



August 9, 2017

Vinton Hawley, Chairman  
Pyramid Lake Paiute Tribe  
PO Box 256  
Nixon, NV 89424

RE: Pyramid Lake Paiute Tribe Gaming Ordinance of 2017 and Resolution No. 40-17

Dear Chairman Hawley:

I am writing with respect to the June 1, 2017, request of the Pyramid Lake Paiute Tribe 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. 40-17 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 Staff Attorney Austin Badger at (202) 632-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonodev O. Chaudhuri".

Jonodev O. Chaudhuri  
Chairman

cc: Wes Williams Jr., General Counsel  
Pyramid Lake Paiute Tribe  
(via email: [wwilliamslaw@gmail.com](mailto:wwilliamslaw@gmail.com))

# ***Pyramid Lake Paiute Tribal Council***

Post Office Box 256  
Nixon, Nevada 89424  
Telephone: (775) 574-1000 / 574-1001 / 574-1002  
FAX (775) 574-1008

RECEIVED  
WESTERN NEVADA AGENCY

2017 MAY -3 PM 2:14

BUREAU OF INDIAN AFFAIRS  
RESOLUTION NO. RL 40-17

## **RESOLUTION OF THE TRIBAL COUNCIL OF THE PYRAMID LAKE PAIUTE TRIBE NIXON, NEVADA**

**WHEREAS**, the Pyramid Lake Paiute Tribe is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act (25 U.S.C. § 476) and is federally recognized by the United States Government through the Secretary of the Interior and the Bureau of Indian Affairs, and possesses attributes of sovereignty over both its members and territory, including the sovereign authority to regulate gaming; and

**WHEREAS**, the Pyramid Lake Paiute Tribe, pursuant to Article VI, Powers and Duties of the Tribal Council, of the Constitution and By-laws of the Pyramid Lake Paiute Tribe, authorizes the Pyramid Lake Paiute Tribal Council to act on behalf of the Pyramid Lake Paiute Tribe; and

**WHEREAS**, the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701 *et seq.*, requires the adoption of a tribal gaming ordinance for the Tribe to authorize and regulate gaming within the Reservation; and

**WHEREAS**, the Tribal Council has established a Gaming Commission, a standing commission composed of five members responsible for overseeing all gaming operations and ensuring compliance with the Tribe's Gaming Ordinance, and making recommendations for changes to the Gaming Ordinance as determined necessary; and

**WHEREAS**, the Gaming Commission worked on amendments to the Gaming Ordinance and were coordinating the amendments with an attorney for the National Indian Gaming Commission when questions arose related to prior actions related to adoption of the Gaming Ordinance; and

**WHEREAS**, to resolve these issues, the Gaming Commission recommended that the Tribal Council readopt the Gaming Ordinance, including all prior amendments.

**NOW, THEREFORE, BE IT RESOLVED**, that the Pyramid Lake Paiute Tribal Council hereby accepts the recommendation of the Gaming Commission and approves the adoption of the attached "Gaming Ordinance of 2017," which hereby replaces and supersedes all prior versions of the Tribe's Gaming Ordinance, and which shall go into effect immediately upon approval by the National Indian Gaming Commission.

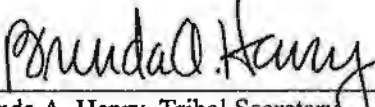
**BE IT FURTHER RESOLVED**, that the Tribal Chairman or his designee is hereby authorized to effectuate any and all administrative actions necessary for the implementation of this resolution.

**BE IT FINALLY RESOLVED**, that nothing in this resolution shall be construed as a waiver of the sovereign immunity of the Tribe or the Tribal Gaming Commission.

**CERTIFICATION**

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members, of whom ten (10) constituting a quorum were present at a meeting duly held on the 21<sup>st</sup> day of April, 2017 was adopted by the affirmative vote of nine (9) FOR and zero (0) AGAINST, with zero (0) ABSTENTIONS; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.

<b>WESTERN NEVADA AGENCY BRANCH OF TRIBAL OPERATIONS</b>
Received <u>05-04-17 KQ</u>
Certified <u>BEM</u>
Date <u>05-04-17</u>

  
\_\_\_\_\_  
Brenda A. Henry, Tribal Secretary  
Pyramid Lake Paiute Tribal Council

Pyramid Lake Paiute Tribe

Gaming Ordinance of 2017

PYRAMID LAKE PAIUTE TRIBE  
GAMING ORDINANCE OF 2017

TABLE OF CONTENTS

		Page
Section 1.	Title .....	1
Section 2.	Findings .....	1
Section 3.	Purpose .....	1
<b>I.</b>	<b>GENERAL PROVISIONS .....</b>	<b>2</b>
Section 4.	Definitions .....	2
Section 5.	Gaming Authorized and Regulated .....	9
Section 6.	Use of Revenues from Class II and Class III Gaming Activities...	9
Section 7.	Gaming Facilities .....	9
Section 8.	Minors, Employees Prohibited from Playing .....	10
Section 9.	Prizes: Assignment and Forfeiture .....	10
A.	Not Assignable, exception .....	10
B.	Forfeiture .....	10
<b>II.</b>	<b>ADMINISTRATION .....</b>	<b>10</b>
Section 10.	Tribal Gaming Commission .....	10
A.	Establishment and Composition .....	10
B.	Qualifications, Standards of Conduct and Appointment .....	11
C.	Duties and Powers .....	12
D.	Commission Record-Keeping .....	14
E.	Reports .....	14
F.	Regulations of Patron Disputes .....	15
G.	Compensation .....	16
Section 11.	Gaming Facilities Licensing and Audits .....	16
A.	Authority to License .....	16
B.	Types of Licenses to be Issued .....	17
Section 12.	License Fees and Taxes .....	17
Section 13.	Gaming Facility License, Effective Period and Place .....	18
A.	Period .....	18
B.	Place .....	18
Section 14.	Primary Management Officials, Key, and Other Employees...	19
A.	Work Permits for All Gaming Employees at Tribal Class III Gaming Facilities .....	19
B.	Primary Management Officials and Key Employees, License Requirements .....	19
C.	Primary Management Officials and Key Employees; License Application, Notices .....	20
D.	Primary Management Officials and Key Employees; Background Investigation; Report .....	23

TABLE OF CONTENTS (cont.)

	Page
E. Eligibility Determination .....	24
F. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission; Issuance of Temporary Licenses .....	24
G. Granting a Gaming License .....	26
H. Requirements Applicable to all Employees .....	27
Section 15. License Suspension and Revocation .....	28
Section 16. Audits of Tribal Gaming Operations .....	29
 III. CLASS II GAMING .....	 29
Section 17. Definitions .....	29
Section 18. Persons Authorized to Conduct Class II Gaming .....	30
Section 19. Ownership of Class II Gaming Activity .....	30
Section 20. Management Contracts .....	32
Section 21. Games Permitted .....	32
Section 22. Bingo Game Cards .....	32
Section 23. Player Limitation .....	33
Section 24. Entry Prohibited .....	33
Section 25. Hours of Operation; Notice to Commission .....	33
 IV. CLASS III GAMING .....	 34
Section 26. Persons Authorized to Conduct Class III Gaming .....	34
Section 27. Persons Authorized to Own a Class III Gaming Operation .....	34
Section 28. Authorized Operation .....	34
Section 29. Management Contracts .....	35
Section 30. Games Permitted .....	35
Section 31. Non-Tribal Gaming Facility Revenue Sharing Fee .....	35
Sections 32-35. (Reserved) .....	37
 V. VIOLATIONS .....	 37
Sections 36. Crimes; Penalties .....	37
Sections 37. Civil Penalties .....	38
 VI. VALIDITY OF ORDINANCE .....	 38
Section 38. Severability .....	38
Section 39. Effective Date of Ordinance .....	39
Certification .....	39

**PYRAMID LAKE PAIUTE TRIBE  
GAMING ORDINANCE OF 2017**

**Section 1. Title.**

This Ordinance shall be known as the Pyramid Lake Paiute Gaming Ordinance. Any gaming ordinance or resolutions previously adopted by the Tribal Council are hereby superseded and repealed.

