



May 10, 2021

***VIA E-MAIL***

Benjamin Clark, Chairman  
Mooretown Rancheria of the Maidu Indians of California  
1 Alverda Dr.  
Oroville, CA 95966

**Re: Mooretown Rancheria of Maidu Indians of California  
Gaming Ordinance Amendment**

Dear Chairman Clark:

This letter responds to your February 08, 2021 request on behalf of the Mooretown Rancheria of Maidu Indians of California for the National Indian Gaming Commission to review and approve the Tribe's amendments to its gaming ordinance.

The amendments were adopted by the Tribal Council, Ordinance #99-22, on January 21, 2021, and reflect comprehensive review and revision. The most notable changes include updates to the background and licensing procedures, the addition of an indemnification provision for Mooretown Rancheria Gaming Commission employees and Commissioners, and the enactment of a Conflict of Interest Code, as required by the Tribal-State compact.

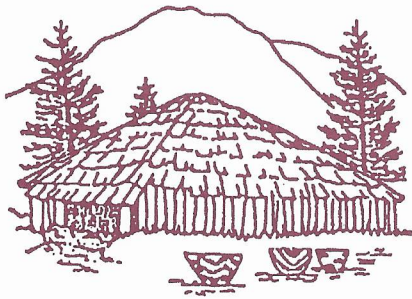
Thank you for bringing the amended ordinance to our attention and for providing us with a copy. The amended ordinance is approved as it is consistent with the Indian Gaming Regulatory Act and NIGC regulations. If you have any questions, please contact Rea Cisneros, Associate General Counsel at (202) 632-7003.

Sincerely,

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

E. Sequoyah Simermeyer  
Chairman

cc: Michelle La Pena, Rosette, LLP. (via e-mail)



# *Mooretown Rancheria*

*#1 Alverda Drive*

*Oroville, CA 95966*

*(530) 533-3625 Office*

*(530) 533-3680 Fax*

## **RESOLUTION 21-811**

### **RESOLUTION TO APPROVE AND ADOPT THE MOORETOWN GAMING COMMISSION'S CONFLICT OF INTEREST ORDINANCE #21-55**

**WHEREAS,** The Mooretown Rancheria of Maidu Indians of California ("Tribe") is a federally recognized Indian Tribe that adopted organizational and governing documents, including its Constitution and Bylaws, which were approved pursuant to the Federal Act of June 18, 1934 (48 Stat. 984); and

**WHEREAS,** The Constitution provides in Article III, section 2, that the governing body of the Tribe is the Tribal Council ("Tribal Council"); and

**WHEREAS,** The Tribal Council, pursuant to the Constitution, Article VII, Section 1, subdivision (a), has the power and responsibility to consult, negotiate and conclude agreements with federal, state, and local governments on activities that affect the Tribe; and

**WHEREAS,** The Tribal Council recognizes the importance of preserving the Tribe's inherent sovereign rights and promoting the health, safety, and welfare of tribal members; and

**WHEREAS,** The Tribal Council, pursuant to the Constitution, Article VII, Section 1, subdivision (i), has the power and responsibility to promulgate and enforce such ordinances are deemed necessary to safeguard and promote peace, safety, health, and general welfare of the members of the Tribe; and

**WHEREAS,** The Tribal Council, pursuant to the Constitution, Article VII, Section 1, subdivision (k), has the power and responsibilities to promulgate and adopt ordinances necessary or incidental to the exercise of any of the foregoing powers and duties so long as they are not in conflict with the Constitution;

**WHEREAS,** The Tribal Council, pursuant to the Constitution, Article VII, Section 1, subdivision (l), has the power and responsibilities to establish reasonable and fair rules and procedures for the conduct of the Tribe's affairs;

**WHEREAS,** The Tribe formally amended its Tribal-State Gaming Compact ("Compact") on August 4, 2020, which took effect on December 11, 2020; and

