaming Facility any individuals placed on the exclusion list.

19.8 Emergency Evacuation and Preparedness Plans. For the purpose of ensuring the physical safety of the Gaming Operation and its Patrons and Gaming Personnel, and any other individuals present in the Gaming Facility, the Commission shall develop and implement an Emergency Evacuation and Preparedness Plan in compliance with the State Gaming Agency's Uniform Tribal Gaming Regulations.

19.9 Minors. The Gaming Operation shall not permit individuals under the age of 21 to be present in any room or area in which Gaming Activities are being conducted unless the individual is en route to a non-Gaming area of the Gaming Facility, or is employed at the Gaming Facility in a capacity other than as a Gaming Employee. The Gaming Operation shall prohibit individuals under the age of 21 to be present in any room or area in which alcoholic beverages may be consumed, except to the extent permitted under the Gaming Operation's liquor license, and applicable law.

19.10 Sovereign Immunity. All inherent sovereign rights of the Tribe, as a federally recognized sovereign tribe are hereby expressly reserved, including sovereign immunity from unconsented suit. Nothing in the Ordinance shall be deemed or construed to be a waiver of the Tribe's sovereign immunity from unconsented suit.

19.11 Severability. Should a provision of this Ordinance or the application of a provision of this Ordinance be determined to be invalid, the invalidity shall not affect the other provisions of this Ordinance.

19.12 Repeal. This Ordinance shall repeal and supersede all previous Gaming ordinances adopted by the Tribe. This Ordinance shall also repeal and supersede all other Tribal policies, regulations,

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

rules, motions, memoranda, and other similar acts which are inconsistent with this Ordinance. Specifically, the Jamul Indian Village Amended & Restated Gaming Ordinance, adopted on February 20, 2019, approved by the NIGC on May 8, 2019, including any amendments thereto is repealed by this Ordinance.

19.13 Amendments. All provisions of this Ordinance are subject to amendment by the Tribal Council. All amendments to this Ordinance shall be effective upon the date of passage by the Tribal Council and approval by the Chairperson of the NIGC. In the event that the Tribe or the Commission enact any law, ordinance or regulation (including amendments to this Ordinance) which is more stringent or burdensome than applicable federal or State legal requirements or the terms of the Compact, then the provisions of this Ordinance shall apply.

19.14 Effective Date. This Ordinance shall take effect immediately upon its approval by the Chairperson of the NIGC.



JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

Ordinance No. 2022-02
Adopted: February 1, 2022
Approved by NIGC: _____, 2022

EMAIL: info@jamulindianvillage.com

TEL: 619.669.4785
FAX: 619.669.4817
ADDR: P. O. Box 612
Jamil, CA 91935

jamulindianvillage.com

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

TABLE OF CONTENTS

	Page
1. Purpose, Policy and Sole Proprietary Interest.....	1
1.1 Purpose and Policy.....	1
1.2 Sole Proprietary Interest	1
1.3 Name.....	1
2. Gaming Authorization	1
2.1 Jurisdiction.....	1
2.2 Class II and Class III Authorization.....	1
2.3 Unauthorized or Unapproved Gaming.....	1
3. Definitions	1
4. Tribal Council: Powers and Duties	7
4.1 Delegation of Duties	7
4.2 Registered Agent.....	7
5. Jamul Gaming Commission.....	7
5.1 Establishment and Purpose	7
5.2 Duration and Attributes	7
5.3 Sovereign Immunity of the Commission	7
5.4 Assets of the Commission.....	8
5.5 Number of Commissioners; Qualifications; Background Investigation	8
5.6 Gaming Commission Background Investigation	8
5.7 Term of Office	9
5.8 Bylaws	9
5.9 Removal.....	9
5.10 Vacancies.....	9
5.11 Duties, Powers and Responsibilities	9
5.12 Meetings.....	11
5.13 Full-time or Part-time Exclusivity	11
5.14 Reporting Requirements	11
5.15 Compensation and Annual Budget	11
5.16 Gaming Commission Staff.....	12
5.17 Ethics	12

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

6.	Executive Director	13
6.1	Qualifications.....	13
6.2	Authority of Executive Director	14
7.	Gaming Personnel.....	14
7.1	Age.....	14
7.2	Compact and Employment Laws	14
8.	Files and Records to be Maintained by the Commission; Confidentiality of Information	14
8.1	Confidentiality of Documents.....	14
8.2	Scope of Confidentiality	15
8.3	Record Retention	15
9.	Gaming Surveillance.....	15
9.1	Purpose.....	15
9.2	Requirements	15
9.3	Responsibilities.....	15
9.4	Surveillance Records	16
10.	Gaming Security	16
10.1	Purpose.....	16
10.2	Investigations	16
10.3	Reports	16
10.4	Responsibilities.....	16
11.	Licensing of Primary Management Officials, Key Employees and Gaming Employees	16
11.1	Summary of Licensing Principles.....	16
11.2	Licenses	16
11.3	Current and Valid Gaming License Required.....	17
11.4	Application Procedure for Gaming License.....	17
11.5	Non-Key Gaming Employee Licensing.....	19
11.6	Qualifications.....	19
11.7	Temporary Licensure.....	20
11.8	Investigation.....	20
11.9	License Issuance; Renewals.....	22
11.10	Badge	22
11.11	Temporary Suspension of an Individual's License.....	22

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

11.12	Suspension or Revocation of License	22
11.13	Record of Proceedings	24
12.	Gaming Facility License	24
12.1	Compliance with Applicable Standards	24
12.2	Licensing Requirement	24
12.3	Threshold Licensing Criteria	24
12.4	Display of Gaming License	25
12.5	License Duration.....	25
12.6	Submission of License to NIGC and State Gaming Agency	25
12.7	Notice of Illegal Gaming Activity	25
13.	Financial Source License	25
13.1	Licensing Requirements	25
13.2	Exemptions	25
13.3	Registration for Holders of Tribal Bonds	26
13.4	Submission of License to State Gaming Agency.....	26
13.5	Application Form and Procedures	27
13.6	Financial Source Application Forms and Procedures - Individual	27
13.7	Duration; Renewal Process	28
14.	Gaming Resource Supplier License.....	28
14.1	Licensing Requirements	28
14.1	Exemptions	28
14.2	Submission of License to State Gaming Agency.....	29
14.3	Application Forms and Procedures.....	29
14.1	Duration; Renewal Process	29
15.	Fees	29
15.1	License and Application and Renewal Fees	29
16.	Licensing Principles.....	29
16.1	Reliance on Previously Issued License.....	29
16.2	Licensing Criteria for Entities.....	29
16.3	Institutional Investor	30
16.4	Appeals	30

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

17.	Games	30
17.1	Who May Not Play	30
17.2	Patron Disputes	30
18.	Individually-Owned Gaming Operations.....	31
18.1	Authorization	31
18.2	Ordinance Requirements.....	31
19.	Miscellaneous	31
19.1	Gaming Rules	31
19.2	Use of Net Gaming Revenues.....	32
19.3	Minimum Internal Control Standards	32
19.4	Annual Audit.....	32
19.5	Commission Right to Conduct Audits	32
19.6	Gaming Device Technical Standards.....	33
19.7	Exclusion or Ejection of Individuals.....	33
19.8	Emergency Evacuation and Preparedness Plans	33
19.9	Minors.....	33
19.10	Sovereign Immunity	33
19.11	Severability	33
19.12	Repeal	33
19.13	Amendments	34
19.14	Effective Date	34

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

1. Purpose, Policy and Sole Proprietary Interest

1.1 Purpose and Policy. The purpose of this Ordinance is to set forth the laws of the Tribe regarding all Gaming Activities conducted on the Tribe's Indian Lands. The Ordinance is intended to govern the Gaming Activities of all individuals, employees, consultants, business entities, vendors, boards, committees, commissions and administrative review bodies on the Tribe's Indian Lands. The purpose of this Ordinance is to ensure that the Gaming Activities conducted on the Tribe's Indian Lands are conducted fairly and honestly, and that all internal departments, enterprises, officials and employees of the Tribe work cooperatively to advance the best interests of the Tribe in protecting its Gaming Activities as well as its Patrons. It is the intent of the Tribe that this Ordinance and provisions within shall be interpreted in a manner so as to comply with the terms of the Compact, IGRA, and applicable NIGC regulations.

1.2 Sole Proprietary Interest. The Tribe shall have the sole proprietary interest in and responsibility for the conduct of all Gaming Activities authorized by this Ordinance; provided, however, that the Tribe may, in accordance with IGRA, and when authorized under applicable Federal law and the Compact (where applicable), enter into a management contract for management of all or part of the Gaming Operation, or authorize a third-party to have a proprietary interest in Gaming Activities on its Indian Lands in accordance with Section 18.

1.3 Name. This Second Amended & Restated Gaming Ordinance shall be known as the "**Gaming Ordinance**".

2. Gaming Authorization

2.1 Jurisdiction. This Ordinance is applicable to all Indian Lands under the jurisdiction of the Tribe.

2.2 Class II and Class III Authorization. Class II and Class III Gaming are each hereby authorized on the Tribe's Indian Lands.

2.3 Unauthorized or Unapproved Gaming. Class II and Class III Gaming by any Person on the Tribe's Indian Lands except as authorized pursuant to this Ordinance is prohibited.

3. Definitions

This Section shall govern the definitions of words and phrases used in this Ordinance. All words or phrases not defined in this Section are used in their ordinary and everyday sense.

3.1 "**Affiliate**" means, with respect to any specified Person, any other Person who directly or indirectly, through one or more intermediaries, controls, is or becomes controlled by, or is or comes under common control with the specified Person. For purposes of this definition, "control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a Person, whether through the ownership of voting securities or other interests, by contract, governmental authority or otherwise.