**Section 2. Finding.**

The Tribal Council of the Pyramid Lake Paiute Tribe ("Tribe") finds that:

- A. The Tribe has the exclusive authority to regulate Class I and II gaming activities on the Pyramid Lake Paiute Indian Reservation subject only to the requirements of the Indian Gaming Regulatory Act ("IGRA"); and
- B. Provided that it has entered into a compact with the State of Nevada, the Tribe is authorized to operate, license and regulate Class III gaming on its land pursuant to that compact; and
- C. It is essential to the health, safety and general welfare of the Tribe and the visitors to the Pyramid Lake Paiute Reservation that standards and regulations be promulgated to govern the conduct of gaming activities on the Reservation.

**Section 3. Purposes.**

The purposes of this Gaming Ordinance are to:

- A. Provide standards and regulations governing the conduct of gaming activities on Pyramid Lake Paiute Indian lands;
- B. Promote tribal economic development;
- C. Enhance employment opportunities for tribal members;
- D. Strengthen the economy of the Pyramid Lake Paiute Tribe; and
- E. Generate revenue for use in improving the health, education and general welfare of enrolled members of the Pyramid Lake Paiute Tribe, and for other uses authorized by federal law.

## **I. GENERAL PROVISIONS**

### **Section 4. Definitions.**

1. "Act" or "IGRA" means the Indian Gaming Regulatory Act of 1988, as amended, at 25 U.S.C. §§ 2701–2721, and 18 U.S.C. §§ 1167-1168.
2. "Applicant" means any Person or Entity applying for, or requesting renewal of, any License or permit described in or required by this Ordinance.
3. "Application" means a request for the issuance or renewal of a License or permit described in or required by this Ordinance.
4. "Banking Card Game" means any card game in which each player wagers against the house rather than against other players.
5. "Bingo" means the game of chance (whether or not electronic, computer or other technological aids are used in connection therewith) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations; in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards. "Bingo" includes, if played at the same location, pull tabs, lotto, punchboards, tip jars, and other games similar bingo.
6. "Class I Gaming" means social games played solely for prizes of minimal value or traditional forms of tribal gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.
7. "Class II Gaming" means all forms of gaming which are defined as "Class II Gaming" in the IGRA, 25 U.S.C. § 2703(7), and shall include, but not be limited to, the following forms of gaming: bingo, lotto, pull tabs and punch boards, tip jars and non-banking card games, when played in conformity with 25 U.S.C. § 2703(7).
8. "Class III Gaming" means all forms of gaming that are not Class I Gaming or Class II Gaming, as defined in the IGRA, 25 U.S.C. § 2703(8).
9. "Compact" means the Compact by and between the Pyramid Lake Paiute Indian Tribe and the State of Nevada setting forth the agreement for the operation of Class III gaming on Pyramid Lake Paiute Indian lands within the State of Nevada.



10. "Entity" means any organization, including any division, department or other unit therein, and includes, but shall not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, or estate.
11. "Equipment" means any article, device, or other item, employed in gaming activity, including but not limited to Bingo cards, lottery tickets, any electronically operated blower machine, computer, electronic selection machine, gaming devices, gaming tables, associated paraphernalia, chips, tokens, dice and any other items employed in gaming activity.
12. "Gambling Machine" or "Slot Machine" means any mechanical, electrical, electromechanical, electronic, or other device, contrivance or machine which, upon insertion of a coin, token, or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator in playing a gambling game which is presented for play by machine or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tokens or anything of value, whether the payoff is made automatically from the machines or in any other manner. "Slot machine" specifically includes video facsimiles of any game of chance authorized under Nevada statute, Nev. Rev. Stat. § 463.0152. In addition, if at any time the State broadens its definition of "slot machine" to include additional devices, then such devices shall also be "slot machines" within the meaning of this Ordinance.
13. "Gaming Commission" or "Commission" means the Pyramid Lake Paiute Tribal Gaming Commission, created by this Ordinance.
14. "Gaming Device" means any equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss. The term includes:
  - a. A slot machine
  - b. A collection of two or more of the following component:
    - (i) an assembled electronic circuit which cannot be reasonably demonstrated to have any use other than in a slot machine;

- (ii) a cabinet with electrical wiring and provisions for mounting a coin, token or currency acceptor and provisions for mounting a dispenser of coins, tokens or anything of value;
    - (iii) a storage medium containing the source language or executable code of a computer program that cannot be reasonably demonstrated to have any use other than in a slot machine;
    - (iv) an assembled video display unit;
    - (v) an assembled mechanical or electromechanical display unit intended for use in gambling; or
    - (vi) an assembled mechanical or electromechanical unit that cannot be demonstrated to have any use other than in a slot machine.
  - c. Any mechanical, electrical, or other device which may be connected to or used with a slot machine to alter the normal criteria of random selection or affect the outcome of a game.
  - d. A system for the accounting or management of any game in which the result of the wager is determined electronically by using any combination of hardware or software for computers.
  - e. Any combination of one of the components set forth in paragraph (i) to (iv), inclusive, of subsection 11.b and any other component that the Commission determines by regulation to be a machine used directly or remotely in connection with gaming or any game, which affects the result of a wager by determining a win or loss.
15. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system, or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:
- a. Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;
  - b. Boxmen;

- c. Cashiers;
- d. Change personnel;
- e. Counting room personnel;
- f. Dealers;
- g. Employees of a person required by Nevada law, NRS 464.010, to be licensed to operate an off-track pari-mutuel system;
- h. Employees of a person required by Nevada law, NRS 463.430, to be licensed to disseminate information concerning racing;
- i. Employees of manufacturers or distributors of gaming equipment within the Reservation whose duties are directly involved with the manufacture, repair, or distribution of gaming equipment;
- j. Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;
- k. Employees of operators of inter-casino linked systems;
- l. Floor men;
- m. Hosts or other persons empowered to extend credit or complimentary services;
- n. Keno runners;
- o. Keno writers;
- p. Machine mechanics;
- q. Odds makers and line setters;
- r. Security personnel;
- s. Shift or pit bosses;
- t. Shills;
- u. Supervisors or managers; and

v. Ticket Writers.

"Gaming employee" does not include bartenders, cocktail waitresses or other persons engaged exclusively in preparing or serving food or beverage.

16. "Gaming operation" means each economic entity that is licensed by the Tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses.
17. "Gross Receipts" means the total receipts from the conduct of gaming activities.
18. "Key employee" means:
  - a. For Class II gaming, a person who performs one or more of the following functions:
    - (i) Bingo caller;
    - (ii) Counting room supervisor;
    - (iii) Chief of security;
    - (iv) Custodian of gaming supplies or cash;
    - (v) Floor manager;
    - (vi) Pit boss;
    - (vii) Dealer;
    - (viii) Croupier;
    - (ix) Approver of credit; or
    - (x) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
  - b. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or,
  - c. If not otherwise included, the four most highly compensated persons in the gaming operation; or,
  - d. Any other person designated by the Tribe as a key employee.
  - e. For Class III gaming, the term "Key employee" shall have the same meaning as defined in 25 C.F.R. § 502.14, and shall include those employees defined as "key employees" by the Compact.
19. The term "Interstate sports betting facility" means a gaming establishment wherein interstate wagers on sports events are received via telephone, computers and associated equipment on the

Reservation pursuant to Art. I § 1.d of the Compact, or any authorized amendment thereto.

20. "License" or "Licensed" means a tribal gaming license, or having a valid tribal gaming license issued by the Pyramid Lake Paiute Tribe or the Commission, pursuant to this Ordinance.
21. "Lottery" means any scheme for the disposal or distribution of property, by chance, among persons who have paid any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share or any interest in such property upon any agreement, understanding or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle or gift enterprise, or by whatever name the same may be known.
22. "National Indian Gaming Commission" or "NIGC" means the National Indian Commission, created by the IGRA.
23. "Net revenue" means the gross gaming revenues from a Tribal 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.

Net revenue for a non-Tribal gaming operation is defined in Section 31.

24. "Non-banking card games" means any card game in which two or more players play against each other and the players do not wager against the house. Non-banking card games played in conformity with State law regulating hours of play, wage and pot limits are Class II gaming. All other non-banking card games are Class III games.
25. "Non-Tribal Gaming Facility" or "Non-Tribal Gaming Operation" means any gaming licensed and conducted on the Reservation by any person or entity other than the Tribe or an entity wholly owned by the Tribe.
26. "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, joint stock company, business trust,

corporation, association, society, or any group of individuals acting as a unit, whether mutual cooperative, fraternal or nonprofit doing business within the Pyramid Lake Paiute Indian lands. The Tribe is not within the definition of person.

