



January 9, 2015

By First Class Mail

Darrell Kizer, Chairman  
Washoe Tribe of Nevada and California  
919 US HWY 395 S  
Gardnerville, NV 89410

Re: *Washoe Tribe of Nevada California Class II and Class III Gaming Ordinance*  
Amendment, Resolution No. 2014-WTC-72.

Dear Chairman Kizer:

This letter responds to your request on behalf of the Washoe Tribe of Nevada and California ("Tribe") for the National Indian Gaming Commission Acting Chairman to review and approve amendments to the Tribe's gaming ordinance.

The amendments were passed on July 22, 2014 and October 17, 2013 by the Tribal Council through Resolution No. 2014-WTC-36 and Resolution No. 2014-WTC-72. Resolution 2014-WTC-36 amended the Tribe's gaming ordinance in several areas and included changes to, among other things, its definitions, the structure of its Tribal Gaming Commission, and the process for performing background investigations. Resolution No. 2014-WTC-72 provides four additional amendments to the Tribe's gaming ordinance. First, it provides for a patron dispute resolution process. Second, it updates the language within the Privacy Act notice. Additionally, the amendments also change the Tribe's reporting requirements to the NIGC for background investigations by (1) providing the NIGC with notice both before and after the Tribal Gaming Commission issues a gaming license; and (2) by providing the NIGC with a summary of the investigative report generated by the Tribe's background investigation rather than the entire report. Finally, the amendment updates the Tribe's revocation hearing procedures to provide that "the right to a revocation hearing vests only upon receipt of a license granted under an ordinance approved by the NIGC Chair." 25 C.F.R. § 558.4(d).

Thank you for bringing the amendments to our attention. The amendments are approved as they are consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions, please feel free to contact Staff Attorney Andrew Mendoza at 202-632-7003.

Sincerely,

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

Jonodev O. Chaudhuri  
Chairman (Acting)

**RESOLUTION OF THE GOVERNING BODY**

**OF THE**

**WASHOE TRIBE OF NEVADA AND CALIFORNIA**

**WHEREAS,** the Washoe Tribe of Nevada and California is organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended, to exercise certain rights of home rule and to be responsible for the general welfare of its membership; and

**WHEREAS,** under Article VI, Section 1(f) of the Constitution of the Washoe Tribe of Nevada and California ("Washoe Tribe"), the Tribal Council has the authority to promulgate ordinances for the regulation of gaming; and

**WHEREAS,** the Washoe Tribal Council recognizes that an important function of the Tribal government is the safeguarding of the political integrity, economic security and general welfare of the Washoe Tribe, the health and safety of visitors to the Washoe Reservation, and the establishment of standards and regulations to govern the conduct of gaming activities; and

**WHEREAS,** the Washoe Tribe currently has an ordinance entitled "Title 21, Gaming Regulation" which was approved by the National Indian Gaming Commission on June 29, 1998 but has now grown outdated and non-compliant with the Indian Gaming Regulatory Act and the Tribal-State "Slots Only" Gaming Compact between the Washoe Tribe and the State of Nevada; and

**WHEREAS,** the Washoe Tribal Council has reviewed the proposed changes to Title 21 and agree that they are necessary to modernize the Washoe Tribe's laws for the regulation of gaming and to make such laws compliant with the requirements of the Indian Gaming Regulatory Act and the Tribal-State "Slots Only" Gaming Compact between the Washoe Tribe and the State of Nevada.

**NOW THEREFORE BE IT RESOLVED** that the Washoe Tribal Council hereby adopts the attached amended Title 21, which by this reference is incorporated in and made a part of this Resolution and which replaces the current Title 21 in its entirety.

**NOW THEREFORE BE IT RESOLVED** that the Washoe Tribal Council hereby authorizes the submission of the amended Title 21 to the National Indian Gaming Commission for its review and approval.