**WHEREAS,** The terms of the Compact at Section 9.7, subdivision (a), requires the Tribe to ensure that members of the Mooretown Rancheria Gaming Commission ("Gaming Commission") are free from corruption, undue influence, compromise, and conflicting interests in the conduct of their duties and agrees to adopt a conflict-of-interest code; and

**WHEREAS,** the Tribal Council has reviewed the attached Mooretown Rancheria Gaming Commission Standards of Conduct Ordinance #21-55, and has determined that the approval and adoption of same is in the best interests of the Tribe and is necessary to meet the requirements of the Compact; and


**NOW THEREFORE, BE IT RESOLVED,** the Tribal Council hereby finds that the recitals in this Resolution are true and correct, (b) the Tribal Council has the full power and authority to adopt Resolution and Ordinances, and (c) the adoption of this Resolution and the Ordinances are in the best interests of the Tribe and its members;

**BE IT FURTHER RESOLVED,** the Tribal Council does hereby approve and adopt the Mooretown Rancheria Gaming Commission's Standards of Conduct Ordinance #21-55, and authorizes its Tribal Chairperson to execute and cause the submittal of same to the State of California.

**CERTIFICATION  
RESOLUTION 21-811**


I, the undersigned, as Tribal Chairman of the Mooretown Rancheria, hereby certify that a duly called phone poll was conducted on the 21<sup>st</sup> day of January, 2021, in which a quorum of the Tribal Council were polled, this Resolution was adopted by a vote of:

16 yes, 0 no, and 1 abstentions.

  
\_\_\_\_\_  
Benjamin Clark, Tribal Chairman

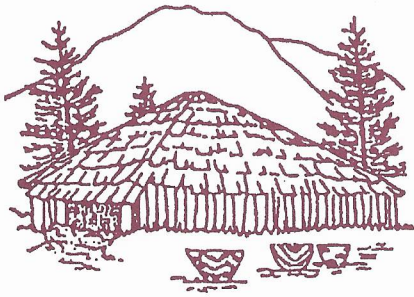
01/26/2021  
\_\_\_\_\_  
Date

**ATTESTED BY:**

  
\_\_\_\_\_  
Eric Hatcher, Tribal Council Secretary

1/26/21  
\_\_\_\_\_  
Date





# *Mooretown Rancheria*

*#1 Alverda Drive*

*Oroville, CA 95966*

*(530) 533-3625 Office*

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## **ORDINANCE 99-22 Amended November 18, 2020**

### **TRIBAL GAMING REGULATIONS**

#### **99-22-1 PURPOSE**

The Tribal Council of the Mooretown Rancheria ("Council"), empowered by the Constitution and bylaws of the Mooretown Rancheria ("Rancheria"), hereby enacts this Ordinance to govern class II and/or Class III, subject to the establishment of a compact with the State of California, class II gaming as operations on Tribal lands. The Council of the Mooretown Rancheria, empowered by the Constitution and bylaws of the Mooretown Rancheria also hereby establishes the Mooretown Gaming Commission to conduct all the provisions empowered to the Commission provided for in this ordinance. The Gaming Commission is funded by Tribal Government programs.

#### **99-22-2 GAMING AUTHORIZED**

Class II and/or class III gaming, subject to the establishment of a compact with the State of California, as defined in the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.) ("IGRA") and regulations promulgated thereunder.

#### **99-22-3 DEFINITIONS**

Unless otherwise specified the terms used in this document shall have the same meaning as they do in IGRA at 25 U.S.C. §§ 2701 et seq., and NIGC, 25 C.F.R. §§ 500 et seq., and a legal binding compact signed by the designated authorities for Tribe and State. With the exclusion of NIGC 502.1, Chairman, in this document any reference to chairman means the Mooretown Rancheria Tribal Chairman, and NIGC 502.6 Commission, in this document any reference to Commission, Gaming Commission or Commissioners shall mean the employees of the Mooretown Rancheria Gaming Commission.

#### **99-22-4 OWNERSHIP OF GAMING**

*"Concow - Maidu"*

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The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance, except as expressly provided in this Ordinance.