27. "Pinball Machine" means a video, mechanical, electrical, or electronic machine which upon insertion of a coin or token or upon redemption of a credit, is available for play, the play or operation of which, by reason of skill, chance or a play combination of both, may entitle a player to an automatic, immediate free replay or replays, which cannot be redeemed for anything of value.
28. "Players" means any person participating in gaming activity, who is participating with the reasonable expectation of, or for the chance of, receiving a prize of some value.
29. "Primary management official" means:
  - a. The person having management responsibility for a management contract;
  - b. Any person who has authority:
    - (i) To hire and fire employees; or
    - (ii) To set up working policy for the gaming operation;
  - c. The chief financial officer or other person who has financial management responsibility; or
  - d. Any other person designated by the Tribe as a primary management official.
30. "Prize" means any U.S. currency, cash or other property or thing of value awarded to a player or players, or received by a player or players as a result of their participation in a gaming activity.
31. "Reservation" or "Pyramid Lake Paiute Indian lands" mean all lands within the exterior boundaries of the Pyramid Lake Paiute Indian Reservation and any additional lands made part of the Reservation in the future. The term also includes any noncontiguous lands acquired by the Secretary of Interior in trust for the benefit of the Tribe, but only if the Governor of the State of Nevada concerns that gaming activity may be conducted on such newly acquired lands pursuant to 25 U.S.C. § 2719, and in accordance with the Compact.
32. "Secretary" means the Secretary of the Interior.

- 33. "State" means the State of Nevada.
- 34. "Tribal Council" means the Tribal Council of the Pyramid Lake Paiute Indian Tribe of Nevada.
- 35. "Tribal Court" means the Pyramid Lake Paiute Tribal Court.
- 36. "Tribal gaming facility" or "Tribal gaming operation" means any Class II or Class III gaming operation or facility which is owned by the Tribe or a wholly owned entity of the Tribe.
- 37. "Tribe" means the Pyramid Lake Paiute Indian Tribe of Nevada.

**Section 5. Gaming Authorized and Regulated.**

- A. Class I gaming is authorized on Pyramid Lake Paiute Indian lands, and may be conducted by any person. Class I gaming shall not be regulated by this Ordinance.
- B. Class II gaming is authorized on Pyramid Lake Paiute Indian lands. Class II gaming shall be regulated by the Tribal Gaming Commission and shall only be operated consistent with the provisions of this Ordinance and the IGRA.
- C. Class III gaming is authorized on Pyramid Lake Paiute Indian lands. Class III gaming shall be regulated by the Tribal Gaming Commission and shall only be operated consistent with this Ordinance, the Compact, and the IGRA.
- D. Notwithstanding any provision in this Ordinance to the contrary, any proposal to open a new Class II or Class III gaming operation on the Reservation is prohibited unless it is first authorized and approved by the Tribal Council, and thereafter licensed and regulated by the Gaming Commission pursuant to this Ordinance.

**Section 6. Use of Revenues from Class II and Class III Gaming Activities.**

- A. Tribal revenues from Class II and Class III gaming facilities or operations shall be used only to:
  - 1. Fund tribal government operations or programs;
  - 2. Provide for the general welfare of the Tribe or Tribal members;

3. Promote economic development within the Pyramid Lake Paiute Indian Reservation;
4. Fund operations of local government agencies;
5. Donate to charitable organizations; and/or
6. Any other lawful purpose authorized under applicable federal law.

**Section 7. Gaming Facilities**

- A. To ensure that the environment and the public safety and welfare are adequately protected, each gaming facility shall be constructed, maintained and operated in compliance with applicable tribal and federal laws, including but not limited to fire codes, safety codes and building codes.
- B. Each gaming facility shall be subject to inspection to insure compliance, annually or on such basis as the Tribal Building Inspector, or if none, the Tribal Council or Gaming Commission, determines necessary and appropriate.

**Section 8. Minors, Employees Prohibited from Playing.**

- A. No person under the age 21 years shall be permitted to play any Class II or Class III game.
- B. No person who is employed at a Class II or Class III gaming facility may play any game conducted therein.

**Section 9. Prizes: Assignment and Forfeiture.**

**A. Not Assignable, exception.**

The right of any person to a prize shall not be assignable except that payment of any prize may be made to the estate of a deceased prize winner or to a person pursuant to an order of the Tribal Court.

**B. Forfeiture.**

1. Any unclaimed prize of a Class II or Class III gaming activity shall be retained by the owner of the game for ninety days after the prize is available to be claimed. Any person who fails to claim a prize during such time shall forfeit all rights to the prize, and the amount of the prize shall be awarded to the Tribe.



2. Any prize won by a person under the age of twenty-one (21) shall be forfeited as a violation of Section 8 of this Ordinance. Any such prize shall be awarded to the Tribe, and the approximate consideration paid by the minor shall be refunded to the minor.

## **II. Administration**

### **Section 10. Tribal Gaming Commission.**

#### **A. Establishment and Composition.**

1. There is hereby created the Pyramid Lake Paiute Tribal Gaming Commission.
2. The Tribal Gaming Commission shall be comprised of five members, one of whom shall serve as Chairperson. The Chairperson and other four gaming commissioners shall be appointed by the Tribal Council.

#### **B. Qualifications, Standards of Conduct and Appointment.**

1. The gaming commissioners should possess and demonstrate as minimum qualifications:
  - a. Knowledge and experience in the commercial gaming industry;
  - b. Familiarity with the IGRA;
  - c. Experience in and knowledge of administration and administrative procedure.
2. Appointments of the Chairman and other two commissioners and members shall be for a period of four (4) years. The initial terms may be staggered. The Chairman and all commissioners may be re-appointed for successive terms at the discretion of the Tribal Council.
3. No person shall be appointed to the Tribal Gaming Commission unless, after reviewing that person's prior activities, criminal record, reputation, habits and associations, the Tribal Council is satisfied that such person:
  - a. Is of good character, honesty, and integrity;

- b. Does not pose a threat to the public interest of the Tribe or its members or to the effective regulation of gaming;
  - c. Does not create or enhance dangers of unsuitable, unfair, or illegal practices in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto; and
  - d. Has no interest in any private gaming activity on Pyramid Lake Paiute Indian lands or in any other activity which may be in conflict with the tribal gaming operations.
4. No person may serve on the Commission if:
- a. The person's other employment or responsibilities conflict or could potentially conflict with the duties and responsibilities of a member of the Commission;
  - b. The person is an employee of a Gaming Operation or the person's other employment or responsibilities create an impression or appearance of impropriety in the fulfillment of the duties and responsibilities of a Commissioner;
  - c. The person is a:
    - (i) Members or officer of the Tribal Council; or
    - (ii) Judge in any Tribal Court.
5. Commissioners may not gamble in any Gaming Establishment on the Reservation. No Commissioner may accept gratuities or any other thing of value from any Licensee or Applicant.
6. The Chairman and the Commission members may be removed for cause, after written notice and an adequate opportunity to be heard by the Tribal Council.

**C. Duties and Powers**

- 1. The Gaming Commission shall administer the provisions of this Ordinance and shall have all powers necessary therefore.
- 2. In exercise of its duties, the Commission shall:

- a. Promulgate such rules and regulations as may be necessary and desirable for the proper implementation of this Ordinance;
- b. Identify and define the rules of play for each Class II and Class III game permitted;
- c. License, supervise, inspect and oversee all gaming activities and persons employed in gaming activities conducted on Pyramid Lake Paiute Indian lands;
- d. Conduct or contract with other government agencies or private entities to conduct background investigations;
- e. Carry on a continuous study and investigation of Class II and Class III gaming on Pyramid Lake Paiute Indian lands for the purpose of:
  - (i) ascertaining any defects in or abuses of the standards and regulations in this Ordinance or applicable rules and regulations;
  - (ii) formulating recommendations for changes in the standards and regulations in this Ordinance and any and all applicable rules and regulations;
  - (iii) preventing abuses and evasions of the standards and regulations prescribed by this Ordinance and applicable rules;
- f. Report to the Tribal Council on any matters related to gaming which are deemed by the Tribal Gaming Commission to constitute an emergency requiring immediate action;
- g. Take any action it deems necessary and appropriate for violation(s) of this Ordinance or of applicable rules and/or regulations, including but not limited to license suspension, revocation, prosecution, referral for prosecution, or civil suit,
- h. Subject to the approval of the Tribal Council, employ such persons as are necessary to carry out the specific and general powers and duties of the Commission; and
- i. Prepare and submit an annual budget to the Tribal Council for approval in accordance with the Tribe's standard practice for approving the budgets of other tribal agencies.