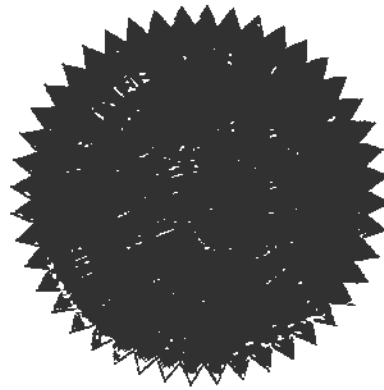
**NOW THEREFORE BE IT FINALLY RESOLVED** that the amended Title 21 adopted hereunder shall supersede and replace all previous versions of Title 21.

## CERTIFICATION

It is hereby certified that the Tribal Council of the Washoe Tribe of Nevada and California, composed of twelve (12) members, of whom eleven (11), constituting a quorum, were present at a meeting duly held on the 11th day of July, 2014, and that the foregoing resolution was adopted by the affirmative vote of 9 for, -0-against, and 2 abstentions, pursuant to the authority contained in Article VI, Section 1(f), of the Amended Constitution of the Washoe Tribe of Nevada and California.

July 22, 2014  
Date

Tamara Crawford  
Tamara Crawford, Secretary/Treasurer



### CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file in this office.

Tamara Crawford  
Secretary / Treasurer / Enrollment Officer  
Washoe Tribe of Nevada and California  
Date: July 22, 2014

**RESOLUTION OF THE GOVERNING BODY**

**OF THE**

**WASHOE TRIBE OF NEVADA AND CALIFORNIA**

**WHEREAS,** the Washoe Tribe of Nevada and California is organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended, to exercise certain rights of home rule and to be responsible for the general welfare of its membership; and

**WHEREAS,** under Article VI, Section 1(f) of the Constitution of the Washoe Tribe of Nevada and California ("Washoe Tribe"), the Tribal Council has the authority to promulgate ordinances for the regulation of gaming; and

**WHEREAS,** the Washoe Tribal Council recognizes that an important function of the Tribal government is the safeguarding of the political integrity, economic security and general welfare of the Washoe Tribe, the health and safety of visitors to the Washoe Reservation, and the establishment of standards and regulations to govern the conduct of gaming activities; and

**WHEREAS,** the Washoe Tribe currently has submitted its recently amended ordinance entitled "Title 21, Gaming Regulation" to the National Indian Gaming Commission (NIGC) for review; and

**WHEREAS,** the NIGC has recommended additional amendments to ensure the Tribe's Gaming Regulations are compliant with the Indian Gaming Regulatory Act.

**NOW THEREFORE BE IT RESOLVED** that the Washoe Tribal Council hereby adopts the attached amended Title 21, which by this reference is incorporated in and made a part of this Resolution and which replaces the current Title 21 in its entirety.

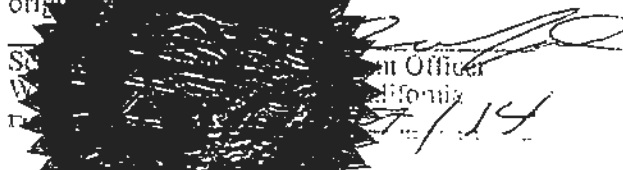
**NOW THEREFORE BE IT FINALLY RESOLVED** that the amended Title 21 adopted hereunder shall supersede and replace all previous versions of Title 21.

**CERTIFICATION**

It is hereby certified that the Tribal Council of the Washoe Tribe of Nevada and California, composed of twelve (12) members, of whom eleven (11), constituting a quorum, were present at a meeting duly held on the 15th day of October, 2014, and that the foregoing resolution was adopted by the affirmative vote of 10 for, (-0-) against, and (-1-) abstention, pursuant to the authority contained in Article VI, Section 1(f), of the Amended Constitution of the Washoe Tribe of Nevada and California.