3.2 "**Applicant**" means any Person filing an Application for a Gaming License, Gaming Facility License, Financial Source License or Supplier License pursuant to Sections 11, 12, 13, and 14 of this Ordinance.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

3.3 **"Application"** means any application for a Gaming License, Gaming Facility License, Financial Source License, or Supplier License.

3.4 **"Bond"** means any security within the meaning of the Securities Act of 1933 (15 U.S.C. § 77a et seq.) that constitutes an evidence of indebtedness issued pursuant to a trust indenture between the issuer of the security and a trustee who has a right to enforce the terms of the bonds on behalf of all holders of the bonds.

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

3.6 **"Class II Gaming"** means:

(a) The game of chance commonly known as bingo (whether or not electronic, computer or other technologic aids are used in connection therewith) in which:

(1) The game is played for prizes, including monetary prizes, with cards bearing numbers or other designations;

(2) The holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; or

(3) The game is won by the first individual covering a previously designated arrangement of numbers or designation on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo.

(b) Card games which:

(1) Are explicitly authorized by the laws of the State; or

(2) Are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games. Class II Gaming does not include any banking card games, including baccarat, chemin de fer, or blackjack (twenty-one), or electronic or electro-mechanical facsimiles of any game of chance or slot machines of any kind.

3.7 **"Class III Gaming"** means all forms of Gaming that are not Class I or Class II.

3.8 **"Commission"** means the Jamul Gaming Commission as established by this Ordinance.

3.9 **"Commissioner"** means a duly appointed member of the Jamul Gaming Commission.

3.10 **"Compact"** means the Tribal-State Compact between the Tribe and the State of California including all subsequent amendments thereto, authorized by IGRA or other applicable law.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

3.11 **"Compliance Certificate"** means a certificate issued by a qualified building and safety expert which states that the construction of the Gaming Facility complies with the Tribe's applicable building and safety codes.

3.12 **"Financial Source"** means a Person extending or guaranteeing financing, directly or indirectly, for the purpose of constructing, developing, maintaining, equipping, or operating the Gaming Facility or Gaming Operation.

3.13 **"Financial Source License"** means the permit granted by the Commission to a Financial Source.

3.14 **"Games", "Gaming", or "Gaming Activity"** means any activity, operation, or game of chance which is considered Class II or Class III Gaming.

3.15 **"Gaming Device"** has the same meaning as defined in the Compact.

3.16 **"Gaming Employee"** means any individual who (a) conducts, operates, maintains, repairs, accounts for, or assists in any Gaming Activities, or is in any way responsible for supervising any such Gaming Activity or individuals who conduct, operate, maintain, repair, account for, or supervise any such Gaming Activity, (b) is in a category under federal or tribal law requiring licensing; (c) is an employee of the Commission with access to confidential information, or (d) is an individual whose employment duties require or authorize access to areas of the Gaming Facility in which any activities related to Gaming Activities are conducted, but that are not open to the public.

3.17 **"Gaming Equipment"** means any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any Gaming Activity, whether or not specifically designed for that purpose, but excluding tables and chairs normally used in the occupancy of a Gaming Facility.

3.18 **"Gaming Facility"** means any building on the Tribe's Indian Lands in which Gaming Activities or Gaming Operation occurs, 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.

3.19 **"Gaming Facility License"** means the official and revocable permission granted by the Commission to the Gaming Facility allowing the conduct of Gaming.

3.20 **"Gaming License"** means the official and revocable permission granted by the Commission to an Applicant in order to be a Primary Management Official, Key Employee, or Gaming Employee. Nothing herein shall create a property interest in the issuance or retention of a Gaming License.

3.21 **"Gaming Operation"** means the Tribe's business enterprise that offers and operates Gaming Activities.

3.22 **"Gaming Personnel"** means any individual employed by the Gaming Operation.

3.23 **"Gaming Resources"** means any goods or services provided or used in connection with Gaming Activities, whether exclusively or otherwise, including, but not limited to, equipment, furniture, gambling devices and ancillary equipment, implements of Gaming Activities such as playing cards and

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

dice, furniture designed primarily for Gaming Activities, maintenance or security equipment and services, and Class III Gaming consulting services. "Gaming Resources" does not include professional accounting and legal services.

3.24 **"Gaming Resource Supplier"** means any Person who, directly or indirectly, manufactures, distributes, supplies, vends, leases, or otherwise purveys Gaming Resources to the Gaming Operation or Gaming Facility, provided that the definition of Gaming Resource Supplier does not include a purveyor of equipment or furniture that is not specifically designed for, and is distributed generally for use other than in connection with, Gaming Activities, if the purveyor is not otherwise a Gaming Resource Supplier, the compensation received by the purveyor is not grossly disproportionate to the value of the goods or services provided, and the purveyor is not otherwise a person who exercises a significant influence over the Gambling Operation.

3.25 **"Incident"** means an accident, event or omission involving any individual on the premises of the Gaming Facility which results in injury, damage to property, loss of revenue, any unusual interruption in the conduct of any Game, or a deviation from normal operating policies and procedures.

3.26 **"Indian Gaming Regulatory Act"** or **"IGRA"** means Public Law 100- 497, 102 Stat. 2426, 25 U.S.C. § 2701, et seq., as amended.

3.27 **"Indian Lands"** means all lands within the exterior boundaries of the reservation of the Tribe and any lands title to which is either held in trust by the United States for the benefit of the Tribe or individual or held by the Tribe or individual subject to restriction by the United States against alienation and over which the Tribe exercises governmental power.

3.28 **"Institutional Investor"** means any:

- (a) Bank as defined in Section 3(a)(6) of the Federal Securities Exchange Act;
- (b) Banking, chartered, or licensed lending institution;
- (c) Insurance company as defined in Section 2(a)(17) of the Investment Company Act of 1940, as amended;
- (d) Chartered or licensed life insurance company or property and casualty insurance company;
- (e) Investment company registered under Section 8 of the Investment Company Act of 1940, as amended;
- (f) Investment advisor registered under Section 203 of the Investment Advisors Act of 1940, as amended;
- (g) Collective trust funds as defined in Section 3(c)(11) of the Investment Company Act of 1940, as amended;
- (h) Closed end investment trust;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(i) Employee benefit plan or pension fund that is subject to the Employee Retirement Income Security Act of 1974, as amended;

(j) A state or federal government pension plan; or

(k) Such other Person that the Commission determines is an Institutional Investor;

that acquires voting or nonvoting units in the ordinary course of its investment business and holds those units for investment purposes only and not for the purpose of causing, directly or indirectly, the election of a majority of the board of directors or any change in the corporate charter, bylaws, management, policies, or operations of the business entity in which it holds those securities.

3.29 **"Key Employee"** means

(a) A person who performs one or more of the following functions:

(1) Bingo caller;

(2) Counting room supervisor;

(3) Managers or supervisors of security employees;

(4) Custodian of Gaming supplies or cash;

(5) Floor manager;

(6) Pit bosses;

(7) Dealer;

(8) Croupier;

(9) Approver of credit;

(10) Custodian of Gaming Devices, including individuals with access to cash and/or accounting records within such Gaming Devices;

(b) If not otherwise included in Section 3.29(a), any other individual whose total cash compensation is in excess of fifty thousand dollars (\$50,000) per year; or

(c) If not otherwise included in Section 3.29(a),(b), the four most highly compensated employees of the Gaming Operation; or

(d) Any other person designated by the Tribe as a Key Employee.

3.30 **"License"** shall mean a Gaming License, Gaming Facility License, Financial Source License or Supplier License issued pursuant to the provisions of this Ordinance.

3.31 **"Licensee"** means any Person who has been issued a valid and current License.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

3.32 **"Major Gaming Resource Supplier"** means any Gaming Resource Supplier who provides in excess of \$500,000.00 of equipment, goods, supplies or services to the Gaming Operation or Gaming Facility in any consecutive twelve-month period.

3.33 **"Management Agreement"** means an NIGC approved contract between the Tribe and a Manager that provides for management of all or part of the Gaming Operation.

3.34 **"Manager"** means any Gaming Resource Supplier with whom the Tribe has entered into a Management Agreement.

3.35 **"Net revenues"** means gross Gaming revenues of the Gaming Operation less (a) amounts paid out as, or paid for, prizes, and (b) total Gaming-related operating expenses, including all those expenses of the Gaming Operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.

3.36 **"NIGC"** means the National Indian Gaming Commission.

3.37 **"Non-Key Gaming Employee"** means a Gaming Employee who is not a Key Employee.

3.38 **"Ordinance"** means this Second Amended & Restated Gaming Ordinance, as it may from time to time be amended.

3.39 **"Patron"** means any individual who participates as a player in Gaming Activity at the Gaming Facility.

3.40 **"Person"** means any person or entity, whether a natural person, trustee, corporation, general partnership, limited partnership, limited liability company, limited liability partnership, trust, estate, business association, Indian tribe (including the Tribe), commission, instrumentality, firm, joint venture, governmental authority, Affiliate of the Tribe, or otherwise.

3.41 **"Primary Management Official"** means:

(a) The individual(s) having management responsibility for a Management Agreement;

(b) Any individual who has authority to (i) hire and fire Key Employees, or (ii) to set operations policy for the Gaming Operation, including employment policies;

(c) The chief financial officer or other individual who has financial management responsibility; or

(d) Any other person designated by the Tribe as a Primary Management Official.

3.42 **"Providers of Non-Gaming Services"** means a Gaming Resource Supplier that does not provide Gaming Equipment or services directly related to Gaming Activities. Providers of Non-Gaming Services provide goods or services to the Gaming Facility including, but not limited to equipment, transportation, food, linens, janitorial supplies, and maintenance or security services.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

3.43 **"Regulation"** means a Gaming regulation adopted by the Commission in accordance with the terms of this Ordinance.

3.44 **"Related Person"** means an officer, director, shareholder (if the shareholder directly holds more than 5% of the outstanding shares), manager, or member of the Manager or the Manager's Affiliates.