3. The Commission shall have the authority to subpoena witnesses and documents, conduct administrative hearings, and assess civil fines or penalties upon persons who violate the provision of this Ordinance, any provision of the Compact, or any provision of IGRA, provided that such person shall be given adequate notice and an opportunity to be heard before the Commission.
  - a. Any person assessed a fine or penalty under this section shall have the right to an administrative appeal to the Tribal Court, provided that a written complaint seeking review of the Commission's decision is filed with the Tribal Court within thirty days of the Commission's decision. If a timely complaint is not filed, then the Commissioner's decision imposing the fine or penalty shall be final and not subject to further review. The Tribal Court shall, however, have jurisdiction to enforce any assessed fine or penalty imposed by the Commission. In the event a timely complaint seeking review of an assessed fine or penalty is filed, the Tribal Court shall review the Commission's decision in accordance with the requirements of section 15.E of this Ordinance.

**D. Commission Record-Keeping.**

1. The Commission shall maintain complete records regarding the following:
  - a. Applications, financial statements, finger-prints, contracts, Licenses, suspension and cancellation notices and correspondences of all Applicants, including management contractors, Key Employees, Primary Management Officials, Gaming Establishments and Gaming Device suppliers;
  - b. Meeting minutes from all Commission meetings;
  - c. Compact compliance;
  - d. Reports related to customer disputes, complaints or other issues that affect the integrity of the gaming operation;
  - e. Commission budget and expenditures;

- f. Council communications and correspondences;
- g. Any other records or documents the Commission deems necessary or appropriate; and
- h. Records shall be kept for a minimum of three years.

**E. Reports.**

1. Unless otherwise authorized by the Council, the Commission shall make monthly reports to the Council within thirty days after the end of each month. Such reports shall contain the following information:
  - a. Number and types of Licenses issued during the previous thirty day period;
  - b. Information regarding License denials, suspension or revocations;
  - c. Report of any events of non-compliance, breach or violations of this Ordinance, the Compact, IGRA, a License or any other law or regulation; provided, however, that these reports are not the subject of or relating to a pending investigation of the Commission, or hearing before the Commission;
  - d. A report of Commission expenditures for the prior thirty-day period;
  - e. A summary of any Commission travel and training;
  - f. The number of and purpose for any special Commission meeting(s); and
  - g. All other information the Commission deems relevant in order to keep the Council informed and current on all gaming matters.

Nothing in this section shall authorize or permit the Commission to provide the Tribal Council with any information pertaining to a pending investigation of the Commission, or hearing before the Commission. All such information shall be kept confidential.

**F. Regulation of Patron Disputes.**

1. The Commission shall promulgate necessary regulations in order to resolve any disputes which arise in connection with lawful gaming activities conducted pursuant to the Tribal Gaming Ordinance between the gaming public and the Tribe or its employees or management contractors. The Commission's regulations shall comply with the following minimum standards:
  - a. Any disputes that arise between the gaming public and the Tribe or its management contractors must go before the Tribal Gaming Commission which shall convene and hold a hearing within thirty days of receiving notice of the dispute.
  - b. The Tribal Gaming Commission shall issue a written decision within thirty days after the conclusion of the hearing, and shall grant or deny such relief as is legally and equitably due, provided that the Tribal Gaming Commission shall have no authority to award any monetary relief against any tribal gaming facility unless such relief is specifically authorized by a separate resolution of the Tribal Council.
  - c. Any decision of the Tribal Gaming Commission may be appealed to the Pyramid Lake Paiute Tribal Court, utilizing the same procedures set forth in section 15.E of this Ordinance.
  - d. Nothing in this section shall be construed as a waiver of the sovereign immunity of the Tribe or the Tribal Gaming Commission, or any subordinate economic enterprise created by the Tribe to operate a tribal gaming facility. Any relief awarded by the Tribal Gaming Commission pursuant to this section shall be limited to equitable relief. The Tribal Gaming Commission shall have no authority to grant monetary relief against any tribally owned gaming facility, unless such relief is authorized by a separate resolution of the Tribal Council after review of the Tribal Gaming Commission's decision by the Tribal Council.

**G. Compensation.**

The Chairman, Commission members, and Commission employees may be compensated, provided that the terms and conditions of such compensation shall be set by the Tribal Council.

**Section 11. Gaming Facilities Licensing and Audits.**

**A. Authority to License.**

1. Subject to the approval of the Tribal Council as provided in section 5, the Tribal Gaming Commission shall have the authority to license and regulate any Class II and Class II gaming operations on Pyramid Lake Paiute Indian lands consistent with the term of this Ordinance. The licensing and regulation of Class III gaming shall also be consistent with the terms of the Compact.
2. Class I gaming shall not be regulated by this Ordinance; no licensing shall be required for Class I gaming.

**B. Types of Licenses to be Issued.**

1. The Tribal Gaming Commission shall issue licenses for gaming on Pyramid Lake Paiute Indian lands to the following:
  - a. Any Class II or Class III tribal gaming facility;
  - b. Any Class II or Class III non-tribal gaming facility;
  - c. Any management contractor; and
  - d. Any other license required by the IGRA and/or the Compact.
2. Licenses shall be issued for Class II or Class III gaming, and shall indicate the type and class of license on the face of the license. A combined Class II and Class II license may be issued if appropriate.

**Section 12. License Fees and Taxes.**

- A. Any person or entity applying for a tribal gaming license pursuant to this Ordinance (hereafter referred to as "applicant") shall submit with his or her application an application fee of \$1500 plus the annual renewal fee prescribed by subsection C, provided, that persons applying for a license to operate 20 or fewer slot machines shall not be required to pay an application or renewal fee. The Commission may waive fees in its discretion when a license applicant

demonstrates an inability to pay a fee. The Tribe shall not be subject to the license fee or any other fee imposed by this Ordinance.

- B. In addition to the application fee prescribed in subsection A, any applicant for a Class II and Class III gaming license shall also pay for the costs of all background investigations conducted by the NIGC, or the Tribal Gaming Commission or its authorized delegate. An applicant for a Class III gaming license shall also be required to pay any costs incurred by the Tribe for obtaining the necessary background investigations and approval of all gaming employees, key employees and other persons subject to review by the State of Nevada under the Compact.
- C. A Licensee shall, at least sixty (60) days prior to the expiration of his or her license apply for renewal, as required by the Tribal Gaming Commission, and shall submit with the application for renewal a renewal fee of \$500.
- D. In addition to the fees prescribed in this section, any person or entity licensed to conduct Class II or Class III gaming shall pay all applicable taxes and fees imposed by the Pyramid Lake Tribal Tax Code, including but not limited to all applicable gaming taxes and licensing fees imposed.
- E. The failure to pay any fee or tax prescribed by this Ordinance or any other provision of federal or tribal law shall be grounds for the denial, suspension or revocation of a gaming license by the Tribal Gaming Commission, provided that after a license is initially approved it shall not be suspended or revoked by the Commission without first according the Licensee prior notice and an opportunity to be heard.
- F. Any applicant for a License or permit from the Commission shall have the continuing duty to keep the information in their application updated, to provide materials, assistance or other information required by the Commission, and to fully cooperate in any investigation conducted by or on behalf of the Commission. Applicants must immediately notify the Commission in the event of a change or addition to any information submitted with an application.
- G. The assignment or transfer of any License or permit granted under this Ordinance is prohibited without the prior consent of the Commission, and compliance with the licensing requirements stated in Sections 13 and/or 14.
- H. The issuance of a License under this Ordinance does not create a property interest in such License for the benefit of the Licensee. The



opportunity for an Applicant or Licensee to be involved in the gaming on the Reservation is a privilege, not a right.

**Section 13. Gaming Facility License, Effective Period and Place.**

- A. **Period.** Tribal gaming licenses shall be valid and effective for a period of one year from the date of issue, unless sooner suspended or revoked for cause after notice and hearing, pursuant to this Ordinance. The effective date and period shall be stated on the face of the license.
- B. **Place.** A tribal gaming license shall be valid for one (1) facility or location only, and the location shall be identified on the face of the license.