**99-22-5    GAMING COMMISSION**

- a. "Gaming Commission" or "Tribal Gaming Agency" shall mean the Mooretown Gaming Commission as established herein under tribal law, and designated responsibility for carrying out the Tribe's regulatory responsibilities under IGRA and this Gaming Act, including the duties and responsibilities set forth in any Gaming Compact adopted by the Tribe.
- b. The Gaming Commission shall be composed of sufficient full-time and part-time employees as set forth in an organizational chart determined by the Tribal Council.
- c. Gaming Commission employees are employees of Mooretown Rancheria and shall be subject to the Personnel Policies & Procedures of Mooretown Rancheria. This includes pre-employment requirements, employee conduct and termination of employment.
- d. Gaming Commission employees are prohibited from working at any gaming enterprise or gaming facility of Mooretown Rancheria.
- e. Members of the Tribal Council are not eligible for employment on the Gaming Commission during their term.
- f. Commissioners may be removed from office by the Tribal Council, for neglect of duty, malfeasance or other good cause shown, including but not limited to dishonesty or an unacceptable drug test.
- g. A Gaming Commission Conflict of Interest Code set forth in a document so named and adopted by the Tribal Council.
- h. The Gaming commission shall have the power, duty, and primary responsibility to carry out the Tribe's regulatory responsibilities under federal or tribal law and any applicable gaming compact; to enforce those requirements; and to protect the integrity of the gaming activities and the reputation of the Tribe and the gaming operation for honesty, fairness, and confidence of patrons, under provisions to include the following:
  - (1) Inspect, examine and monitor Gaming Activities and gaming facilities, including unrestricted access to any area of the gaming operation, the authority to inspect, examine, photocopy and audit all papers, books and records respecting such.
  - (2) Investigate any suspicion of wrongdoing or violations in connection with any Gaming Activities and require correction of violations as the Gaming Commission deems necessary, including imposing fines or other sanctions established by the Tribal Council, against licensees or other persons who interfere with or violate the Tribe's gaming regulatory requirements under applicable federal or tribal law or Gaming Compact.
  - (3) Conduct, or cause to be conducted, such investigations in connection with any Gaming Activity as may be necessary to determine compliance with law, including this Gaming Act, or with any contracts, agreements, goods,



services, events, incidents, or other matters related to the Gaming Activities.

- (4) Conduct, or cause to be conducted, background investigations regarding any person in any way connected with any Gaming Activities and issue licenses to, at minimum, all Key Employees and Primary Management Officials according to requirements at least as stringent as those in 25 C.F.R. parts 556 and 558, as well as any employees, investors, contractors, or others required to be licensed under standards established by the Gaming Act, IGRA, or an applicable Gaming Compact.
- (5) Implement and administer a system of investigating, licensing, monitoring, reviewing, and license renewal for the gaming facility, employees, gaming contractors and vendors, suppliers, investors, and others connected with Gaming Activities, as described below, including the issuance of licenses to gaming facilities, individuals and entities as required under this Gaming Act, IGRA, or any applicable Gaming Compact.
- (6) To the extent required, comply with any reporting requirements established under this Gaming Act, a Gaming Compact to which the Tribe is a party, or other applicable law, including the IGRA.
- (7) Issue such regulations as it deems appropriate in order to implement the provisions of this Gaming Act, IGRA, or any applicable Gaming compact, and to promulgate rules and regulations for operation and management and ensure their effective enforcement in areas including: enforcement of relevant laws and rules; conduct of hearings and investigations; physical safety of patrons, employees, and other persons in the gaming facility; physical safeguarding of assets; prevention of illegal activity within the facility or in respect to the gaming operation including employee procedures and surveillance systems; detention of persons who may be involved in illegal acts for notification of law enforcement authorities; recording of any and all occurrences within the gaming facility; conduct of audits; submission, approval, and maintenance of class III game rules; maintenance and approval of surveillance system consistent with industry standards; cashier's cage maintenance consistent with industry standards; staffing and supervisory standards; staffing and supervisory requirements; and technical standards for operation of gaming terminals and other games consistent with gaming testing laboratory standards.
- (8) Impose license fees, sanctions, fines, and conditions established by the Tribal Council, and renew licenses; deny, suspend or revoke licenses; and issue temporary or conditional licenses as appropriate under the provisions of this Gaming Act, IGRA, or an applicable Gaming compact.
- (9) Investigate and report violations and compliance failures as required under this Gaming Act, IGRA, or an applicable Gaming Compact.
- (10) Investigate and assure compliance with any requirements for tribal ownership, management, and control of the gaming facility and gaming operation, as set forth in tribal or federal law or an applicable Gaming Compact.