3.45 **"State"** means the State of California.

3.46 **"State Gaming Agency"** means the entities authorized to investigate, approve, and regulate gaming licenses pursuant to the Gambling Control Act (Chapter 5, commencing with Section 19800) of Division 8 of the California Business and Professions Code, and includes, but is not limited to, the California Gambling Control Commission.

3.47 **"Supplier License"** means the permit granted by the Commission to a Gaming Resource Supplier.

3.48 **"Tribal"** means of or pertaining to the Tribe.

3.49 **"Tribal Council"** means the elected governing body of the Tribe exercising authority pursuant to Article 9, Section 2 of the Constitution of the Tribe.

3.50 **"Tribe"** means the Jamul Indian Village of California.

4. Tribal Council: Powers and Duties

4.1 Delegation of Duties. The Tribal Council delegates certain duties and responsibilities to the Commission under Section 5 of this Ordinance.

4.2 Registered Agent. The Chairperson of the Tribe shall be the designated and registered agent to receive notice of violations, orders, or determinations that are issued pursuant to IGRA or the Compact.

5. Jamul Gaming Commission

5.1 Establishment and Purpose. There shall be a Commission whose purpose is to exercise the delegated authority and responsibilities enumerated in this Ordinance. The Commission shall be primarily responsible for carrying out the Tribe's regulatory responsibilities under IGRA and this Ordinance. It is the responsibility of the Commission to conduct on-site regulation of the Gaming Operation in order to enforce the terms of the Compact, IGRA and this Ordinance.

5.2 Duration and Attributes. The Commission shall have perpetual existence and succession in its own name, unless dissolved under Tribal law. The Tribe reserves unto itself the right to bring suit against any Person in its own right, on behalf of the Tribe, or on behalf of the Commission, whenever the Tribe considers it necessary to protect the sovereignty, rights, and interests of the Tribe or the Commission.

5.3 Sovereign Immunity of the Commission. As an instrumentality and authorized agency of the Tribe, the Commission shall enjoy all the privileges and immunities of the Tribe, including immunity from suit in any state, federal or tribal court. Nothing contained in this Ordinance shall be deemed or construed to be a waiver of the sovereign immunity of the Commission.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

5.4 Assets of the Commission. The Commission shall have only those assets specifically assigned to it by the Tribe or acquired in its name by the Tribe. No activity of the Commission shall implicate or involve assets of Tribal members or the Tribe that are not assigned to the Commission in writing. Nothing in this Ordinance or any activity of the Commission shall implicate or in any way involve the credit of the Tribe.

5.5 Number of Commissioners; Qualifications; Background Investigation.

(a) Number of Commissioners. The Commission shall be comprised of three Commissioners, a Chairperson, a Vice-Chairperson, and one other Commissioner, each appointed by a majority vote of the Tribal Council.

(b) Qualifications. To serve on the Commission, an individual:

- (1) Must be an enrolled member of the Tribe;
- (2) Must be at least 21 years of age; and
- (3) Must meet all other qualifications set forth in this Ordinance or in the bylaws of the Commission, including submission to drug screening prior to appointment.

(c) The following individuals may not serve as Commissioners:

- (1) Gaming Personnel;
- (2) Individuals related to any Financial Source or Gaming Resource Supplier (including any principal thereof);
- (3) Individuals that would not qualify for a tribal gaming license; and
- (4) Members of the Tribal Council.

(d) The Commissioner qualifications set forth in this Ordinance may be modified by the Tribal Council if a vacancy persists on the Commission for more than three months due to a lack of qualified applicants.

(e) The Commission qualifications set forth in this Ordinance may be waived on a case-by-case basis as deemed appropriate and necessary by the Tribal Council.

(f) The Commissioners shall be treated as employees of the Tribe for all purposes.

5.6 Gaming Commission Background Investigation. All Commissioners shall submit to a background investigation conducted by the Tribal Council, or its designee. Members of the Commission may not participate in matters relating to their background investigation. All candidates shall disclose all current or possible conflicts of interest as part of such background investigation. No individual shall be eligible for appointment to, or continue services on, the Commission, if:

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(a) He or she has been convicted of, or entered a plea of guilty or nolo contendere to any of the following offenses and the conviction has not been pardoned by the Tribe or otherwise removed from the record by executive pardon or state court order:

(1) A felony;

(2) Any offense involving fraud or misrepresentation;

(3) Any gaming related offense, including a violation of the provisions of any state gaming law made applicable to the Tribe pursuant to federal law or the Compact; or

(b) He or she has been convicted of a crime involving theft, fraud, or conversion; or

(c) His or her prior activities, criminal record, or reputation, habits, or associations pose a threat to the public interest, threaten the effective operation of Gaming, or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of Gaming; or

(d) He or she has a present interest in the conduct of any Gaming enterprise (other than in the Gaming Operation by virtue of his or her membership in the Tribe), or in any business which provides goods or services to the Gaming Facility or Gaming Operation, or he or she has any personal, business, or legal relationship which places him or her in a conflict of interest; or

(e) He or she fails to comply with the conditions of his or her appointment.

5.7 Term of Office. The Commissioners serving upon the effective date of this Ordinance, shall continue to serve their respective terms on the Commission. At the expiration, or early termination, of an existing Commissioner's term, appointments of the Commissioners by the Tribal Council shall be for a period of four (4) years. The Commissioners may be reappointed for successive terms.

5.8 Bylaws. The Commission shall adopt bylaws approved by the Tribal Council consistent with Tribal law.

5.9 Removal. Commissioners shall serve at the pleasure of the Tribal Council and may be removed from office before the expiration of their terms by a majority vote of the Tribal Council.

5.10 Vacancies. If any Commissioner shall die, resign, be removed, or otherwise be unable to serve, the Tribal Council shall declare his or her position vacant and shall appoint a successor to fill the position. The term of office of any individual so appointed shall be for a term of four (4) years.

5.11 Duties, Powers and Responsibilities. The Commission shall perform all duties, exercise all powers, promulgate all Regulations, assume and discharge all responsibilities and carry out and affect all purposes of this Ordinance relating to the regulation of the Gaming Operation. In all decisions, the Commission shall act to promote and ensure the integrity, security, honesty and fairness of the Gaming Operation and administration of all Gaming Activity. No Commissioner shall act independently of the Commission. Any such acts may be grounds for removal. Subject to any restrictions contained in this Ordinance or in any other applicable law, the Commission is authorized to exercise, by majority vote or by delegation to the Executive Director, the following responsibilities:

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

- (a) To draft and maintain internal Commission bylaws and operating procedures appropriate to implement the provisions of this Ordinance, including conflicts of interest, codes of conduct and operating procedures that identify the method by which the Commission will monitor and investigate compliance with applicable Gaming laws;
- (b) To consult with and make recommendations to the Tribal Council regarding changes in Tribal Gaming laws and Regulations;
- (c) To correspond with the NIGC regarding compliance with the rules and regulations of that agency. The Commission shall coordinate with the Tribal Council regarding correspondence with the NIGC on any matter;
- (d) To ensure that all fees assessed by the NIGC are paid on a timely basis;
- (e) To prepare proposals, including budgetary and monetary proposals, the purpose of which is to enable the Tribe to carry out the purpose and intent of this Ordinance, and to submit the same for consideration by the Tribal Council; provided, however, that no such proposal shall have any force or effect unless it is approved by the Tribal Council;
- (f) To enforce the requirements of this Ordinance and the Compact with respect to the Gaming Operation and Facility;
- (g) To monitor and investigate the place of business, equipment, facilities, tangible personal property, and the books, records, papers, vouchers, accounts, documents, and financial statements of the Gaming Operation, including the inspection of Gaming Equipment and any premises where Gaming Equipment is distributed, provided that all monitoring and investigations must be conducted pursuant to policies and procedures adopted in conformance with Tribal law and that all monitoring and investigations are for the purpose of determining compliance with applicable Gaming laws;
- (h) To draft and implement licensing procedures, including the establishment and imposition of licensing fees, for all Primary Management Officials, Key Employees, Gaming Employees, Financial Sources, and Gaming Resource Suppliers;
- (i) To approve or disapprove the Gaming License of any Applicant;
- (j) To suspend or revoke any Gaming License;
- (k) To develop procedures for the establishment and maintenance of a list of individuals banned from the Gaming Facility;
- (l) To approve the rules, Regulations and procedures for each Game;
- (m) To approve the Gaming Operation's surveillance floor plan;
- (n) To conduct administrative reviews pursuant to this Ordinance;
- (o) To license Gaming Facilities pursuant to this Ordinance;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

- (p) To act as the designated agent to receive all regulatory notices, other than those notices addressed in Section 4.2 of this Ordinance;
- (q) To ensure that all Gaming Activity is conducted honestly and fairly;
- (r) To ensure that the Gaming Facility is constructed in a manner that adequately protects the environment and the public health and safety;
- (s) To issue subpoenas and compel the attendance of witnesses for regulatory proceedings before the Commission;
- (t) To administer oaths and to require testimony under oath before the Commission;
- (u) To impose fines, up to \$5,000 for each violation of this Ordinance, with each day that a violation continues being a separate violation and subject to a commensurate fine;
- (v) To seize any money received or obtained by a Patron in violation of this Ordinance pending a civil forfeiture of such seizure; and
- (w) To take any and all actions necessary and incidental to the foregoing to ensure Gaming Activities within Tribal Lands are operated in accordance with all applicable laws, regulations, and the Compact.

5.12 Meetings. Meetings of the Commission shall be held at least once each month and additionally as directed by the Chairperson of the Commission. Additional meetings shall be held if requested by the Chairperson or by at least two other Commissioners. Meetings may be called at any time, by any means, with unanimous consent of the Commissioners.