**Section 14. Primary Management Officials, Keys and Other Employees.**

A. **Work Permits for All Gaming Employees at Tribal Class III Gaming Facilities.**

1. The Tribal Gaming Commission shall issue work permits to all gaming employees employed at a Tribal Class III gaming facility in accordance with the requirements of the Compact. No person may be employed as a gaming employee who is determined by the Tribal Gaming Commission, the Nevada Gaming Commission, or State Gaming Control Board to be a person who would be unsuitable to hold or retain a Nevada work permit in a similarly situated non-tribal gaming operation. Applications for work permits shall be processed in accordance with Article IV of the Compact. The requirement of this subsection shall apply only to tribal Class III gaming facilities.

B. **Primary Management Officials and Key Employees. License Requirements.**

1. No primary management official or key employee may be associated with a Class II or Class III tribal gaming operation unless such person has obtained a license from the Tribal Gaming Commission. Prior to issuing a license to such person, the Tribal Gaming Commission shall conduct, or cause to be conducted, a background investigation, which meets the requirements of this Ordinance and applicable federal law. Applicants shall pay all fees required by the IGRA and this Ordinance.

2. A license shall not be granted unless the Tribal Gaming Commission has reviewed the results of the background investigation and is satisfied that the applicant:
  - a. Is of good character, honesty, and integrity;
  - b. Does not pose a threat to the public interest of the Tribe or its members or to the effective regulation of gaming;
  - c. Does not create or enhance dangers of unsuitable, unfair, or illegal practices in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto; and
  - d. Is in all other respects qualified to be licensed or found suitable consistent with the declared policy of the Pyramid Lake Paiute Tribe.
3. An application for a license constitutes a request for a determination of the applicant's general character, integrity and ability to participate or engage in, or be associated with gaming. Any written or oral statement made in the course of an official proceeding of the Tribal Gaming Commission or the National Indian Gaming Commission by any member thereof or any witness testifying under oath which is relevant to the purpose of the proceeding is absolutely privileged and does not impose liability constituting a ground for recovery in any civil action.

**C. Primary Management Officials and Key Employees; License Application Notices.**

1. The Commission shall require that primary management officials and key employees fill out an application form and pay a processing fee designated by the Commission, which fee shall not exceed \$1500 per applicant.
2. Required Notices to Applicants: To the extent an application is subject to review by the National Indian Gaming Commission pursuant to the IGRA or the regulations of the National Indian Gaming Commission, the application form shall provide the following notices:
  - a. Privacy Notice:

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

b. Notice Regarding False Statements.

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

c. All applicants shall sign an acknowledgement of receipt and reading of the Privacy Notice and the Notice regarding False Statements, which shall be placed on the same page immediately following the Notice.

d. To the extent any key employee or primary management official has not received the notice required by this subsection, the Gaming Commission shall notify in writing all such key employees and primary management officials that they shall either:

- (i) complete a new application that contains the required types of notice, or
  - (ii) sign a statement that contains the notices and thereby consent to the routine uses described in said notices.
3. In addition to the requirements of subsection 2, the application form for both Class II and Class III gaming applicants shall require, at a minimum, the following information:
- a. The applicant's full name, other names used (oral and written), social security number(s), birthdate, place of birth, citizenship, gender, and all languages spoken or written;
  - b. Currently and for the previous 5 years, a list of all business and employment positions held, all businesses in which the applicant has an ownership interest, the ownership interests in the businesses, and all business and residence addresses during the period;
  - c. Currently and for the previous 5 years, disclosure of all driver's license numbers ever assigned to the applicant, and the state by which they were assigned;
  - d. The names and current addresses of at least three personal references, including at least one personal reference who was acquainted with the applicant during each period of residence listed under subsection 3.b of this subsection;
  - e. Current business and residence telephone numbers;
  - f. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
  - g. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those business;
  - h. 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;

- i. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition of the charge;
- j. For each misdemeanor conviction or ongoing misdemeanor prosecution within 10 years of the date of the application (excluding minor traffic violations), the name and address of the court involved, and the date and disposition of the charge;
- k. For each criminal charge (excluding minor traffic violations) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to subsection 3.i or 3.j of this section, the name and address of the court involved, the date of the offense, a short description of the charge and the disposition;
- l. The name and address of any licensing or regulatory agency with which the applicant has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- m. A current photograph;
- n. Fingerprints consistent with procedures adopted by the Tribal Police or the Commission consistent with 25 C.F.R § 522.2(h). Fingerprints shall be taken by the Tribal Police, or the State police of the State in which the applicant resides, and shall be sent by the agency taking the fingerprints to the Federal Bureau of Investigation National Criminal Information Center for a criminal history check. The Commission may also submit an Applicant's fingerprint card to any tribal, local or state criminal history check center or system as the Commission deems necessary or appropriate. Reports obtained from such fingerprint checks shall be incorporated into the Applicant's file.
- o. For Class III gaming applicants, any additional information required by the Compact;
- p. Any other information required by the NIGC, or which the Tribal Gaming Commission deems relevant.

**D. Primary Management Officials and Key Employees: Background Investigation: Report.**

1. The Commission shall conduct, or cause to be conducted by an investigator appointed by it, a background investigation for each primary management official and key employee. In conducting a background investigation, the Commission or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation. The Commission or its investigator shall, at a minimum:
  - a. Verify all information on the application;
  - b. To the extent deemed necessary, interview or obtain references from current and prior employers and immediate supervisors for the preceding five (5) years.
  - c. To the extent deemed necessary, interview any or all personal references.
  - d. Obtain a criminal history record; and
  - e. Interview the applicant.
2. The investigator shall make a written report of the investigation to the Commission, including therein the steps taken in conducting the investigation, the names, addresses and relationship to the applicant of any persons interviewed, the information obtained from each person interviewed regarding the applicant's reputation, habits and associations, the apparent candidness (or lack thereof) of the persons interviewed, and any other information garnered or learned about the applicant and the source of the information, and shall particularly identify all potential problem areas and sources of the information.

**E. Eligibility Determination.**

The Commission shall review the report and any additional information known to it, taking into account the applicant's prior activities, criminal record, if any, and reputation, habits and associations, and shall make a determination concerning the eligibility for granting a gaming license. If the Commission determines that granting a gaming license to 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 and methods and activities in the conduct of gaming, the Commission shall not license that person in a key employee or primary management official position.

**F. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission: Issuance of Temporary Licenses.**

1. If the Commission determines that an applicant is eligible for a license, it may issue a temporary license if it determines that the applicant must start work immediately, pending a review of the applicant's eligibility by the National Indian Gaming Commission and/or by the State of Nevada under the Compact, as applicable. Within ten days of the issuance of a temporary license or upon a determination of eligibility, whichever occurs first, the Tribal Gaming Commission shall forward to the State of Nevada if required under the Compact, copies of the applicant's employment/license application, and background investigation report and related information..
2. In addition to the documentation required in subsection F.1, the Tribal Gaming Commission shall, before issuing a license, create, maintain, and forward to the State if required under the Compact, an investigative report on each background investigation. An investigative report shall include all of the following:
  - a. Steps taken in conducting a background investigation;
  - b. Results obtained;
  - c. Conclusions reached; and
  - d. The bases for those conclusions.

The Tribal Gaming Commission shall submit, with the report, a copy of the eligibility determination made under this section.

3. If a temporary license is not issued to an applicant or if the Commission determines an applicant is not eligible for a license, the Tribal Gaming Commission:
  - a. Shall notify the National Indian Gaming Commission, and the State if required by the Compact; and

- b. Shall forward copies of its eligibility determination and notice of results to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
4. If the Tribal Gaming Commission licenses a key employee or primary management official, the Tribal Gaming Commission shall maintain a complete application file containing the application for employment and/or licenses, reports of background investigations, eligibility determinations and the information listed under Section 14.C.3. The file shall be maintained for inspection by the Chairman of the NIGC or his or her designee for no less than three (3) years from the date of termination of employment.
5. Before issuing a license to a primary management official or to a key employee, the Commission shall submit a notice of the results of the applicant's background investigation to the National Indian Gaming Commission no later than sixty (60) days after the applicant begins work. The notice of results shall contain:
- a. Applicant's name, date of birth, and social security number;
  - b. Date on which the applicant began or will begin work as a key employee or primary management official;
  - c. A summary of the information presented in the investigative report, which shall at a minimum include a listing of (i) Licenses that have previously been denied; (ii) Gaming licenses that have been revoked, even if subsequently reinstated; or (iii) Every known criminal charge brought against the applicant within the last 10 years of the date of application; and (iv) Every felony of which the applicant has been convicted or any ongoing prosecution.
  - d. A copy of the eligibility determination made under Section 14.E.
6. If the Tribal Gaming Commission licenses a key employee or primary management official, the Tribal Gaming Commission shall provide written notice of the issuance of the license to the National Indian Gaming Commission within thirty (30) days of issuance.