**CERTIFIED COPY**

*October 17, 2014*  
Date \_\_\_\_\_  
attached \_\_\_\_\_  
original \_\_\_\_\_  
Tammara Crawford, Secretary/Treasurer



# *Washoe Tribe of Nevada and California*

## **Law & Order Code**

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### **TITLE 21 – GAMING REGULATION**

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#### **21-10 LEGISLATIVE FINDINGS AND PURPOSE**

##### **21-10-10 Gaming Authority**

The Washoe Tribal Council is the recognized governing body of the Washoe Tribe of Nevada and California (“Tribe”) or (“Washoe”) with the responsibility to exercise the privileges and powers of self-government, to conserve and develop our resources, and to secure the social and economic wellbeing of our Tribe. This Title is enacted on the basis of inherent sovereign tribal powers delegated to the Tribal Council under Article VI of the Tribe’s Constitution and Bylaws, and the Indian Gaming Regulatory Act, Pub. L. 100-497, 25 U.S.C. §§ 2701 *et seq.*

##### **21-10-20 Findings**

The Tribal Council of the Washoe Tribe of Nevada and California finds that:

1. The Washoe Tribe of Nevada and California has the sovereign authority to operate, license and regulate Gaming activities on Indian lands;
2. The United States Congress has provided a statutory basis for the operation of Gaming by Indian Tribes and on Indian lands as a means of promoting Tribal economic development, self-sufficiency, and strong Tribal government; and
3. Nevada law is not directly applicable on the Washoe Reservation, but federal law depends on the policy underlying state gaming laws. In Nevada, gaming is not only lawful; it is the State’s principal economic activity. Similar gaming operations operated by the Tribe would not conflict with federal law.
4. In order to safeguard the political integrity, economic security and general welfare of the Washoe Tribe of Nevada and California, as well as the health and safety of visitors to the Washoe Reservation, it is necessary for the Tribe to promulgate standards and regulations to govern the conduct of Gaming activities on the Washoe Reservation.

**21-10-30 Purpose**

The purpose of this Title is to provide for the sound regulation of all Gaming activities within the Tribe's jurisdiction, to prevent improper or unlawful conduct in the course of such activities, and to promote tribal economic development, self-sufficiency, and strong tribal government.

**21-20 GENERAL PROVISIONS****21-20-10 Title**

This Title is known and may be cited as the Washoe Gaming Ordinance. It shall be codified as Title 21 of the Washoe Law and Order Code.

**21-20-20 Definitions**

For the purposes of this Title, the following definitions apply:

1. Act or IGRA – means the Indian Gaming Regulatory Act, Pub. L. 100-497, 25 U.S.C. §§ 2701 *et seq.*, as the same may from time to time be amended.
2. Class I Gaming – has the meaning set forth in the Act at 25 U.S.C. §2703(6) and 25 C.F.R. §502.2. It means social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.
3. Class II Gaming – means all forms of gaming which are defined as “Class II Gaming” in the Act at 25 U.S.C. §2703(7) and 25 C.F.R. §502.3, including:
  - (a) Bingo or lotto (whether or not electronic, computer, or other technologic aids are used) when players:
    - i. Play for prizes with cards bearing numbers or other designations;
    - ii. Cover numbers or designations when object, similarly numbered or designated, are drawn or electronically determined; and
    - iii. Win the game by being the first Person to cover a designated pattern on such cards;
  - (b) If played in the same location as bingo or lotto, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo;
  - (c) Non-banking card games that:
    - i. State Law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the State; and