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- (11) Investigate and assure compliance with age restrictions for patrons including provisions prohibiting minors in the gaming facility and age limits on service of alcoholic beverages as provided under applicable law.
  - (12) Issue identification cards or badges to those persons required to be licensed and require such cards or badges to be worn at all times while in the gaming facility.
  - (13) Review and monitor gaming facilities on the Reservation, issue certifications, and assure gaming facility compliance with any inspection and licensing requirements under federal or tribal law, and any applicable Gaming Compact.
  - (14) Carry out any requirements under tribal or federal law or applicable Gaming Compact for the protection of the health and safety of gaming facility patrons, guests, and employees, including requirements that gaming facilities meet building and safety codes duly adopted by the Tribe.
  - (15) Monitor inspections by qualified building and safety experts to review and determine compliance with such requirements for gaming facility licensing and certification.
  - (16) Manage and operate a state-of-the-art surveillance system capable of monitoring all gaming activities within the jurisdiction of the Tribe.
  - (17) Carry out such other duties with respect to Gaming Activities on the Reservation and this Gaming Act, IGRA, or any applicable Gaming Compact shall direct.
- i. The Mooretown Rancheria shall indemnify any Commissioner or employee or former Commissioner or employee of the Commission, against expenses actually and reasonably incurred in connection with the defense of any action, suit or proceeding, civil or criminal, in which that individual is made a party by reason of being or having been such a Commissioner or employee, except in relation to matters as to which the Commissioner, employee, former Commissioner or former employee of the Commission shall be adjudged in such action, suit or proceeding to be liable for gross negligence, fraud or willful misconduct in the performance of duty to the Commission or Tribe.

**99-22-6    USE OF GAMING REVENUE**

- a.     The Council reserves the right to adopt or impose a uniform and comprehensive system of revenue distribution and taxation relating to gaming, provided such system is adopted in compliance with the IGRA.
- b.     Net revenues from gaming shall be used only for the following purposes:
- (1)    To fund Tribal government operations and programs;
  - (2)    To provide for the general welfare of the Rancheria and its members;
  - (3)    To promote Tribal economic development;
  - (4)    To donate to charitable organizations; or
  - (5)    To help fund operations of local government agencies.
- c.     Per Capita Payments



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Net revenues from any class II and/or class III gaming activities conducted or licensed by the Tribe may be used to make per capita payments to Tribal members if:

- (1) The Tribe has prepared a plan to allocate revenues to one or more of the five uses authorized by Section 99-22-6(b) of this Ordinance;
- (2) The plan is approved by the Secretary of the Interior as adequate, particularly with respect to the uses described in Section 99-22-6(b)(1) and 99-22-6(3) of this Ordinance;
- (3) The interests of minors and other legally competent persons who are entitled to receive any of the per capita payments are protected and preserved, and the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amount as may be necessary for the health, education, or welfare of the minor or other legally incompetent person; and
- (4) The per capita payments are subject to Federal taxation and the Tribe notifies its members of such tax liability when payments are made.

**99-22-7 AUDIT**

a. The Tribe shall cause to be conducted independent audits of gaming operations annually and shall submit the results to the National Indian Gaming Commission.

b. All gaming-related contracts that result in the purchase of supplies, services, or concessions for more than \$25,000.00 in any year, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit conducted under Section 99-22-7(a) of this Ordinance.

**99-22-8 ENVIRONMENT AND PUBLIC HEALTH AND SAFETY**

Each gaming facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public.