**G. Granting a Gaming License.**

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives the information required in subsection F, the National Indian Gaming Commission does not notify the Tribe that it has an objection to the issuance of a license to the applicant, the Tribal Gaming Commission may issue a permanent license to such applicant.
2. The Tribal Gaming Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report.
3. If within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribal Gaming Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official applicant for whom the Tribe has provided a notice of results, the Tribal Gaming Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribal Gaming Commission shall make the final decision whether to issue a license to such applicant.
4. Notwithstanding any provision herein to the contrary, to the extent the Tribal Gaming Commission is required by the Compact to submit relevant background and licensing information for Class III gaming applicants to the State, the Tribal Gaming Commission may not issue a permanent license until after the applicable requirements of the Compact are met.

**H. Requirements Applicable to all Employees.**

1. No person shall be employed by a tribal gaming enterprise operated on Pyramid Lake Paiute Indian lands who is under the age of 18 years, except that no person shall be employed as a primary management official or key employee who is under the age of 21 years.
2. No person shall be employed as a primary management official or key employee in a Class II or Class III gaming activity who has not first applied for and obtained a tribal gaming license (either a permanent license or temporary license) pursuant to this Ordinance and, for Class III gaming, in compliance with the terms and

conditions of the Compact. No gaming operation shall employ for more than ninety (90) days a primary management official or key employee who has not been issued a permanent license.

3. Every person employed at a tribal gaming facility operated on Pyramid Lake Paiute Indian lands shall wear an identification badge during work hours which conspicuously states his or her full name, title, and place of employment.

**Section 15. License Suspension and Revocation.**

- A. If, after the issuance of a temporary or permanent gaming license, the Tribal Gaming Commission receives from the National Indian Gaming Commission, the State, or any other source reliable information indicating that a key employee or a primary management official is not eligible for employment under Section 14 above, the Tribal Gaming Commission shall suspend such license and shall notify the Licensee in writing of the suspension and the proposed revocation.
- B. The Tribal Gaming Commission shall notify the Licensee of a time and a place for a hearing on the proposed revocation of a license.
- C. After a revocation hearing, the Tribal Gaming Commission shall decide to revoke or to reinstate a gaming license. The Tribal Gaming Commission shall notify the National Indian Gaming Commission, and the State if required by the Compact, of its decision within forty-five (45) days from when the Tribal Gaming Commission received notice from the National Indian Gaming Commission as stated in Section 15.A. above.
- D. Decisions of the Tribal Gaming Commission to suspend or revoke a temporary license are not appealable.
- E. Decisions by the Tribal Gaming Commission to suspend or revoke a permanent license may be appealed to the Tribal Court by filing an appropriate civil complaint within thirty (30) days of a final decision of the Gaming Commission. Unless a complaint is timely filed under this section, the Commission's decision shall be final, and the Tribal Court shall have no jurisdiction to review the Commission's action. If a timely complaint is filed, the Tribal Court shall uphold the decision of the Tribal Gaming Commission unless the Court determines that the Gaming Commission's decision is arbitrary, capricious or otherwise not in accordance with applicable law, in which case the Tribal Court may reverse, modify or vacate the decision of the Gaming Commission, and grant such equitable relief as it deems necessary and appropriate. In no event shall the Tribal Court be authorized to grant any form of monetary relief against the Tribal Gaming Commission.

Except as specifically authorized herein, nothing in this Ordinance shall be construed as a waiver of the sovereign immunity of the Tribe or the Tribal Gaming Commission.

- F. A copy of the Tribal Gaming Commission's decision, and if applicable the Tribal Court's decisions, regarding the revocation of a license shall be sent to the NIGC, and to the State if required by the Compact.

**Section 16. Audits of Tribal Gaming Operations.**

- A. The Tribal Gaming Commission shall cause to be conducted annually an independent audit of all gaming operations, and shall submit the resulting audit reports to the National Indian Gaming Commission.
- B. All gaming-related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A. above.

**III. CLASS II GAMING**

**Section 17. Definitions.**

- A. Except as otherwise provided in this Ordinance, the Compact, or the regulations of the NIGC, the following terms are defined as follows:
  - 1. "Bingo" means bingo as defined in Section 4 of this Ordinance.
  - 2. "Bingo Occasion" means a single session or gathering at which a series of successive bingo games are played.
  - 3. "Card games" means non-banking card games played in conformity with Nevada State law regulating hours, wages and pot limitations.
  - 4. "Game Card" and "Bingo game card" means a regular or special Bingo Card.
  - 5. "Lotto" means a game of chance played for prizes with cards bearing numbers or other designations in which the player holding the card covers such numbers or designations when objects similarly numbered or designated are drawn or otherwise randomly determined, in which the game is won by

the first player to cover a predesignated arrangement on the card.

6. "Pull Tabs" means factory-covered tickets which are purchased and opened by customers revealing a predetermined winning arrangements.
7. "Punch Board" means a small board that has many holes, each filled with a rolled up printed slip to be punched out upon payment of a player fee, in an effort to obtain a slip that entitles the player to a designated prize.
8. "Regular Bingo Card" means a board card issued to a person upon payment of admission fee that affords a person the opportunity to participate in all regular bingo games played at a bingo occasion.
9. "Special Bingo Card" means a disposable, specially marked bingo card which affords a person the opportunity to participate in a special bingo game for special prizes, or a game card generated by and appearing on the screen of a computer employed by the gaming facility and assigned to a player for a bingo game(s).
10. "Special Bingo Game" means any bingo games which is not a regular bingo game and which is played with special bingo cards whether or not for special prizes.
11. "Tip Jars" means a game of chance, wherein a person upon payment of a fee, is permitted to reach into, or tip a jar containing printed slips, and extract one slip in an effort to obtain a slip that entitles the player to a designated prize.

**Section 18. Persons Authorized to Conduct Class II Gaming.**

No person or entity shall own, operate or conduct a Class II gaming activity on Pyramid Lake Paiute Indian lands unless that person or entity has first received a license to conduct a Class II gaming activity from the Gaming Commission. The initial license of any Class II gaming operation must also be approved by the Tribal Council. Any license for an individually owned gaming operation issued under this Ordinance must comply with the requirements stated in 25 C.F.R. §§ 522.10 and 522.11.

**Section 19. Ownership of Class II Gaming Activity.**

- A. Except as expressly provided herein, the Pyramid Lake Paiute Tribe shall have the sole proprietary interest in any Class II gaming operation or facility conducted on Pyramid Lake Paiute Indian lands.
  
- B. Notwithstanding subparagraph A above, the Tribal Gaming Commission, with the prior approval of the Tribal Council, may license a Class II gaming activity owned in whole or in part, by a person or entity other than the Pyramid Lake Paiute Tribe, provided that (a) the licensing standards for individually owned Class II gaming shall be at least as restrictive as those established by State law governing similar gaming within the jurisdiction of the State; and (b) no license may be issued to such a person or entity unless the person or entity has first expressly agreed in writing on a form prescribed by the Tribal Gaming Commission that:
  - 1. The gaming activity shall be subject to the regulations prescribed in this Section;
  
  - 2. Not less than sixty (60%) percent of the net revenues from the gaming activity shall be income to the Tribe;
  
  - 3. The person(s) who owns the gaming activity or entity:
    - a. Is (are) eligible to receive a license from the State of Nevada to conduct the same gaming activity on lands subject to State jurisdiction; and
  
    - b. Shall pay an appropriate assessment to the National Indian Gaming Commission for the regulation of the gaming activity, as required by 25 U.S.C. § 2717(a)(1).
  
  - 4. A license to own or operate a Class II gaming establishment shall not be granted unless the applicant has satisfied the Tribal Gaming Commission that:
    - a. He has adequate business ability, confidence and experience in gaming, and the proposed gaming operation will generate net revenue for the Tribe.
  
    - b. The proposed financing of the operation is adequate for the nature of the proposed operation and from a suitable source. Any lender or other source of money or credit, which the Commission finds does not meet appropriate standards may be deemed unsuitable.