5.13 Full-time or Part-time Exclusivity. The Commission shall identify the appropriate work schedule for its members and employees. Each Commissioner and the Executive Director shall perform his or her duties and responsibilities on a full-time or part-time basis, as determined by the Commission, and will not, during his or her tenure in office, be engaged in any other profession or business activity that may impede the Commissioner or Executive Director's ability to perform duties on behalf of the Commission or that competes with the Tribe's interests.

5.14 Reporting Requirements. The Commission shall adhere to the following reporting requirements:

- (a) The Commission shall meet with the Tribal Council upon request, and no less than quarterly;
- (b) Minutes of all Commission meetings shall be filed with the Secretary of the Tribal Council within thirty (30) days of their approval; and
- (c) Summary reports of all matters pertaining to the business of the Commission shall be provided to the Tribal Council on a monthly basis.

5.15 Compensation and Annual Budget. The Tribal Council shall determine Commissioner compensation. Compensation shall be established by the Tribal Council in a manner consistent with the

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

Tribe's internal rules and bylaws. At least ninety (90) days prior to the end of each fiscal year, the Commission shall prepare a budget for the next year's operation and shall submit the budget to the Tribal Council. The Tribal Council shall review the operating budget of the Commission in the same fashion as all other Tribal budgets. In preparing the annual budget, all actual and anticipated surplus funds of the Commission shall be taken into account. The Tribal Council may adopt, amend or replace the annual budget.

5.16 Gaming Commission Staff. Commission staff shall be supervised by the Executive Director. Any staff position, including the position of Executive Director, may only be held by an individual who meets the standards and qualifications set forth in Section 11.6.

5.17 Ethics.

(a) Commissioners and Commission staff shall not hold financial interests that conflict with the conscientious performance of their duties.

(b) Commissioners and Commission staff shall not engage in financial transactions using nonpublic information or allow the improper use of such information by others on their behalf to further any private interest.

(c) Commissioners and Commission staff shall not solicit or accept any gift or other item of monetary value, including complimentary items or services, from any individual seeking official action or inaction from, doing business with, or conducting activities regulated by the Commission, or whose interests may be substantially affected by the Commission. This restriction does not apply to items of de minimis value or items or services available to all members of the Tribe or to all members of the Commission.

(d) Commissioners and Commission staff shall not use their positions for private gain.

(e) Commissioners and Commission staff shall act impartially, in accordance with all relevant tribal, federal and state laws (where applicable), and shall not give preferential treatment to any private organization or individual, including to any individuals related to Commissioners or Commission staff.

(f) Commissioners and Commission staff shall not engage in outside employment (including seeking or negotiating for future employment) or any other activity that conflicts with their Commission duties and responsibilities.

(g) Commissioners and Commission staff shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

(h) Commissioners and Commission staff shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards listed in this Section 5.17.

(i) Commissioners and Commission staff shall fully comply with internal Commission bylaws governing conflicts of interest and codes of conduct.

(j) Commissioners shall disclose to the Tribal Council any conflicts of interest. The Executive Director shall disclose to the Commission any conflicts of interest. Commission staff members

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

shall disclose to the Executive Director any conflicts of interest. If there is a real or apparent conflict of interest related to any matter before the Commission, the Commissioner subject to the conflict of interest shall not take part in a decision related thereto.

6. Executive Director

6.1 Qualifications. The position of Executive Director of the Commission is hereby created. The Commission shall appoint the Executive Director, subject to confirmation of the appointment by the Tribal Council.

- (a) To serve as the Executive Director, an individual:
 - (1) Must be at least 21 years of age;
 - (2) Must have a minimum of five years in any combination of the following:
 - (A) Post-secondary education;
 - (B) Gaming training;
 - (C) Gaming experience in one or more of the following areas:
 - (i) Gaming laws or regulations;
 - (ii) Gaming operations;
 - (iii) Gaming licensing;
 - (iv) Auditing;
 - (v) Indian law;
 - (vi) Administrative reviews;
 - (vii) Background investigations;
 - (viii) Surveillance;
 - (ix) Law enforcement; or
 - (x) Business administration or business management; and
 - (3) Must meet all other qualifications set forth in this Ordinance, including the standards and qualifications set forth in Section 11.6.
- (b) The following individuals may not serve as the Executive Director:
 - (1) Gaming Personnel;
 - (2) Individuals related to any Financial Source or Gaming Resource Supplier (including any principal thereof);
 - (3) Individuals who would not qualify for a tribal gaming license;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(4) Members of the Commission or the Tribal Council; and

(5) Individuals holding any other elected office within the Tribal government.

(c) The Executive Director qualifications set forth in this Ordinance may be modified by the Tribal Council if a vacancy persists for more than three months due to a lack of qualified applicants.

(d) The Executive Director shall devote his or her entire time and attention to the duties imposed under this Ordinance and the business of the Commission and shall not pursue any other business or occupation unless approved by the Commission.

(e) The Executive Director shall not have any pecuniary interest in any business or company holding a License under this Ordinance.

6.2 Authority of Executive Director.

(a) The Executive Director shall furnish to the Commission such services that the Commission delegates to the Executive Director to carry out the Commission's functions;

(b) The Executive Director shall have authority to hire such professional, clerical, technical and administrative personnel as may be necessary;

(c) The Executive Director may:

(1) Carry out all responsibilities delegated by the Commission;

(2) Negotiate and execute any and all contracts for the purchase of goods and services as directed by the Commission. Such purchases shall be in accordance with the procurement policies and procedures of the Tribe;

(3) Hire such staff as appropriate, consistent with the Commission budget; and

(4) Perform all other duties as delegated by the Commission.

7. **Gaming Personnel**

7.1 Age. All Gaming Personnel positions shall be filled by individuals who are at least 18 years of age.

7.2 Compact and Employment Laws. All Gaming Personnel are subject to the Compact and all employment laws and requirements that are otherwise applicable to employees of the Gaming Facility or Gaming Operation.

8. **Files and Records to be Maintained by the Commission; Confidentiality of Information**

8.1 Confidentiality of Documents. The Commission shall ensure that all records and information obtained pursuant to the exercise of its authority and responsibilities shall remain confidential and shall not be disclosed to individuals who are not directly involved in the regulation and oversight of the Gaming Operation. The Commission shall maintain a file of all Applications and supporting materials

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

submitted pursuant to this Ordinance, together with a record of all actions taken with respect to those Applications.

8.2 Scope of Confidentiality. The identity of each Applicant, and the following information (collectively, "**Application Information**") shall be treated as confidential, all information and data:

(a) Included within any Application for a License and any supporting materials, including the information requested pursuant to Section 11.4(b);

(b) Required by the Commission to be furnished to it under this Ordinance or which may otherwise be obtained relative to the finances, earnings or revenue of any Applicant or Licensee;

(c) Pertaining to an Applicant's criminal record, antecedents or background which have been furnished to or obtained by the Commission from any source; and

(d) Provided to the members of the Commission or its employees by a governmental agency or a person interviewed in the course of the background investigation (including the identity of any person interviewed), or on the assurances that the information will be held in confidence and treated as confidential.

8.3 Record Retention. The Commission shall retain all Application Information, investigative reports, and eligibility determinations for applications for a Primary Management Official or Key Employee for a period of not less than three (3) years from the date of either the termination of employment of the Applicant, or should the Applicant never be employed with the Gaming Operation, the date the Application for licensure was received by the Commission.

9. Gaming Surveillance

9.1 Purpose. The purpose of surveillance systems is to safeguard the Gaming Operation's assets, to deter and detect criminal acts and regulatory violations, and to maintain public confidence and trust that Gaming at the Gaming Operation is conducted honestly and free of criminal elements and activity.

9.2 Requirements. The Gaming Operation shall ensure proper surveillance of the Gaming Operation, which shall include a closed-circuit television surveillance system consistent with industry standards for gaming facilities of the type and scale operated by the Tribe, which system shall be approved by, and may not be modified without the approval of, the Commission. Surveillance personnel shall be overseen by the Commission.

9.3 Responsibilities. The Commission shall be responsible for all Gaming surveillance activities including, but not limited to:

(a) Purchase and maintenance of surveillance equipment;

(b) Development, implementation, and maintenance of written policies and procedures for the conduct and integrity of the surveillance department, subject to approval of the Commission;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(c) Development, implementation, and maintenance of additional procedures governing the use and release of the surveillance recordings or reports, subject to approval of the Commission; and

(d) Maintenance of the Gaming Facility surveillance floor plan required pursuant to the Compact, subject to approval of the Commission. The surveillance floor plan will address Commission access to the surveillance system, which may include dedicated access, at the Commission's discretion.

9.4 Surveillance Records. Surveillance personnel shall provide to the Commission a copy of any time-recorded video and accompanying audio (if available) as soon as reasonably practicable after request, and in no event later than twenty-four hours of such request. Surveillance personnel shall retain video recordings for such period of time as directed by the Commission.

10. Gaming Security

10.1 Purpose. The purpose of Gaming security is to assist in safeguarding the Gaming Operation's assets and to protect the Gaming Personnel and Patrons by deterring and detecting criminal acts and regulatory violations.

10.2 Investigations. Gaming security personnel shall be responsible for conducting all investigations and reports of incidents at the Gaming Facility consistent with the Compact and all applicable Tribal law.

10.3 Reports. Gaming security personnel shall provide to the Gaming Operation and the Commission a complete copy of all Incident reports. The procedure for recording of all Incidents shall be consistent with the requirements of the Compact.

10.4 Responsibilities. Gaming security personnel are responsible for the:

(a) Development, implementation, and maintenance of written policies and procedures for the conduct and integrity of Gaming security, subject to approval of the Commission; and

(b) Development, implementation, and maintenance of additional procedures governing the use and release of Incident reports, subject to approval of the Commission.

11. Licensing of Primary Management Officials, Key Employees and Gaming Employees

11.1 Summary of Licensing Principles. All persons in any way connected with the Gaming Operation or Facility who are required to be licensed or to submit to a background investigation under IGRA and the Compact, including, but not limited to, all Gaming Employees and Gaming Resource Suppliers, and any other person having a significant influence over the Gaming Operation must be licensed by the Commission.