- ii. Players play in conformity with State laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.
- 4. Class III Gaming – means all forms of gaming which are defined as “Class III Gaming” in the Act at 25 U.S.C. §2703 (8) and 25 C.F.R. §502.4, including all forms of gaming that are not Class I Gaming or Class II Gaming, including but not limited to:
  - (a) Any house banking game, including but not limited to –
    - i. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played for house banking games);
    - ii. Casino games such as roulette, craps, and keno;
  - (b) Any slot machines as defined in 15 U.S.C. 1171 (a) (1) and electronic or electromechanical facsimiles of any game of chance;
  - (c) Any sports betting and pari-mutuel wagering including but not limited to wagering on horse racing, dog racing or jai alai; or
  - (d) Lotteries.
- 5. Compact – means the Gaming compact between the Washoe Tribe and the State of Nevada, entered into pursuant to Section 11(d)(3) of IGRA and published in the Federal Register on July 16, 2004, as the same may from time to time be amended.
- 6. Council – means the Washoe Tribal Council.
- 7. Gaming – means collectively any and all activities constituting Class I Gaming, Class II Gaming, Class III Gaming, and “gaming” as defined by the Compact (gaming activities permitted by State law).
- 8. Gaming Employee – means Key Employee, Primary Management Official, or other Person who the Council or WTGC deems a Gaming employee because of that Person’s involvement in Gaming within the Reservation.
- 9. Gaming License or License– means any license issued by the Tribe or any subdivision thereof pursuant to the Washoe Tribe Law & Order Code which authorizes the Person named therein to engage in Gaming.
- 10. Gaming Licensee – means any Person to whom a valid Gaming License has been issued pursuant to the Washoe Tribe Law & Order Code.
- 11. Gaming location, Gaming facility or Gaming operation – means any location where Class II or Class III Gaming is conducted.

12. Key Employee – means:
- (a) Any employee or agent of a Gaming operation owned, operated or licensed by the Tribe having management responsibility for the Gaming operation;
  - (b) Any individual who has the authority:
    - i. To hire and fire employees of a Gaming operation owned, operated, or licensed by the Tribe; or
    - ii. To set up working policies or procedures for the Gaming operation;
  - (c) The chief financial officer of the Gaming operation or other individual who has financial management responsibility with respect to the Gaming operation;
  - (d) Any individual holding the position of an officer or director (or having like responsibilities regardless of their title), or any other Person or individual that would be subject to mandatory or discretionary licensing, registration, finding of suitability or approval under the Nevada Gaming Control Act or Regulations of the Nevada Gaming Commission as they currently exist or may be amended;
  - (e) An individual 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;
  - (f) If not otherwise included, any other Person whose total cash compensation is in excess of \$50,000.00 per year; or
  - (g) If not otherwise included, the four most highly compensated Persons in the Gaming operations.
13. Net Revenues – means gross Gaming revenues of a Gaming operation less:
- (a) amounts paid out as, or paid for, prizes; and
  - (b) total Gaming-related operating expenses, excluding management fees.
14. NIGC – means the National Indian Gaming Commission established by the Act at 25 U.S.C. §2704.



15. Person – means a “Person” as defined in NRS 0.039 which means a natural Person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization but the term does not include a government, governmental agency or political subdivision of a government.
16. Primary Management Official means:
  - (a) The Person having management responsibility for a management contract;
  - (b) Any Person who has authority to
    - i. hire and fire employees; and
    - ii. set up working policies for the Gaming operation; or
  - (c) The chief financial officer or other Person who has financial management responsibility for the Gaming operation.
17. Reservation – for the purposes of this Title 21 and the Compact only, Reservation means all lands within the exterior boundaries of the Washoe Tribe Reservation lands as illustrated in the map of the Reservation attached to the Compact as Appendix B, and any additional lands made part of the Reservation in the future, so long as such lands are contiguous to the current Reservation lands. In addition to the Reservation lands identified in Appendix B of the Compact, the term “Reservation” also includes any noncontiguous lands, located within the State of Nevada, acquired by the Secretary of the Interior, in trust for the benefit of the Tribe, but only if the Governor of the State of Nevada concurs that Gaming activities may be conducted on such newly acquired lands.
18. Slot Machine – means any mechanical, electrical 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 the 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 machine or in any other manner. “Slot machine” specifically includes video facsimiles of any game of chance authorized under NRS 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 Code.
19. State – means the State of Nevada, its authorized agencies, officials, agents and representatives.