**99-22-9 MINIMUM INTERNAL CONTROL STANDARDS**

a. Applicable Standards.

The Tribal Gaming Commission shall comply with 25 CFR Part 542 (as in effect on October 19, 2006, or as it may be amended) by formally adopting and making applicable to the Tribe's gaming operation(s) internal control standards that:

- (1) Provide a level of controls that equals or exceeds those set forth in 25 CFR Part 542, as published or as revised by mutual agreement between the National Indian Gaming Commission and the Tribe;

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- (2) Contain standards for currency transaction reporting that comply with 31 CFR Part 103; and
  - (3) Establish internal control standards for Class II and Class III games that are not addressed in the MICS, if any.
- b. Annual CPA Testing of Compliance.  
In order to verify that the gaming operation is in compliance with the internal control standards adopted pursuant to paragraph A, an independent certified public accountant (CPA) shall be engaged annually to perform "Agreed-Upon Procedures" in the manner provided for in 25 CFR 542.3(f).
- c. Compliance.  
The Tribal Gaming Commission and the National Indian Gaming Commission shall monitor and enforce compliance with the internal control standards adopted pursuant to paragraph A in the manner provided for in 25 CFR 542.3(g). In addition, the Commission shall, for the purpose of enforcing compliance with the internal control standards, have the power to:
- (1) Monitor all Class II and Class III gaming on a continuing basis;
  - (2) Inspect and examine all premises on which Class II or Class III gaming is conducted; and
  - (3) Demand access to and inspect, examine, photocopy, and audit all papers, books, and records respecting gross revenues of all Class II and Class III gaming or any other matters necessary to ensure and enforce compliance with the MICS.
- d. Enforcement. Any failure to adopt internal control standards pursuant to paragraph A, to perform Agreed-Upon Procedures pursuant to paragraph B, to prevent or obstruct the exercise of any of the commission's powers under paragraph C, or to comply with the internal control standards once adopted is a violation of this ordinance under 25 U.S.C. 2713 and its implementing regulations, and the Tribe shall have all rights and remedies available thereunder.

**99-22-10 LICENSES FOR KEY EMPLOYEES AND PRIMARY  
MANAGEMENT OFFICIALS**

The Gaming Commission will perform background investigations of and issue licenses to key employees and primary management officials according to the requirements of 25 CFR § 556 and 558. The Gaming Commission shall ensure that the policies and procedures set out in the following sections are implemented with respect to key employees and primary management officials employed at any gaming enterprise operated on Mooretown Rancheria Tribal lands.

**DEFINITIONS**

For the purposes of this section the following definitions apply:

- a. Key employee means any person who performs one or more of the following functions:
- (1) Bingo Caller;
  - (2) Counting room supervisor;
  - (3) Chief of Security;
  - (4) Custodian of gaming supplies or cash;
  - (5) Floor manager;
  - (6) Pit boss;
  - (7) Dealer;
  - (8) Croupier;
  - (9) Approver of credit; or
  - (10) Custodian of gambling devices, including persons with access to cash and accounting records within such devices;
  - (11) If not otherwise included above, any other person whose total cash compensation is in excess of \$50,000 per year; or
  - (12) If not otherwise included above, the four most highly compensated persons in the gaming operation.
  - (13) Any other person designated by the Tribe as a key employee.
- b. Primary Management Official means any person who:
- (1) Has management responsibility for a management contract;
  - (2) Has authority to hire and fire employees or to set up working policy for the gaming operation;
  - (3) Has financial management responsibility; for example, the chief financial officer; or
  - (4) Any other person designated by the Tribe as a primary management official.

**99-22-11 APPLICATION NOTICE**

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

- (1) '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



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information may be disclosed by the Tribe or the NIGC to the 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 National Indian Gaming Commission in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a Tribe being unable to 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.