11.2 Licenses. The Commission shall issue Licenses for all Persons for which a License is required under IGRA and the Compact, including:

(a) Class II and Class III Gaming Facilities;

(b) Key Employees;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

- (c) Primary Management Officials;
- (d) Gaming Employees;
- (e) Financial Sources; and
- (f) Gaming Resource Suppliers.

11.3 Current and Valid Gaming License Required. All Primary Management Officials and Key Employees employed by the Gaming Operation must possess a valid Gaming License or have an Application for a Gaming License pending.

11.4 Application Procedure for Gaming License. Every individual seeking employment as a Primary Management Official or as a Key Employee shall submit a Gaming License Application and additional supplemental information to the Commission on such forms or in such manner as the Commission may require.

(a) The following notices, as the same may be amended from time to time, shall be placed on the Application before it is filled out by an Applicant:

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

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

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

(b) At a minimum, Applications for Primary Management Official and Key Employee shall contain the following information:

(1) The Applicant's full name, including all other names used (oral or written), current home and business addresses and telephone numbers, gender, Social Security Number, place of birth, date of birth, citizenship, any driver's license numbers and any other valid government issued identification held within the past five years, and the business and residential addresses over the past five years;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

- (2) The position for which the Applicant is applying;
- (3) The names, current addresses, and telephone numbers of three references who are not related to the Applicant and who were acquainted with the Applicant when the Applicant resided at each of the addresses listed under paragraph (b)(1) above;
- (4) A list of the Applicant's current and previous business and employment positions held over the preceding five years, including the names, addresses, and telephone numbers of his or her employers, and the positions held;
- (5) The names and addresses and a brief description of all businesses in which the Applicant currently holds, or has within the last five years held, an ownership or financial interest;
- (6) A description of any existing and any previous employment relationship with the Tribe or any other Indian tribe, including the position held, the name of the tribe, and the name and address of an individual who can attest to the accuracy of the information provided;
- (7) A description of any current or past non-employee business relationship which the Applicant has had with the Tribe or any other Indian tribe, including the ownership interests in those businesses, and the name of the tribe and the name and address of an individual who can attest to the accuracy of the information provided;
- (8) A statement as to whether the Applicant has had any existing or previous employment with, or ownership interest in, any gaming-related business. If so, the Applicant shall provide a written statement describing his or her position, the dates during which the position was held, a description of the Applicant's ownership interest (when applicable), job responsibilities, the name, address, and telephone number of the business, and the name and address of an individual who can attest to the accuracy of the information provided;
- (9) A list of all gaming-related licenses or permits for which the Applicant has filed an application, whether or not those licenses were granted, and the name, address and telephone number of the licensing or regulatory agencies with which such applications were filed;
- (10) A list of all professional, business, or occupational licenses or permits for which the Applicant has filed an application, whether or not those licenses or permits were granted, and the name, address and telephone number of the regulatory agency with which such applications were filed;
- (11) A list of all languages that the Applicant can write or speak;
- (12) Written permission giving the Commission the right to investigate the Applicant's background, including his or her criminal record, civil and criminal judgments, and credit history;
- (13) A complete disclosure of any pending civil or criminal action (including any misdemeanor) against the Applicant, including, to the extent applicable, the name and address of the police department and court involved, the charge, and the date of disposition, if any;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(14) A statement as to whether or not the Applicant has ever been charged with a crime (including any misdemeanor), and if so, the charge, the name and address of the court involved, the final disposition of the case, and the date of final disposition;

(15) A disclosure of any civil or criminal judgments rendered against the Applicant, including the case number, a description of the judgment, the date of disposition, and the name and address of the court involved;

(16) Any other information, as determined by the Commission, that might bring into question the Applicant's fitness to be employed within a Gaming Facility;

(c) Each Application shall include an affirmative consent of the Applicant to the jurisdiction of the Commission for purposes of processing the Application;

(d) Each Application shall be accompanied by a sworn statement that the Applicant will abide by all applicable Tribal and federal laws, Regulations and policies;

(e) Each Application shall be accompanied by a written statement that the Applicant has read, understands and approves of notices and NIGC requirements related to:

(1) The Privacy Act of 1974;

(2) False statements; and

(3) Credit reporting; and

(f) Each Application shall be accompanied by a photograph of the Applicant. All Applicants for a Primary Management Official license or Key Employee License are required to submit fingerprint cards. The Commission is hereby identified as the law enforcement agency responsible for taking fingerprints. Following receipt of an Applicant's fingerprint cards, the Commission will forward an Applicant's fingerprint cards to the NIGC for a criminal history check through the Federal Bureau of Investigation National Crime Information Center.

11.5 Non-Key Gaming Employee Licensing. Non-Key Gaming Employees must be licensed by the Commission. Non-Key Gaming Employee Applicants will submit an Application for a Non-Key Gaming Employee license to the Commission on such a form or in such manner as the Commission may require. The Application for a Non-Key Gaming Employee License shall contain all information necessary for the Commission to investigate the Non-Key Gaming Employee's background, including his or her criminal record, civil and criminal judgments, and credit history, but shall not require all of the information detailed in Section 11.4 for Primary Management Officials and Key Employees. If the Commission determines that the Applicant is suitable for licensure based on the Commission's review of the Application and the results of the criminal history check, the Commission will license the Non-Key Gaming Employee. Non-Key Gaming Employees are not required to undergo the complete investigation procedures set forth in Section 11.8 of this Ordinance.

11.6 Qualifications. The Commission shall conduct a criminal history check on all Applicants.

(a) Eligibility for Licensure. The Commission shall review an Applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a determination, pursuant

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

to this Ordinance, concerning the suitability for licensure of Applicants. No license shall be issued to an Applicant if it is determined that employment of an Applicant would pose a threat to the public interest or to the effective regulation of Gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming.

(b) No individual shall be licensed as a Primary Management Official, Key Employee or Gaming Employee if:

(1) He or she has been convicted of, or entered a plea of guilty or nolo contendere to any of the following offenses and the conviction has not been pardoned by the Tribe or otherwise removed from the record by executive pardon or state court order:

(A) A felony;

(B) Any offense involving fraud or misrepresentation; or

(C) Any Gaming related offense;

(2) His or her prior activities, criminal record, if any, and reputation, habits, and associations pose a threat to the public interest, threaten the effective operation and regulation of Gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of Gaming;

(3) The credit history of the Applicant is deemed unacceptable or warrants further investigation because it contains a finding of excessive past due unsecured credit accounts, as determined by the Commission pursuant to a policy or regulation approved by the Tribal Council. Such policy or regulation shall set forth the standards for evaluating whether or not an individual's past due unsecured credit accounts are excessive for purposes of this subsection (3);

(4) He or she is not an individual of good character, honesty or integrity; or

(5) His or her application to the State Gaming Agency for licensure or a determination of suitability, or for a renewal of such a licensure or determination, has been denied.

(c) Each Person who has a License shall have a continuing obligation to inform the Commission immediately upon the occurrence of any circumstance or event which may disqualify the Person from obtaining or retaining a License. Failure to report any such occurrence may result in suspension or revocation of the Application or License and immediate termination from employment.

11.7 Temporary Licensure. The Commission shall develop standards and procedures for the temporary licensure of Applicants who have filed an Application for a License. An Applicant who has submitted an Application as a Primary Management Official or Key Employee may be given a temporary License for a period of ninety (90) days, all other Gaming Employees may be issued a temporary license for a period of up to a year. No Primary Management Employee or Key Employee shall continue to be employed if that Primary Management Employee or Key Employee does not have a license within ninety (90) days from the start of employment with the Gaming Operation.

11.8 Investigation. When an individual submits an Application for a Primary Management Official or a Key Employee License, the Commission shall:

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(a) Conduct a background investigation of the Applicant and create and maintain an investigative report as to findings and conclusions of the foregoing background investigation, including, but not limited to:

- (1) Steps taken in conducting the background investigation;
- (2) The results obtained from the background investigation;
- (3) The conclusions reached as a result of the background investigation; and
- (4) The basis for those conclusions.

Based upon the results of the background investigation and the written investigative report, the Commission shall determine the eligibility of the Applicant to receive a Gaming License.

(b) Upon completion of the background investigation and a determination of eligibility for a Gaming License, the Commission shall forward the Applicant's completed Application materials and an investigative report with a determination as to whether the Commission intends to license the Applicant to the NIGC (to the extent required by 25 CFR Part 556) and the State Gaming Agency (to the extent required by the Compact) no later than sixty (60) days after the Applicant begins work as a Key Employee or Primary Management Official (the "**Notice of Results**"). The Notice of Results shall contain:

- (1) Applicant's name, date of birth, and social security number;
- (2) Date on which Applicant began or will begin work as a Key Employee or Primary Management Official;
- (3) A summary of the information presented in the investigative report, which shall at a minimum include a listing of: (i) license applications filed by Applicant that have previously been denied; (ii) gaming licenses held by Applicant that have been revoked, even if subsequently reinstated; (iii) every known criminal charge brought against the Applicant within the last ten (10) years of the date of the Application; and (iv) every felony of which the Applicant has been convicted or any ongoing prosecution of Applicant for a felony; and
- (4) A copy of the eligibility determination made under 25 CFR § 556.5.

(c) For a thirty-day period, beginning when the NIGC receives a report submitted pursuant to Section 11.8(b) above, the Chairperson of the NIGC may request additional information from the Commission concerning the individual who is the subject of a report. Such a request shall suspend the thirty-day period until the Chairperson receives the additional information.

(d) If, within the thirty-day period described in Section 11.8(c) above, the NIGC provides the Commission with a statement itemizing objections to the issuance of a License, the Commission shall reconsider the Application, taking into account the objections itemized by the NIGC. The Commission shall make the final decision whether to issue a License to the Applicant.