20. State Gaming Control Board – means the Gaming Control Board of the State of Nevada.
21. Tribe - means the Washoe Tribe of Nevada and California and its authorized officials, agents, agencies, subdivisions, corporate entities, and representatives.
22. Washoe Tribal Gaming Commission or WTGC – means the Washoe Tribe’s regulatory body established by this Title 21 of the Washoe Law and Order Code for the purpose of regulating Gaming, in accordance with the Compact and IGRA.
23. Within the Jurisdiction of the [Washoe] Tribe – means within the exterior boundaries of the Washoe Reservation and includes all territory within these limits whether held in fee or trust and includes, to the fullest extent permissible under N.R.S. § 372.805, as now written or subsequently amended, those places “on an Indian reservation or Indian colony.”

**21-30 AUTHORIZATION OF GAMING**

**21-30-10 Gaming Authorized**

1. Class I Gaming is authorized Within the Jurisdiction of the Washoe Tribe, and may be conducted by any Person. Class I Gaming shall not be regulated by this Title.
2. Class II Gaming and Class III Gaming are authorized on the Reservation. Class II Gaming shall be regulated by the WTGC and shall only be operated consistent with the provisions of this Title and IGRA. Class III Gaming shall be regulated by the WTGC and shall only be operated consistent with the provisions of this Title, the Compact, and IGRA.

**21-30-20 Separate License for Each Location**

The WTGC shall issue a separate license to each place, facility, or location where Class II or Class III Gaming will be allowed.

**21-30-30 Compacts between the Tribe and the State of Nevada Authorized**

The Tribe has entered into a Gaming Compact (“Compact”) with the State of Nevada, published in the Federal Register on July 16, 2004. The Compact, attachments thereto, and any future amendments to the Compact shall control the operation of Class III Gaming.

The Chairman of the Council may pursue negotiations for amendments or new compact(s) with the State. No such amendments and/or compact(s) shall be in effect until specifically approved by the Council.

**21-30-40 Compliance with Law**

All Class II and Class III Gaming operations on the Reservation shall be conducted in accordance with the Act, the NIGC's regulations, other applicable federal law, Tribal Law (including this Title and all regulations and orders of the WTGC), and the Compact, in the case of Class III Gaming, and duly approved amendments thereto. This Title shall be construed in a manner which conforms to applicable law.

**21-30-50 Repeal of Prior Ordinances**

All prior ordinances, regulations and codes heretofore enacted by and for the Tribe for the purpose of regulating Gaming are hereby repealed.

**21-40 WASHOE TRIBAL GAMING COMMISSION**

**21-40-10 Washoe Tribal Gaming Commission Established**

The Council hereby establishes a Tribal Commission to be known as the Washoe Tribal Gaming Commission ("WTGC"), as a governmental subdivision of the Tribe which shall be responsible for the safe, lawful, and honest operation of Class II and Class III Gaming Within the Jurisdiction of the Washoe Tribe in accordance with the Compact, in the case of Class III Gaming, and with applicable tribal and federal law. The WTGC may adopt its own operational rules, procedures, and/or Bylaws, provided that such operational rules, procedures, and/or Bylaws are not inconsistent with the Washoe Law & Order Code or other applicable law or the Compact and any amendments thereto.