5. The Tribal Gaming Commission may in its discretion grant a license to a corporation which has complied with the provisions of the Tribal Gaming Ordinance.
  6. The Tribal Gaming Commission may in its discretion grant a license to a limited partnership which has complied with the Tribal Gaming Ordinance.
  7. No person or limited partnership, except one whose sole limited partner is a publicly traded corporation which has registered with the Tribal Gaming Commission, or business trust organization or other association of a quasi-corporate character, is eligible to receive or hold any license, or be a Licensee or operator under this Ordinance unless all persons having any direct or indirect interests therein or any nature whatsoever, whether financial, administrative, policy making or supervisory, are individually qualified to be licensed under the provisions of this Ordinance.
  8. The Tribal Gaming Commission may limit the number of persons who may be financially interested in any corporation or other organization or association licensed under the Ordinance, consistent with 25 U.S.C. §§ 2700 et seq., and establish such other qualifications for a licenses as they may, in their discretion, deem to be in the public interest and consistent with the declared policy of the Tribe and the IGRA.
- C. Income to the Tribe from the gaming activity shall only be used for the purposes described in Section 6 of this Ordinance.
  - D. For individually owned gaming operations other than those operating on September 1, 1986: a) The Tribal Gaming Commission shall deny a license to any person or entity that would not be eligible to receive a State license to conduct the same activity within the jurisdiction of the State of Nevada; and b) Nevada laws and regulations shall apply with respect to purpose, entity, pot limits, and hours of operation.

**Section 20. Management Contracts.**

The Pyramid Lake Paiute Tribe may enter into a management contract for the operation and management of Class II tribal gaming operations. Each such contract must comply with the provisions of this Ordinance, other applicable provisions of tribal law (including, but not limited to, tribal employment preference laws), and provisions of federal law (including, but not limited to, 25 U.S.C. § 2711).

**Section 21. Games Permitted.**

- A. The Tribe and/or any licensed Class II owner and operator may conduct any Class II games and any combination of Class II games.
- B. A schedule of the Class II games to be conducted and a description of prizes offered must be conspicuously posted at each entrance to the Class II facility each week in which games will be conducted at least 24 hours prior to the start of the first game scheduled.

**Section 22. Bingo Game Cards.**

- A. Each facility shall provide the game cards to be used for each bingo game conducted and each card shall be marked to indicate the issuing facility.
- B. Special bingo cards must be issued separately from regular bingo cards, and must be specially marked to indicate the particular special bingo game, including date, and the facility of issuance. In the case of computer-generated cards, the computer must be programmed to lock on a card at the start of the game, prior to calling of the first number or designated symbol, so as not to permit altering or changing of the card during the game, and every winning card must be verified. A special bingo card shall be valid only for the designated game.

**Section 23. Player Limitation.**

- A. The number of persons permitted to play any Class II game shall be determined by the owner, operator or manager as is appropriate, except that:
  - 1. The number of people permitted in the facility or in any room in the facility shall not exceed the limitation of the number permissible under the applicable fire, building or other safety codes or standards.
  - 2. The number of people permitted to play any bingo game shall not exceed the number of seats available in the room(s) in which the game is being played.

**Section 24. Entry Prohibited.**

No person may enter any room in which a bingo game is being played unless the person is a player, except facility employee and persons present by authority of the Tribal Gaming Commission, for purposes of inspection or regulatory duties.

**Section 25. Hours of Operation: Notice to Commission.**

- A. Class II gaming may be conducted 24 hours a day, seven days a week, unless the Tribal Gaming Commission, by license, regulation or otherwise limits the hours of operation of any Class II gaming facility.
- B. Unless notified otherwise by the Gaming Commission, each licensed Class II gaming facility shall have the right to operate 24 hours a day, seven days a week.

**IV. CLASS III GAMING**

**Section 26. Persons Authorized to Conduct Class III Gaming.**

No person or entity shall conduct a Class III gaming activity on Pyramid Lake Paiute Indian lands unless that person or entity has first complied with the terms and conditions of the Compact and has received a license to conduct a Class III gaming activity from the Tribal Gaming Commission. The initial license of any Class III gaming operation must also be approved by the Tribal Council.

**Section 27. Persons Authorized to Own a Class III Gaming Operation.**

- A. Except as expressly provided herein, the Pyramid Lake Paiute Tribe shall have the sole proprietary interest in any Class III gaming operation or facility.
- B. Notwithstanding subparagraph A above, the Tribal Gaming Commission, with the prior approval of the Tribal Council, may license a Class III gaming facility owned in whole or in part by a person or entity other than the Pyramid Lake Paiute Tribe, provided that the licensing standards for individually owned Class III gaming shall comply with the Compact, and all other applicable provisions of federal law are satisfied. Any such gaming activity shall be subject to regulations prescribed by the Gaming Commission which shall be consistent with the Compact and applicable provisions of the IGRA. No license may be issued to such an individual or entity unless the individual or entity has first expressly agreed in writing on a form prescribed by the Tribal Gaming Commission that:
  - 1. The gaming activity shall be subject to the regulations prescribed in this Section;
  - 2. Not less than sixty (60%) percent of the net revenues from the gaming activity shall be income to the Tribe;
  - 3. The person(s) who owns the gaming activity or entity:



- a. Is (are) eligible to receive a license from the State of Nevada to conduct the same gaming activity on lands subject to State jurisdiction; and
  - b. Shall pay an appropriate assessment to the National Indian Gaming Commission for the regulation of the gaming activity, as required by 25 U.S.C. § 2717(a)(1).
4. A license to own or operate a Class II gaming establishment shall not be granted unless the applicant has satisfied the Tribal Gaming Commission that:
  - a. He has adequate business ability, confidence and experience in gaming, and the proposed gaming operation will generate net revenue for the Tribe.
  - b. The proposed financing of the operation is adequate for the nature of the proposed operation and from a suitable source. Any lender or other source of money or credit, which the Commission finds does not meet appropriate standards may be deemed unsuitable.
5. The Tribal Gaming Commission may in its discretion grant a license to a corporation which has complied with the provisions of the Tribal Gaming Ordinance.
6. The Tribal Gaming Commission may in its discretion grant a license to a limited partnership which has complied with the Tribal Gaming Ordinance.
7. No person or limited partnership, except one whose sole limited partner is a publicly traded corporation which has registered with the Tribal Gaming Commission, or business trust organization or other association of a quasi-corporate character, is eligible to receive or hold any license, or be a Licensee or operator under this Ordinance unless all persons having any direct or indirect interests therein or any nature whatsoever, whether financial, administrative, policy making or supervisory, are individually qualified to be licensed under the provisions of this Ordinance.
8. The Tribal Gaming Commission may limit the number of persons who may be financially interested in any corporation or other organization or association licensed under the Ordinance, consistent with 25 U.S.C. §§ 2700 et seq., and

establish such other qualifications for a licenses as they may, in their discretion, deem to be in the public interest and consistent with the declared policy of the Tribe and the IGRA.

- C. For individually owned gaming operations other than those operating on September 1, 1986: a) The Tribal Gaming Commission shall deny a license to any person or entity that would not be eligible to receive a State license to conduct the same activity within the jurisdiction of the State of Nevada; and b) Nevada laws and regulations shall apply with respect to purpose, entity, pot limits, and hours of operation.

**Section 28. Authorized Operation.**

- A. Class III gaming is prohibited on the Reservation unless such gaming is licensed and authorized pursuant to the provisions of the Compact and this Ordinance.

1. Operation of Class III Gaming Facilities.

- a. A tribal or non-tribal gaming facility may operate Class III gaming at one or more facilities on Pyramid Lake Paiute Indian lands if:
- (i) the proposed facility is in compliance with the requirements of this Ordinance;
  - (ii) the proposed facility is in compliance with the Compact; and
  - (iii) the Class III gaming operation proposal complies with all other applicable laws and regulation.

**Section 29. Management Contracts.**

The Tribal Council may enter into a management contract for the operation and management of Class III tribal gaming activities. Each such contract must comply with the provisions of this Ordinance, the Compact, other applicable provisions of tribal law (including, but not limited to, tribal employment preference laws), and provisions of federal law (including, but not limited to, 25 U.S.C. § 2711)

**Section 30. Games Permitted.**

- A. Any Class III game or games permitted pursuant to the Compact may be conducted on the Reservation, subject to the restrictions and conditions set by the Tribal Gaming Commission.
- B. Conduct of any Class III game which is first legalized within the State of Nevada after the date of the Compact then in effect, or which heretofore becomes permitted on Pyramid Lake Paiute Indian lands under federal law, pursuant to the Compact or amendments thereto may be authorized by the Tribal Gaming Commission by regulation.