(e) In the event that the Commission does not license an Applicant, the Commission shall notify the NIGC and forward copies of the Commission's eligibility determination and Notice of Results to the NIGC for inclusion in the Indian Gaming Individual Record System.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(f) Within thirty (30) days after the issuance of a permanent License to a Primary Management Official or to a Key Employee, the Commission shall notify the NIGC of its issuance.

11.9 License Issuance; Renewals. Any Gaming License issued pursuant to the requirements of this Section 11 shall be effective from the date of issuance and shall state on its face the name of the Gaming Employee, and the date that the Gaming License became effective. In no event shall a permanent License be issued to a Primary Management Official or to a Key Employee until the Notice of Results have been submitted to the NIGC. Such a Gaming License shall be effective for two years from the date of issuance and shall be renewed every two years thereafter. For a renewal of a Gaming License, Applicants shall provide to the Commission updated materials and information, as requested by the Commission.

11.10 Badge. Any individual who holds a Gaming License issued pursuant to this Ordinance must wear in plain view at all times while in the Gaming Facility an identification badge issued by the Commission. The badge must display, at a minimum, a photograph of the individual and an identification number that is adequate to enable the Commission to readily identify the individual and determine the validity and date of expiration of his or her Gaming License.

11.11 Temporary Suspension of an Individual's License. Temporary suspension of an individual's License is appropriate when the individual's continued presence in the Gaming Facility or Gaming Operation poses a direct and immediate threat to the general public or to the safety, health and welfare of the Tribe.

(a) Grounds for Temporary Suspension. The Commission may suspend the License of any individual for not more than thirty (30) days if the Commission has good and reliable cause to believe:

(1) That any of the grounds for suspension or revocation listed in Section 11.12(a) have occurred; and

(2) That the individual's continued presence in the Gaming Facility or Gaming Operation a direct and immediate threat to the general public or to the safety, health and welfare of the Tribe.

(b) Procedure for Temporary Suspension. The Commission may issue a notice of temporary suspension of a License if the Commission has cause to believe that any of the reasons in Section 11.11(a)(1) or Section 11.11(a)(2) above apply to the individual. The Commission shall provide written notice to the individual that states with specificity the grounds upon which it is based, including citations to the relevant provisions of this Ordinance, and the individual's right to administrative review. The individual has the right to file a request for review with the Commission within five (5) calendar days of receipt of the notice of temporary suspension. The Commission shall hold an administrative review on the notice of temporary suspension within fourteen (14) calendar days of its receipt of the notice of request for review. At the administrative review, the individual shall have an opportunity to present documentation and any other information as to the License should not be temporarily suspended. After such administrative review, and in no event later than thirty (30) days from the issuance of the notice of temporary suspension, the Commission shall issue a final decision regarding the temporary suspension. Any final decision of the Commission to condition, grant, deny, suspend or revoke a License may be appealed pursuant to Section 16.4 of this Ordinance, as applicable.

11.12 Suspension or Revocation of License.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(a) Grounds for Suspension or Revocation. The Commission may suspend or revoke any License it has issued for any of the following reasons if such reasons are material:

(1) The Licensee has willfully withheld pertinent information or has made false statements on an Application;

(2) The Licensee has willfully promoted, played, or participated in any Gaming Activity operated in violation of Tribal, state or federal law, or has violated any provision of this Ordinance;

(3) The Licensee has improperly offered something of value to a Commissioner or any other individual in an attempt to avoid or circumvent any applicable law;

(4) The Licensee has willfully been involved in the falsification of books or records which relate to the operation of Gaming Activity;

(5) The Licensee has been convicted of, or has entered a plea of guilty or *nolo contendere* to, any crime involving gaming, fraud, theft, embezzlement or other activity which, if it had been perpetrated at his or her place of employment, would injure or pose a threat to the public interest, the integrity of the Gaming Activity, or the effective operation of Gaming, or would enhance the dangers of unfair, unsuitable, or illegal gaming practices;

(6) The Licensee has willfully refused to comply with any lawful directive of the Tribe, the federal government, or any court of competent jurisdiction;

(7) The Licensee has been determined to have present or prior activities, criminal record, or reputation, habits or associations which pose a threat to the public interest or to the effective operation of Gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices or methods or activities in the conduct of Gaming;

(8) The Licensee no longer meets the explicit License qualifications set forth in this Ordinance; or

(9) The Commission receives information from the State Gaming Agency that the Licensee is unsuitable for a License.

It is the intent of the Tribe when adopting this Ordinance that the Commission shall consider the gravity of an offense and whether such offense occurred on multiple occasions or was an isolated instance, when considering whether it is appropriate to suspend or revoke a License under this Ordinance.

(b) Procedure for Suspension or Revocation. Whenever the Commission shall have cause to believe that any of the reasons under Section 11.12(a) apply to any Person who holds a License issued by the Commission, the Commission shall serve upon the Person an order to show cause why the License should not be suspended or revoked. The order to show cause shall state with specificity the grounds upon which it is based, including citations to the relevant sections of this Ordinance, the time and place for the administrative review, and notice that the Person shall have the opportunity to present documentation and any other relevant information. The administrative review shall be set for not less than ten (10) days or more than thirty (30) days from the date of the order to show cause. Subject to Section 11.12(c), and the Commission's authority to temporarily suspend a license pursuant to Section 11.11, no

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

License will be suspended or revoked until the administrative review by the Commission is concluded and a final written decision is rendered by the Commission.

(c) Suspension Due to Notice of Information from NIGC. Notwithstanding anything else herein to the contrary, if, after the issuance of a permanent License, the NIGC notifies the Commission that a Key Employee or Primary Management Official is not eligible for employment pursuant to 25 CFR § 556.5 (the "**NIGC Notification**"), the Commission shall immediately suspend the License and shall provide the Licensee with written notice of suspension and the reasons for the proposed revocation. The Commission shall notify the Licensee of the time and place for a revocation hearing on the proposed revocation of the License. After a revocation hearing is conducted by the Commission, the Commission shall decide whether to revoke or to reinstate the License. The Commission shall notify the NIGC of its decision within forty-five (45) days from the date of receipt of the NIGC Notification.

11.13 Record of Proceedings. The Commission shall maintain a complete and accurate record of all proceedings relating to the issuance, denial, temporary suspension, suspension, revocation of all Licenses and of the imposition of any fines on a Licensee or imposition of a condition on a License. Records pertaining to the issuance, denial, temporary suspension, suspension, revocation of a License and of the imposition of any fines on a Licensee or imposition of a condition on a License shall be confidential and be handled in compliance with Section 8.

12. Gaming Facility License

12.1 Compliance with Applicable Standards. The construction and maintenance of any Gaming Facility, and the operation of Gaming Activities, shall be conducted in a manner that adequately protects the environment and the public health and safety, and shall comply with requirements of the Compact and all other applicable health, safety, and environmental standards.

12.2 Licensing Requirement. The Commission is responsible for issuing a separate license to each Gaming Facility located on the Indian Lands that meets the requirements of Section 12.3, and after receiving information regarding the following:

(a) The Gaming Facility meets all applicable health and safety standards.

(1) To show compliance with applicable health and safety standards, the Gaming Operation shall submit certified copies of Compliance Certificates.

(2) If health and safety standards are not met, proof must be submitted by the Gaming Operation of the process of improvements that will place the Gaming Facility in compliance with the applicable standards.

(b) The Commission shall forward all Compliance Certificates to the State Gaming Agency within ten (10) days of issuance.

12.3 Threshold Licensing Criteria. The Commission may only issue a Gaming Facility license if:

(a) The Gaming Facility is located on Indian Lands:

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(b) The Gaming Activity to be conducted at the Gaming Facility is Class II or Class III Gaming as defined by this Ordinance and IGRA; and

(c) The Gaming Facility is authorized by a resolution of the Tribal Council.

12.4 Display of Gaming License. A current valid Gaming Facility License shall be prominently displayed at each Gaming Facility.

12.5 License Duration. A Gaming Facility License shall be issued for a period of two years, and shall be reviewed and renewed, if appropriate, every two years thereafter.

12.6 Submission of License to NIGC and State Gaming Agency. The Commission shall submit to the NIGC and the State Gaming Agency a copy of each Gaming Facility License.

12.7 Notice of Illegal Gaming Activity. If the Commission finds that the Gaming Facility is operating in violation of this Ordinance, or otherwise presents a threat to the public, the Commission shall immediately notify the Tribal Council.

13. Financial Source License

13.1 Licensing Requirements. Financial Sources shall be licensed by the Commission, unless such Financial Source is exempt pursuant to this Ordinance or the Compact, or such licensure requirement is waived as authorized by the Compact.

13.2 Exemptions. The following Persons do not need to file Applications for a Financial Source License:

(a) A licensed Gaming Resource Supplier who provides financing exclusively in connection with the sale or lease of Gaming Resources obtained from that supplier shall not be required to obtain a separate Financial Source license;

(b) A federally-regulated or state-regulated bank, savings and loan association, or other federally- or state-regulated lender and any fund or other investment vehicle which is administered or managed by any such entity;

(c) Any entity described in the California Gambling Control Commission's Uniform Tribal Gaming Regulation CGCC-2, subdivision (f) (as in effect on the date the Compact was fully executed), when that entity is a Financial Source solely by reason of being (i) a purchaser or a holder of debt securities or other forms of indebtedness issued directly or indirectly by the Tribe for a Gaming Facility or for the Gaming Operation or (ii) the owner of a participation interest in any amount of indebtedness for which a Financial Source described in Section 13.2(b), or any fund or other investment vehicle which is administered or managed by any such Financial Source, is the creditor;

(d) Any investor who, alone or in conjunction with others, holds less than 10% of any outstanding indebtedness evidenced by Bonds issued by the Tribe;

(e) An agency of the federal, the State, the Tribe, or local government providing financing, together with any person purchasing any debt securities or other forms of indebtedness of the agency to provide such financing;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(f) A real estate investment trust, as defined in 26 U.S.C. § 856(a), that is publicly traded on a stock exchange, registered with the Securities and Exchange Commission, and subject to regulatory oversight of the Securities and Exchange Commission;

(g) Non-Funding Term Lenders and Non-Funding Participants as described in the Dispute Resolution Agreement Regarding Section 6.4.6 of the 1999 Tribal-State Gaming Compact Between the Jamul Indian Village and the State of California; and

(h) An entity or category of entities that the State Gaming Agency and the Commission jointly determine can be excluded from the licensing requirements of this section without posing a threat to the public interest or the integrity of the Gaming Operation.