**21-40-20 Structure of WTGC**

1. Number. The WTGC may consist of up to five Commissioners, one of whom shall be designated by the Council as Chairperson.
2. Appointment. The Commissioners of the WTGC shall be appointed by the Council.
3. Qualifications.
  - (a) At least a majority of the Commissioners shall be Washoe Tribal members. Members of the Council may serve as Commissioners of the WTGC.
  - (b) At least one Commissioner must be selected with special reference to training and experience in the fields of investigation, law

- enforcement, or law. At least one Commissioner shall be chosen with special reference to training and experience in the fields of accounting, finance, economics, or commercial Gaming. At least one Commissioner shall be chosen with special reference to training or experience in public or business administration.
- (c) No Person may be appointed to the WTGC unless the tribal Council is satisfied that the Person has no interest in any private Gaming activity on the Washoe Reservation or any activity which may have interests in conflict with the lawful and effective regulation of Gaming operations on the Washoe Reservation. Additional rules and procedures regarding conflicts of interest may be adopted in the WTGC Bylaws.
4. Officers. The WTGC must at least have one Person serve as its Chairperson. The WTGC may have other officers. Commissioners may hold more than one officer position, but the Chairperson may only serve as the Chairperson. The descriptions of the various possible officer positions are:
- (a) Chairperson. The Chairperson of the WTGC shall be appointed by the Council. The Chairperson presides over all meetings of the WTGC, possesses general managerial control of the activities and affairs of the WTGC, and must see that all orders and resolutions of the WTGC are carried into effect. The WTGC Bylaws may assign additional duties to the Chairperson.
- (b) Vice-Chairperson. In the absence of, incapacity of, or conflict of interest of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. The WTGC Bylaws may assign additional duties to the Vice-Chairperson.
- (c) Treasurer. The Treasurer is responsible for the safety and custody of all monies and securities of the WTGC. Financial records shall be maintained in accordance with generally accepted accounting practices and any requirements of the Tribe. The WTGC Bylaws may assign additional duties to the Treasurer.
- (d) Secretary. The Secretary ensures that notices for all meetings are given in accordance with applicable laws and/or WTGC procedures, keeps written minutes of all WTGC meetings, and maintains copies of all WTGC Bylaws, Charters, minutes, books, and records. The WTGC Bylaws may assign additional duties to the Secretary.
- (e) Commissioner-At-Large. The Commissioner-At-Large shall act as the Secretary in his or her absence and shall perform other duties as are properly designated by the Chairperson. The WTGC Bylaws may assign additional duties to the Commissioner-At-Large.

5. Term. Commissioners shall serve staggered terms. The initial terms shall be for one to three years to achieve the staggered term structure. Thereafter, all appointments shall be for three year terms.
6. Vacancies. If a WTGC vacancy occurs for any reason, the Council shall appoint a replacement for the remainder of the replaced Person's term.
7. Resignation and/or Retirement. A Commissioner who wishes to resign or retire must do so by giving notice to the Chairman or Secretary of the Tribal Council. The resignation of a Commissioner shall be effective upon the date notice is given, unless the notice specifies a later date.
8. Removal or Suspension. WTGC Commissioners may only be suspended or removed by a vote of at least seven members of the Council (with the Chairman of the Council entitled to vote), for good cause, including but not limited to misfeasance, malfeasance, or nonfeasance in office. Removal may be made after the Commissioner has been served with a copy of the charges against him or her, and a public hearing before the Tribal Council is held on the charges, if requested by the Commissioner charged. The request for a public hearing must be made within ten (10) days after service upon such Commissioner of the charges. A record of the proceedings at the public hearing must be filed with the Washoe Tribe Secretary-Treasurer.
9. Registered Agent. The Chairperson of the WTGC shall be the agent for service of process pursuant to 25 C.F.R. §519.1. Until a Chairperson is appointed, the Chairman of the Council shall serve as agent.
10. Background Checks. All Commissioners appointed to the WTGC must complete a background check to the same level as that required of employees using the same standards as applied to employees as set forth in the regulations adopted to apply to employees pursuant to Section 21-70-20 of this Title 21.
11. Compensation. WTGC Commissioners may be compensated by stipend when and if agreed to by a majority vote of the Commissioners and only in accordance with the Tribal Council approved annual budget of the WTGC.
12. General Standards of Conduct and Commissioner Liabilities. Commissioners shall discharge their duties in good faith and in accordance with the requirements of the Washoe Law & Order Code, applicable federal law, and the WTGC Bylaws. A Commissioner shall not be liable for any action taken as a Commissioner, or any failure to take any action, if the Commissioner performed the duties of his or her office in compliance with the Washoe Law & Order Code, applicable federal law, and the WTGC Bylaws.