- (2) "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. The Gaming Commission shall notify, in writing, existed key employees and primary management officials that they shall:

- (1) Complete a new application form that contains a Privacy Act notice pursuant to subsection (a)(1) of this section; or
- (2) Sign a statement that contains the Privacy Act notice and consent to the routing uses described in that notice.

and also that they shall:

- (3) Complete a new application form, that contains a notice regarding false statements pursuant to subsection (a)( 2) of this section; or
- (4) Sign a statement that contains the notice regarding false statements.

**99-22-12 BACKGROUND INVESTIGATIONS**

a. In addition to any applicable provisions in any compact with the state of California, the Tribe shall perform a background investigation for each primary management official and key employee in its gaming operation. The Gaming Commission shall request from each primary management official and key employee all of the following information:

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



written).

- (2) Currently, and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residential addresses and driver's license numbers;
- (3) The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (a)(2) of this section;
- (4) Current business and residential telephone numbers, and all cell phone numbers;
- (5) A description of any existing and previous business relationships with other Indian Tribes, including any ownership interests in those businesses;
- (6) A description of any existing or previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date of disposition, if any;
- (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition, if any;
- (10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application, and is not otherwise listed pursuant to paragraphs (8) or (9) of this section, the criminal charge, the name and address of the court involved and the date and disposition, if any;
- (11) The name and address of any licensing or regulatory agency (Federal, Tribal, State, local or foreign) with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(12) A current photograph;

(13) Any other information the Tribe deems relevant; and

(14) Fingerprints obtained in accordance with procedures adopted by the Tribe.

b. The Tribal Gaming Commission is responsible for conducting the background investigations of primary management officials and key employees. The background investigation shall include a check of criminal history records information maintained by the Federal Bureau of Investigations.

c. The Tribe shall request fingerprints from each primary management official and key employee. The law enforcement agency designated to take fingerprints is the MRGC

d. The Gaming Commission may employ all reasonable means, including the engagement of outside services and investigators and the holding of hearings to acquire the information necessary to determine whether or not a license should be issued. Applicants shall also agree to release all information necessary in order for the Gaming Commission to achieve its goals under this section and to furnish such information to the Gaming Commission, the NIGC or other federal agency, or such other agency as may be required by law or an applicable Gaming Compact.

e. The Gaming Commission shall conduct an investigation sufficient to make an eligibility determination under Section 99-22-13 of this Ordinance. In conducting a background investigation, the Gaming Commission, and its investigators, shall keep confidential the identity of each person interviewed in the course of conducting a background investigation.

f. If the National Indian Gaming Commission has received an investigative report concerning an individual who another Tribe wishes to employ as a key employee or primary management official and if the Gaming Commission has access to the investigative materials held by the first Tribe, the Gaming Commission may update the investigation and update the investigative report under section 99-22-14 below.

g. When a primary management official or key employee is employed by the Tribe, a complete application file, containing all the information listed in Section 99-22-12(a).

#### **99-22-13 INVESTIGATIVE REPORTS AND ELIGIBILITY DETERMINATION**

a. Investigative Reports

A Tribe shall create and maintain an investigative report for each background investigation of a primary management official or key employee. An investigative report shall include all of the following:

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

b. Eligibility Determinations

- (1) Before a license is issued to a primary management official or key employee, an authorized Tribal official shall make a finding concerning the eligibility of that person for receiving a gaming license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits and associations.
- (2) If the authorized Tribal official, in applying the standards adopted in this ordinance, determines that licensing of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices, methods and/or activities in the conduct of gaming, he or she shall not license that person in a key employee or primary management official position.
- (3) Copies of the eligibility determination shall be included with the notice of results that must be submitted to the National Indian Gaming Commission before licensing of a primary management official or key employee.

**99-22-14 NOTICE OF RESULTS OF BACKGROUND INVESTIGATIONS**

a. Before issuing a license to a key employee or primary management official, the Tribal Gaming Commission shall prepare a notice of results of the applicant's background investigation to submit to the National Indian Gaming Commission.