13.3 Registration for Holders of Tribal Bonds. Pursuant to the State Gaming Agency Uniform Tribal Gaming Regulations, including CGCC-1, CGCC-2, any of the following entities that is an actual or prospective holder of any Bond issued by the Tribe may register with the Commission on comparable forms utilized by the State Gaming Agency:

(a) Any federal-regulated or state-regulated bank or savings association or other federal- or state-regulated lending institution;

(b) Any company that is organized as an insurance company, the primary and predominant business activity of which is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and that is subject to supervision by the Insurance Commissioner of California, or a similar official or agency of another state;

(c) Any investment company registered under the federal Investment Company Act of 1940 (15 U.S.C. § 80a-1 *et seq.*);

(d) Any retirement plan established and maintained by the United States, an agency or instrumentality thereof, or by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions, for the benefit of its employees;

(e) Any employee benefit plan within the meaning of Title 1 of the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1001 *et seq.*);

(f) Any securities dealer registered pursuant to the federal Securities Exchange Act of 1934 (15 U.S.C. § 78a *et seq.*); and

(g) Any entity, all of the equity owners of which individually meet the criteria of this subsection 13.3.

Registration and renewal of registration under this Section 13.3 shall constitute a finding of suitability in compliance with the Compact.

13.4 Submission of License to State Gaming Agency. The Commission shall submit to the State Gaming Agency a copy of each Financial Source License.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

13.5 Application Form and Procedures. The Commission shall adopt Financial Source Application forms to license Financial Sources. At a minimum, the Financial Source Application form shall contain the following information:

- (a) The name of the Applicant, including any trade name to be used and the Applicant's principal place of business;
- (b) Whether the Applicant is a corporation, limited liability company, limited partnership or privately-held business entity, including the state in which the Applicant is organized and a general description of the nature of the Applicant's principal business;
- (c) The name, telephone number and mailing address for the contact person responsible for the Applicant's accounts payable and billing information;
- (d) The tax reporting status of the Applicant;
- (e) A list of all Persons that directly hold more than 10% of the ownership interests of the Applicant;
- (f) A list of the Applicant's officers and directors;
- (g) If a publicly-traded company, the Applicant's ticker symbol and a list of all exchanges on which the Applicant's shares are traded;
- (h) A list of any state or federal government agencies by which the Applicant is regulated; and
- (i) A list of any gaming licenses held by the Applicant.

An Applicant for a Financial Source License will be required to provide evidence that the Applicant is eligible for licensure as a Financial Source (if applicable), and a statement committing the Applicant to notify the Commission and the State Gaming Agency promptly of any termination of the Applicant's eligibility as a Financial Source.

13.6 Financial Source Application Forms and Procedures - Individual. The Financial Source Application form for individuals shall contain the following information:

- (a) The Applicant's full name, including all other names used (oral or written), current home and work addresses and telephone numbers, gender, Social Security Number, place of birth, date of birth, citizenship, marital information, educational and military background and driver's license number(s) and the addresses of his or her residences over the past five years;
- (b) The names, current addresses, and telephone numbers of three references who are not related to the Applicant and who were acquainted with the Applicant when the Applicant resided at each of the addresses listed under paragraph (a) above;
- (c) A list of the Applicant's current and previous jobs over the preceding five years, including the names, addresses, and telephone numbers of his or her employers, and the positions held;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(d) A statement as to whether the Applicant has had any past employment with, or ownership interest in, any gaming-related business. If so, the Applicant shall provide a written statement describing his or her position, the dates during which the position was held, a description of the Applicant's ownership interest (when applicable), job responsibilities, the name, address, and telephone number of the business, and the name and address of an individual who can attest to the accuracy of the information provided;

(e) A list of all gaming-related licenses for which the Applicant has applied, whether or not those licenses were granted, whether any disciplinary actions (including fines or temporary suspensions) were taken with respect to such Gaming-related licenses, and the name, address and telephone number of the regulatory agencies involved;

(f) A list of all professional and business licenses for which the Applicant has applied, whether or not those licenses were granted, and the name, address and telephone number of the regulatory agency involved;

(g) A complete disclosure of any pending civil or criminal action against the Applicant, including the name, and address of the police department and court involved;

(h) A statement as to whether or not the Applicant has ever been charged with a crime and if so, the charge, the name and address of the court involved, the final disposition of the case, and the date of final disposition; and

(i) A disclosure of any civil or criminal judgments rendered against the Applicant, including the case number, a description of the judgment, and the name and address of the court involved.

13.7 Duration; Renewal Process. A Financial Source License shall be issued for a period of two years, and shall be renewed every two years thereafter. Applicants for a renewal of a Financial Source License shall provide to the Commission updated materials, as requested, on the appropriate renewal Applications. Applicants for a renewal shall not be required to resubmit historical data already available to the Commission. Additional background investigations shall not be required of Applicants for a renewal unless the Commission determines, based upon the disclosure or discovery of new information, that there is a need for further information concerning the Applicant's continuing eligibility for a License.

14. Gaming Resource Supplier License

14.1 Licensing Requirements. Any Gaming Resource Supplier who provides, has provided, or has an agreement to provide at least \$25,000 in Gaming Resources in any twelve month period, or who has received as compensation for providing Gaming Resources to the Gaming Facility or Gaming Operation valued at \$25,000 or more in any consecutive twelve month period within the twenty-four month period immediately preceding application, shall be licensed by the Commission prior to the sale, lease, or distribution of any such Gaming Resources to the Gaming Facility or Gaming Operation.

14.1 Exemptions. The Commission may exclude Providers of Non-Gaming Services from the Supplier License requirement (a) if the Providers of Non-Gaming Services provide services or purvey equipment or furniture that is not specifically designed for, and is distributed generally for use other than in connection with, Gaming Activities, (b) if the Provider of Non-Gaming Services does not additionally provide Gaming Equipment to the Gaming Facility or Gaming Operation, (c) if the compensation received by the Provider of Non-Gaming Services is not grossly disproportionate to the value of the goods or services

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

provided, and (d) if the Provider of Non-Gaming Services is not otherwise a Person who exercises a significant influence over the Gaming Operation. The Commission may adopt separate Application forms and procedures to license or otherwise register Providers of Non-Gaming Services than those used by Gaming Resource Suppliers.

14.2 Submission of License to State Gaming Agency. The Commission shall submit to the State Gaming Agency a copy of each Supplier License.

14.3 Application Forms and Procedures. The Commission shall adopt forms consistent with the standards set forth in this Ordinance. All Supplier License Application forms shall, at a minimum, require the name of the Applicant, the address of the Applicant's principal place of business, and evidence that the Applicant is eligible for licensure as a Gaming Resource Supplier.

14.1 Duration; Renewal Process. A Supplier License shall be issued for a period of two years, and shall be reviewed and renewed, if appropriate, every two years thereafter. Applicants for a renewal of a Supplier License shall provide to the Commission updated materials and information as requested by the Commission.

15. Fees

15.1 License and Application and Renewal Fees. The Commission shall establish a fee schedule for Applications and License renewals. Unless specifically waived by the Commission, all Persons applying for a License shall be required to pay application and investigation fees when due, including a reasonable deposit for costs that may be incurred in connection with the License investigation. The Commission will set the Application fees and any applicable License renewal fees.

16. Licensing Principles

16.1 Reliance on Previously Issued License. In lieu of completing its own background investigation, and to the extent that doing so does not conflict with or violate IGRA or the Compact, the Commission may contract with the State Gaming Agency for the conduct of background investigations, may rely on a state finding of suitability previously issued under a gaming compact involving another tribe, or may rely on a State gaming license previously issued to the Applicant, to fulfill some or all of the Commission's background investigation obligation for licensing Applicants.

16.2 Licensing Criteria for Entities. For Applicants who are business entities, the licensing provisions of this Ordinance shall apply to the entity as well as:

- (a) Each of its officers and directors;
- (b) Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, and general manager;
- (c) Each of its owners or partners, if an unincorporated business;
- (d) Each of its shareholders who owns more than 10% of the shares of the corporation, if a corporation, or members who own more than a 10% membership interest of the limited liability company, if a limited liability company; and

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(e) Each Person (other than a Financial Source exempt under Section 13.2 of this Ordinance) that, alone or in combination with others, has provided financing in connection with any Gaming Activity at the Gaming Operation, if that Person provided more than 10% of:

- (1) The start-up capital;
- (2) The operating capital over a 12-month period; or
- (3) A combination thereof.

For purposes of this Section, where there is any commonality of the characteristics identified in (a) through (e) inclusive between any two or more entities, those entities may be deemed to be a single entity.

16.3 Institutional Investor. In the event an Institutional Investor directly or indirectly holds shares of a corporation or membership interests in an Applicant or Licensee or parent company of an Applicant or Licensee through its Affiliates, then such Institutional Investor shall not be required to submit an Application unless such Institutional Investor indirectly holds, through its Affiliates, more than 15% of the issued and outstanding shares or membership interests of an Applicant or Licensee or parent company of an Applicant or Licensee.