**21-40-30 Powers and Duties of WTGC**

The WTGC shall administer the provisions of this Title and shall have all powers necessary therefore, including the following powers and duties:

1. **Oversight.** The WTGC shall have primary responsibility for oversight of Class II and Class III Gaming operations.
2. **Inspection.** The WTGC may employ inspectors (all of whom shall be licensed as Gaming employees under this Title, Section 21-70-20) who may be present at any Gaming facility during any hours of operation, and who shall be under the sole supervision of the WTGC. Such inspectors shall have unfettered access to all areas of the Gaming facilities at all times, including locked or secured areas. Personnel employed by the Gaming operation shall provide such inspectors immediate access to all such areas on request at any time. Such inspectors shall report to the WTGC regarding any failure by the Gaming operation to comply with any applicable law, including but not limited to, this Title or any compact.
3. **Required plans and approvals.** The WTGC shall assure that the construction, maintenance, and operation of any Tribal Class II or Class III Gaming facility shall at all times be conducted in a manner which adequately protects public health, safety, and the environment, and complies with all applicable federal and tribal laws and, in the case of Class III Gaming, with the Compact and any amendments thereto. In particular, the WTGC shall:
  - (a) Prepare a plan for the protection of public safety and the physical security of patrons in each Gaming facility, setting forth the respective responsibilities of the WTGC, and if appropriate, any federal, state, or local police agency;
  - (b) Review and approve floor plans and surveillance systems for each Gaming facility and may confer with other governmental or private parties regarding the adequacy of such plans and systems;
  - (c) Enforce the health and safety standards applicable to the Gaming facilities; and
  - (d) Require that prior to the opening of any Gaming facility, a Gaming operation shall obtain a "Certificate of Compliance" from the WTGC, which shall be issued upon a determination that the Gaming facility complies with such standards.
4. **Resolution of patron complaints and/or disputes.** The WTGC shall have the authority to resolve patron complaints and/or disputes in accordance with the provisions of Section 21-80-20 of this Ordinance. All written complaints from any Person regarding any aspect of Gaming operations shall be reviewed by the WTGC and retained for at least five (5) years.

~~The WTGC, including onsite inspectors, may assist in seeking voluntary resolution of any complaints. The WTGC may receive any complaint from an employee of the Gaming operation or any member of the public who claims to be adversely affected by an act or omission of the Gaming operation or any Person associated with it which is alleged to be unlawful or improper and may require such remedial action as it deems appropriate to bring the Gaming operation into compliance. The WTGC may for this purpose in its sole discretion, conduct a hearing and receive evidence with regard to such complaint if it deems an evidentiary proceeding useful to resolve such complaint. Notwithstanding the above, licensing disputes, patron disputes regarding particular wagers, and disputes regarding the imposition of penalties, shall be resolved as set forth in Chapter 8 of this Title (Section 21-80).~~