**Section 31. Non-Tribal Gaming Facility Revenue Sharing Fee.**

- A. Each Non-Tribal Gaming Facility shall pay not less than 60% of its net revenues to the Tribe as a revenue sharing fee. For this section, net revenues from a Non-Tribal Gaming Facility means the total gross receipts, less Prizes and Expenses. Prizes and Expenses are (a) amounts paid out as, or paid for, prizes; and (b) total gaming-related operating expenses, excluding management fees.
- B. The revenue sharing fee shall be reported and paid on a monthly basis, within twenty-five (25) days after the last day of each month. If, during any monthly reporting period, Prizes and Expenses exceed total gross receipts, the Non-Tribal Gaming Facility shall be allowed a credit equal to sixty percent (60%) of the amount that Prizes and Expenses exceed total gross receipts. Any such credit may be deducted from any amounts owed to the Tribe during the following reporting periods for that fiscal year, but may not be carried over to any reporting periods during any subsequent fiscal year. This limitation on the monthly reported credit shall not affect the credit allowed in Subsection E below.
- C. In calculating net revenues for a Non-Tribal Gaming Facility that only operates fifteen (15) or fewer slot machines, total gaming-related operating expenses may include direct gaming expenses and indirect gaming expenses. "Direct gaming expenses" shall only include any gaming taxes or fees paid to the Pyramid Lake Paiute Tribe and the expenses paid for an audit as required by this Section. "Indirect gaming expenses" shall be the amount that is the product of the total expenses of the business facility multiplied by a fraction, the denominator of which shall be the total gross receipts of the business facility (including gross receipts from gaming), and the numerator of which shall be the gross receipts from gaming. "Total expenses of the business facility" shall not include any (1) direct gaming expenses; (2) gaming related taxes or fees paid to the State, County or other State governmental entity, or (3) legal fees. All expenses must reflect legitimate business expenses and fair-market value.

- D. Each payment to the Tribe shall be accompanied by a completed Revenue Sharing Form provided by the Tribe and prepared by the Non-Tribal Gaming Facility's bookkeeper, accounting department or an independent Certified Public Accountant. All expenses must be documented in accordance with Generally Accepted Accounting Principles ("GAAP").
- E. Within ninety days of the end of the Non-Tribal Gaming Facility's fiscal year, the Non-Tribal Gaming Facility shall have an audit conducted by an independent Certified Public Accountant to verify all revenue and expenses, and shall reconcile all amounts paid to the Tribe. A reconciliation report shall be submitted to the Tribe at that time that shall calculate all fees due to the Tribe for the subject fiscal year. The reconciliation report shall include support for the position that all transactions are legitimate business expenses and do not exceed fair-market value. If the reconciliation report demonstrates that the fees paid to the Tribe were less than 60% of the Non-Tribal Gaming Facility's net revenues as required by this section, then the Non-Tribal Gaming Facility shall make a reconciliation payment to the Tribe at the time the reconciliation report is submitted. This reconciliation payment shall equal the difference between 60% of the Non-Tribal Gaming Facility's net revenues and the fees paid to the Tribe by the Non-Tribal Gaming Facility during the subject fiscal year. Since the Revenue Sharing Fee imposed by this section is a minimum payment, there shall be no refund given to the Non-Tribal Gaming Facility if the reconciliation report demonstrates that the fees paid to the Tribe were more than 60% of the Non-Tribal Gaming Facility's net revenues. However a credit will be allowed during the following fiscal year for the amount the reconciliation report demonstrates was paid to the Tribe that was more than 60% of the Non-Tribal Gaming Facility's net revenues as calculated by this section. The report and audit required by this section do not replace any other requirements to submit annual audited financial statements, or any other audit or report requirements.
- F. Fees required by this Section shall be remitted to the Pyramid Lake Paiute Tribe on or before the time required by bank draft, certified check, cashier's check, personal check, money order or wire transfer. If payment is made by a draft or check, the required payment shall not be deemed paid until the draft or check is accepted in the usual course of business. The acceptance of any sum by the Tribe shall not be an acquittance or discharge of the fees unless the amount paid is the full amount due. If any amount paid is determined to be incorrect or disputed, the Tribe shall retain the amount paid and notify the Non-

Tribal Gaming Facility of the remaining amount owed, which shall be due and payable within ten (10) days of the notice.

- G. If full payment of the revenue sharing fee under this Section is not received by the Tribe on or before the due date, there shall be a late payment penalty added as follows:
- 1-10 days late, 5% of amount not paid is due
  - 11-21 days late, 15% of amount not paid is due
  - 22-31 days late, 20% of amount not paid is due
  - 32-60 days late, 25% of amount not paid is due
- In no event shall the penalty amount be less than \$50.00. Failure to make payment following the day the fee amount initially became due shall be both a civil and a criminal violation of this Ordinance.
- H. Any person desiring to challenge a determination that any payment is incorrect or disputed must file, within ten (10) days of receiving notice of an incorrect or disputed payment, a petition with the Gaming Commission which shall hear and decide the matter as provided in section 10.C.3. In such event, late payment penalties shall not be assessed and shall not begin to accrue until the Gaming Commission issues a decision on the dispute.

**Sections 32-35. (Reserved).**

**VI. VIOLATIONS**

**Section 36. Crimes; Penalties.**

- A. It shall be unlawful for any person to:
1. Operate or participate in gaming on Pyramid Lake Paiute Indian lands in violation of the provisions of this Ordinance or in violation of rules and/or regulations promulgated pursuant to this Ordinance;
  2. Knowingly make a false statement in an application for employment with a gaming activity or enterprise, or in an application for a license to operate a gaming activity or enterprise on Pyramid Lake Paiute Indian lands;
  3. Bribe or attempt to bribe, or unduly influence or attempt to unduly influence, any person who licenses, operates, conducts, assists, or is otherwise employed in a gaming activity or enterprise located on Pyramid Lake Paiute Indian lands; or

4. Violate any other provisions of tribal law, applicable State or federal law on the premises of any gaming facility.
- B. Any Indian who violates a provision of this Ordinance or of other tribal law relating to gaming activities may be fined not more than \$1,000 and/or imprisoned for up to one year for each violation. A separate violation occurs on each day that a violation arises or continues. Any non-Indian who violates a provision of this Ordinance shall be subject to a civil fine, and may be excluded from the Pyramid Lake Paiute Indian lands within the jurisdiction of the Pyramid Lake Paiute Tribe.
  - C. Any property used in the commission of a violation or a provision of this Ordinance may be seized by the Tribal Gaming Commission or their agents. The owner of the property shall be afforded an opportunity to object and be heard in accordance with principles of due process. If no objection is raised or the objection is not sustained, the Tribe may dispose of the seized property.

**Section 37. Civil Penalties.**

- A. Any person or entity who violates any term or condition of any license issued pursuant to this Ordinance may be assessed a civil penalty by the Tribal Court in a civil action filed by the Tribal Gaming Commission or tribal prosecutor. Each violation shall be treated separately and may be assessed as a separate violation.
- B. Civil penalties provided for in this Section may be imposed in addition to the criminal penalties provided for in Section 36 above.

**VI. VALIDITY OF ORDINANCE**

**Section 38. Severability.**

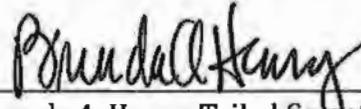
- A. If any provision or provisions in this Ordinance are held invalid by a court of competent jurisdiction, this Ordinance shall continue in effect as if the invalid provision(s) were not a part hereof.
- B. If any provision of this Ordinance is inconsistent with any provision of the Compact, the terms of the Compact shall control. If any provision of the Compact is inconsistent with any provision of IGRA, the terms of IGRA shall control

**Section 39. Effective Date of Ordinance.**

This Ordinance shall take effect upon adoption of the Tribal Council and approval by the NIGC pursuant to the IGRA and regulations applicable thereunder. Any and all prior ordinances regulation gaming on tribal lands are repealed as of the date this Ordinance takes effect.

**CERTIFICATION**

The foregoing Ordinance was approved on **April 21, 2017**, duly adopted pursuant to Resolution No. **40-17**, by a vote of **nine (9)** for, **zero (0)** against, and **zero (0)** abstentions by the Pyramid Lake Paiute Indian Tribal Council pursuant to authority vested in it by the Constitution and Bylaws of the Pyramid Lake Paiute Tribe.



\_\_\_\_\_  
Brenda A. Henry, Tribal Secretary  
Pyramid Lake Paiute Tribal Council