16.4 Appeals. Any Person aggrieved by a final decision of the Commission to condition, grant, deny, suspend or revoke a License or impose any fines on a Licensee may file a petition with the Commission requesting a hearing to reconsider the decision, and shall have the right to appeal such decision to the Tribal Council in accordance with such rules and regulations as may be promulgated by the Tribal Council for that purpose. If the Gaming Commission or Tribal Council reverses a prior licensure decision and issues a license to an application or licensee, such license shall not be issued for more than one (1) year, shall be subject to the renewal procedures set forth herein, and such reversal order and issuance of a license shall only be valid if to do so would not place the Tribe in violation of the Compact or of any applicable law. The Tribal Council may, by resolution, delegate its duties described in this Section 16.4 to the Tribal Court. A temporary suspension of an individual's license will be reviewed pursuant to Section 11.11(b) prior to any appeal.

17. Games

17.1 Who May Not Play. It is the policy of the Tribe that certain individuals for whom conflicts of interest exist may not participate in Gaming Activities conducted at the Gaming Facility. At a minimum, members and staff of the Commission, the Executive Director, and senior level employees and officers of the Gaming Operation may not participate in any Gaming Activity on the Tribe's Indian Lands. The Gaming Operation shall develop and maintain a standard operating procedure that identifies other positions and any applicable restrictions on Gaming Activity conducted at the Gaming Facility on file with the Commission.

17.2 Patron Disputes. Any Patron of the Gaming Facility who has a dispute, disagreement or other grievance that involves any Gaming Activity offered at the Gaming Facility shall have their dispute resolved in the following manner.

(a) Any Patron with a Gaming dispute shall be notified of the Patron's right to submit a written statement of the facts or circumstances surrounding the dispute with the Gaming Operation. Such written statement must be submitted within five (5) days of the day on which the dispute occurred. The

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

Gaming Operation shall have five (5) days to provide a written response to the Patron. If the dispute is not resolved to the satisfaction of the Patron, the Patron has the right to contact the Commission to resolve the dispute within thirty (30) days of the day on which the dispute occurred. If the Patron contacts the Commission to resolve the dispute, the Gaming Operation will provide to the Commission copies of the Patron's statement and the Gaming Operation's response.

(b) All disputes that are submitted to the Commission for resolution shall be decided by the Commission based on information provided by the Patron and the Gaming Operation. The decision of the Commission shall be in writing copied to the Patron and the Gaming Operation, and shall be issued within fifteen (15) days of submission of the matter to the Commission. The decision of the Commission regarding any Patron dispute shall be final and shall not be subject to further review by any court in any jurisdiction.

18. Individually-Owned Gaming Operations

18.1 Authorization. Any individually-owned gaming authorized by the Tribe shall be authorized pursuant to an ordinance adopted by the Tribal Council and approved by the NIGC which shall include the requirements set forth in this Section 18.

18.2 Ordinance Requirements. The ordinance regulating individually owned gaming shall, at a minimum:

- (a) require the individually owned gaming operation to:
 - (1) Be licensed by the Commission;
 - (2) Distribute not less than sixty percent (60%) of the net revenues from any individually owned gaming operation to the Tribe; and
 - (3) Pay an assessment to the NIGC as required by Section 25 C.F.R. §514.1.
- (b) require that income distributed to the Tribe from individually owned gaming only be used for the purposes set forth in Section 19.2.
- (c) include licensing standards that are at least as restrictive as those established by California governing similar gaming within the State of California.
- (d) require the denial of a license for any person that would not be eligible to receive a California license to conduct the same activity within the State of California.
- (e) apply California standards with respect to purpose, entity, pot limits, and hours of operation.

19. Miscellaneous

19.1 Gaming Rules. Gaming operated under this Ordinance shall be consistent with the Compact and any amendments thereto.

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(a) All rules, Regulations and procedures for Games, including the method of play and the odds and method of determining amounts paid to winners, shall be approved and maintained by the Commission.

(b) Information regarding betting limits, the method of play, odds and payoff determinations shall be visibly displayed or available to Patrons in written form in the Gaming Facility.

19.2 Use of Net Gaming Revenues. Net Revenues from the Gaming Operation may only be used for the following purposes: (a) to fund Tribal government operations or programs; (b) to provide for the general welfare of the Tribe and its members, including issuing per capita payments to members of the Tribe pursuant to a revenue allocation plan approved by the Secretary of the Interior; (c) to promote Tribal economic development; (d) to donate to charitable organizations; and (e) to help fund operations of local government agencies.

19.3 Minimum Internal Control Standards. The Commission shall promulgate Regulations for the minimum internal control standards of the Gaming Operation. The minimum internal control standards shall:

(a) Contain standards for currency transaction reporting that comply with 31 CFR Part 103; and

(b) Establish internal control standards for all Class II and Class III Gaming Activities consistent with the requirements of this Ordinance, IGRA, the Compact, and the State Gaming Agency's Uniform Tribal Gaming Regulations.

The Commission shall require the Gaming Operation to implement a system of internal controls that complies with the minimum internal control standards adopted by the Commission. The Commission shall monitor and enforce compliance with the minimum internal control standards adopted by the Commission.

19.4 Annual Audit. The Gaming Operation shall ensure an annual audit of the Gaming Operation is conducted by an independent, certified public accounting firm in accordance with the auditing and accounting standards for audits of casinos of the American Institute of Certified Public Accountants. Copies of the annual audit will be provided to the Tribal Council and the Commission. The Commission shall submit the annual audit to the NIGC upon receipt. All gaming related contracts for supplies, services, or concessions in excess of twenty-five thousand dollars (\$25,000) shall be included in the scope of this audit, excluding contracts for legal services and accounting services.

19.5 Commission Right to Conduct Audits. The Commission may require audits of the financial statements of the Gaming Operation and of any Gaming Activity. The Commission shall require such audits to occur when necessary to ensure the integrity, security, honesty and fairness of the Gaming Operation and all Gaming Activity. The Commission shall take reasonable steps to coordinate the timing of these audits with the annual audit, provided that the Commission may require audits to occur at other times if necessary to preserve the assets of the Tribe or ensure the integrity, security, honesty and fairness of the Gaming Operation or any Gaming Activity. Such audits may:

(a) Be made by an independent CPA authorized to practice public accounting in the State of California;

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

(b) Include an opinion (qualified or unqualified), or if appropriate, disclaim an opinion on the financial statements taken as a whole in accordance with standards of the accounting profession established by rules and requirements of the California State Board of Accountancy and the American Institute of Certified Public Accountants;

(c) Disclose whether the accounts, records and control procedures maintained by the Gaming Operation are as required by the Compact, Ordinance or Regulations; and

(d) Provide for a review of the Gaming Operation's system of internal controls to disclose any deviation from prescribed rules, requirements, or industry practice and report such finding to the Commission and the Gaming Operation.

19.6 Gaming Device Technical Standards. The Commission shall adopt technical standards and specifications for the operation of Gaming Devices and other games consistent with the Compact and any amendments thereto.

19.7 Exclusion or Ejection of Individuals. The Commission shall provide for the establishment of a list of individuals who are to be excluded or ejected from the Gaming Facility. The list shall include any individual whose presence in the Gaming Facility is determined by the Commission to pose a threat to the integrity of Gaming Operation, a threat to the health, safety or welfare of Gaming Personnel or Patrons, interests of the Tribe, or State of California. Race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, or sexual orientation must not be grounds for placing the name of an individual on the list. The Commission shall promulgate Regulations providing due process to any individual whose name the Commission is considering placing on the exclusion list, and shall require all Licensees to exclude or eject from a Gaming Facility any individuals placed on the exclusion list.

19.8 Emergency Evacuation and Preparedness Plans. For the purpose of ensuring the physical safety of the Gaming Operation and its Patrons and Gaming Personnel, and any other individuals present in the Gaming Facility, the Commission shall develop and implement an Emergency Evacuation and Preparedness Plan in compliance with the State Gaming Agency's Uniform Tribal Gaming Regulations.

19.9 Minors. The Gaming Operation shall not permit individuals under the age of 21 to be present in any room or area in which Gaming Activities are being conducted unless the individual is en route to a non-Gaming area of the Gaming Facility, or is employed at the Gaming Facility in a capacity other than as a Gaming Employee. The Gaming Operation shall prohibit individuals under the age of 21 to be present in any room or area in which alcoholic beverages may be consumed, except to the extent permitted under the Gaming Operation's liquor license, and applicable law.

19.10 Sovereign Immunity. All inherent sovereign rights of the Tribe, as a federally recognized sovereign tribe are hereby expressly reserved, including sovereign immunity from unconsented suit. Nothing in the Ordinance shall be deemed or construed to be a waiver of the Tribe's sovereign immunity from unconsented suit.

19.11 Severability. Should a provision of this Ordinance or the application of a provision of this Ordinance be determined to be invalid, the invalidity shall not affect the other provisions of this Ordinance.

19.12 Repeal. This Ordinance shall repeal and supersede all previous Gaming ordinances adopted by the Tribe. This Ordinance shall also repeal and supersede all other Tribal policies, regulations,

JAMUL INDIAN VILLAGE

SECOND AMENDED & RESTATED GAMING ORDINANCE

rules, motions, memoranda, and other similar acts which are inconsistent with this Ordinance. Specifically, the Jamul Indian Village Amended & Restated Gaming Ordinance, adopted on February 20, 2019, approved by the NIGC on May 8, 2019, including any amendments thereto is repealed by this Ordinance.

19.13 Amendments. All provisions of this Ordinance are subject to amendment by the Tribal Council. All amendments to this Ordinance shall be effective upon the date of passage by the Tribal Council and approval by the Chairperson of the NIGC. In the event that the Tribe or the Commission enact any law, ordinance or regulation (including amendments to this Ordinance) which is more stringent or burdensome than applicable federal or State legal requirements or the terms of the Compact, then the provisions of this Ordinance shall apply.

19.14 Effective Date. This Ordinance shall take effect immediately upon its approval by the Chairperson of the NIGC.