- (1) The notice of results must be submitted to the National Indian Gaming Commission, no later than 60 days after the applicant begins working for the Tribe.
- (2) The notice of results shall include the following information:
  - i. The applicant's name, date of birth and social security number;
  - ii. The date on which the applicant began, or will begin, working as a primary management official or key employee;



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- iii. A summary of the information presented in the investigative report, including:
  - A. Licenses that have previously been denied;
  - B. Gaming licenses that have been revoked, even if subsequently reinstated;
  - C. Every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
  - D. Every felony offence of which the applicant has been convicted or any ongoing prosecution; and
- iv. A copy of the eligibility determination made in accordance with Section 99-22-13(b).

b. During a thirty (30) day period beginning when the National Indian Gaming Commission receives an investigative report from the Gaming Commission, the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of the investigative report shall suspend the 30-day period until the Chairman of the National Indian Gaming Commission receives the information requested.

**99-22-15 REPORT TO THE NATIONAL INDIAN GAMING COMMISSION**

a. Pursuant to the procedures set out in section 99-22-13, when the Gaming facility employs a primary management official or a key employee, the Gaming Commission shall forward to the National Indian Gaming Commission a completed application containing the information listed in 25 CFR 8 556.4(a)(1)-(13).

b. The Tribal Gaming Commission may license a primary management official or key employee applicant after submitting a notice of results of the applicant's background investigation to the National Indian Gaming Commission as required by Section 99-22-14.

c. The Gaming Commission shall submit with the report a copy of the eligibility determination made pursuant to section 99-22-12 above.

d. The Tribal Gaming Commission shall notify the National Indian Gaming Commission of the issuance of a license to a primary management official or key employee within 30 days of issuance.

e. When the Tribal Gaming Commission does not issue a license to an applicant for a primary management official or key employee position, or revokes a previously issued licenses after reconsideration, it shall:

- (1) Notify the National Indian Gaming Commission; and



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- (2) Forward copies of its eligibility determination and notice of results of the applicant's background investigation to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

f. With respect to key employees and primary management officials, the Tribal Gaming Commission shall retain, for no less than three (3) years from the date a primary management official or key employee is terminated from employment with the Tribe, the following documentation:

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

**99-22-16 GRANTING A GAMING LICENSE**

a. The Tribal Gaming Commission is responsible for granting and issuing gaming licenses to primary management officials and key employees. The Gaming Commission shall develop Licensing procedures for all employees of a gaming operation. The procedures and standards of 25 CFR 85 556 and 558, which are incorporated in this Ordinance, apply only to primary management officials and key employees.

b. All primary management officials and key employees of the gaming operation must have a gaming license issued by the Tribe. The Tribe shall not employ an individual in a key employee or primary management official position who does not have a license after 90 days of beginning work at the gaming operation.

c. A right to a hearing under section 99-22- 17 below shall vest only upon receipt of a license granted under an ordinance approved by the Chairman of the National Indian Gaming Commission.

d. If, within a thirty (30) day period after the National Indian Gaming Commission receives a background investigation and a determination of eligibility report from the Gaming Commission, the National Indian Gaming Commission notifies the Gaming Commission that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Gaming Commission may issue a license to such applicant.

e. The Gaming Commission shall provide any additional information requested by the NIGC concerning a key employee or primary management official who is the subject of a report as required under this subsection. An NIGC request for additional information shall suspend the thirty-(30) day period established under subsection (c.) above until the NIGC

receives the additional information

f. The Tribal Gaming Commission must reconsider a license application for a primary management official or key employee if it receives a statement of itemized objections to issuing such a license from the National Indian Gaming Commission, and those objections are received within 30 days of the National Indian Gaming Commission receiving a notice of results of the applicant's background investigation. The Tribal Gaming Commission shall take the National Indian Gaming Commission's objections into account when reconsidering a license application. The Tribe will make the final decision whether to issue a license to an applicant for a primary management official or key employee position.

g. If the Tribal Gaming Commission has issued a license to a primary management official or key employee before receiving the National Indian Gaming Commission's statement of objections, notice and a hearing shall be provided, as required by Section 99-22-17.

#### **99-22-17 LICENSE SUSPENSION**

a. If, after a license is issued to a primary management official or key employee, the Tribe receives notice from the National Indian Gaming Commission that the key employee or primary management official is not eligible for employment, the Tribal Gaming Commission shall do the following:

- (1) Immediately suspend the license; and
- (2) Provide the licensee, the Casino General Manager and the Tribal Council with written notice of the suspension and the proposed revocation; and
- (3) Provide the licensee with notice of a time and a place for a hearing on the proposed revocation of a license. All rights to notice and hearing shall be governed by Tribal Law.

b. After a revocation hearing, the Tribe shall decide whether to revoke or to reinstate the license at issue. The Tribe shall notify the National Indian Gaming Commission of its decision to revoke or reinstate a license within 45 days of receiving notification from the National Indian Gaming Commission that a primary management official.

#### **99-22-18 FACILITY LICENSES**

A tribal license is required for each place, facility, or location on Indian lands where class II and/or class III gaming is conducted. Thus, the Tribe shall issue a separate license to each place, facility, or location on Indian lands where class II and /or class III gaming is conducted under this Ordinance.

#### **99-22-19 COMPLIANCE WITH TRIBAL LAWS**



Ordinance 99-22 Amended  
Mooretown Rancheria Tribal Gaming Regulations

a. All employees, managers and gaming patrons shall be required to comply with the laws of the Mooretown Rancheria. Violations of Tribal laws shall be grounds for termination of employment and expulsion from the gaming premises.

b. All relations between gaming employees and the enterprise shall be subject to the personnel, drug and other relevant policies of the Mooretown Rancheria.

c. Nothing herein shall be interpreted as authorizing violations of the IGRA, or the regulations promulgated thereunder.

**99-22-20 PATRON DISPUTE RESOLUTIONS**

Patrons with gaming complaints against a gaming facility the gaming of the Mooretown Rancheria shall have as their sole remedy the right to file a claim in accordance with the Mooretown Rancheria gaming dispute resolution procedures established and maintained by the Mooretown Rancheria, and as applicable, in accordance with the tribal compact between Mooretown Rancheria and the State of California. Patron gaming dispute resolution may include informal resolution between the claimant and the gaming facility, formal review by the Gaming Commission if requested by the claimant, and thereafter, appeal of the Gaming Commission Decision by the claimant to the Mooretown Claims Commission for claims greater than \$1199 if the claimant believes the Gaming commission committed an error, injustice or otherwise failed to properly adjudicate the claim presented. All claims shall meet the requirements of the Mooretown Rancheria gaming dispute resolution procedures. The Mooretown Rancheria gaming dispute resolution procedures are the sole remedy for any gaming dispute and gaming dispute claims are not subject to any review or appeal outside of the Mooretown Rancheria gaming dispute resolution procedures.

**99-22-21 NOTICE TO TRIBAL CHAIRPERSON**

All notices required under law or regulations with respect to gaming activities shall be sent to the following address:

Tribal Chairperson  
Mooretown Rancheria  
# 1 Alverda Drive  
Oroville, CA 95966

**99-22-22 REPEAL**

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

**99-22-23 AGENT FOR SERVICE OF PROCESS**

Ordinance 99-22 Amended  
Mooretown Rancheria Tribal Gaming Regulations

The Tribe designates [IDENTITY OF AN OFFICIAL POSITION] as the agent for service of any official determination, order or notice of violation.

**CERTIFICATION**  
**ORDINANCE 99-22 Amended**

I, the undersigned, as Tribal Chairman of the Mooretown Rancheria, hereby certify that a duly called phone poll was conducted on the 21<sup>st</sup> day of January 2021, in which a quorum of the Tribal Council were polled, this Resolution was adopted by a vote of:

6 yes, 0 no, and 1 abstentions.

  
\_\_\_\_\_  
Benjamin Clark, Tribal Chairman

01/26/2021  
\_\_\_\_\_  
Date

**ATTESTED BY:**

  
\_\_\_\_\_  
Eric Hatcher, Tribal Council Secretary

1/26/21  
\_\_\_\_\_  
Date