5. Investigations. The WTGC may on its own initiative investigate any aspect of the Gaming operation to protect the public interest in the integrity of such Gaming activities and to prevent improper or unlawful conduct in the course of such Gaming activities. The WTGC shall investigate any report of a failure of the Gaming operation to comply with applicable law including the provisions of the Compact, and may require the Gaming operation to take any corrective action the WTGC may determine appropriate. The WTGC may compel any licensee or Person employed by or doing business with the Gaming operation to appear before it and to provide such information, documents, or other materials as may be in their possession or control to assist in any such investigation.
6. Background Investigations; Gaming Licenses. The WTGC shall conduct, or have conducted, any background investigations required or permitted under applicable law, and shall issue, suspend, and revoke all licenses pertaining to Class II or Class III Gaming.
7. Coordination with other agencies. To the extent required by applicable law, the WTGC shall coordinate its activities and cooperate with other relevant agencies, including the NIGC and other federal agencies, and any agencies of the State with which the Tribe cooperates pursuant to the Compact. The WTGC may provide any information to such agencies which must or may be provided under applicable law.
8. Coordination with private entities. To the extent required by applicable law, the WTGC shall to the extent practical or advisable in the WTGC's opinion coordinate its activities with any Gaming manager, and any other contractors, vendors, suppliers, or other private entities with any involvement in any aspect of Gaming operations.
9. Regulations. The WTGC may promulgate, review, and revise as necessary regulations, rules, and procedures to govern and facilitate the



operation and management of the Gaming operation in accordance with applicable law. Such regulations, rules, and procedures shall be subject to rescission or amendment by the Council.

10. Compact. In regards, to Class III Gaming, the WTGC shall carry out each of the responsibilities and duties set forth for the WTGC in the Compact and any amendment thereto.
11. Establishment of list of barred Persons. The WTGC may bar any Person from working or Gaming at Gaming facilities if, in the view of the WTGC, such Person's history, associations, reputation, or habits poses a threat to the integrity of Gaming activities. This list of barred Persons may be shared with other public or private agencies under Subsection 7, 8, and 10 above.
12. Technical standards. The WTGC shall promulgate, review, and revise as necessary technical standards and rules of play for each Class II and Class III game permitted.
13. Penalties. The WTGC may impose penalties for violations of this Title or any compact in accordance with Chapter 9 of this Title (Section 21-90).
14. Legal remedies; sovereign immunity. The WTGC may in its own name bring any civil action or criminal complaint in the courts of the Tribe, State or the United States to enforce the provisions of this Title, the Act or the Compact, or to enjoin or otherwise prevent any violation of this Title, the Act, or the Compact occurring on the Reservation. However, the Tribe, including the WTGC and any of its agents acting within their authority shall retain sovereign immunity from suit in any court or tribunal, including immunity from counterclaims, except as specifically provided otherwise in this Title.
15. Emergency action by WTGC Commissioners. If emergency action is required to protect the public interest in the integrity of Gaming operations, and there is insufficient time to convene a meeting of the WTGC, the Chairperson of the WTGC, or any other Commissioner of the WTGC acting in the absence of the Chairperson, may issue in the name of the WTGC any order which the WTGC has the power to issue to any employee or contractor of the Gaming operation or to any other Person Within the Jurisdiction of the Tribe to take any action or cease and desist from any action as may be required to protect such interest. Any such emergency order must be reviewed by the WTGC at its earliest opportunity, whereupon it may be confirmed or vacated by the WTGC. An unreviewed, or unconfirmed emergency order issued under this section will lapse within ten (10) days, and must so state.



16. The WTGC is a governmental subdivision of the Tribe, having been delegated the right to exercise one or more essential governmental functions of the Tribe.
17. The WTGC is hereby clothed with all the privileges and immunities of the Tribe, except as specifically limited by this Title or other tribal law, including sovereign immunity from suit in any tribal, federal, or state court.
18. Nothing in this Title or any activity of the WTGC shall implicate or any way involves the credit of the Tribe or the WTGC. The WTGC shall have only those assets specifically assigned to it by the Council or acquired in its name by the Tribe or by the WTGC on its own behalf. No activity of the WTGC or any indebtedness incurred by it shall implicate or in any way involve or affect any assets of tribal members or the Tribe not assigned in writing to the WTGC.
19. The WTGC shall have perpetual existence and succession in its own name, unless dissolved by the Tribal Council pursuant to Tribal law.

**21-40-40 WTGC Operations**

1. Quorum and voting. A majority of WTGC Commissioners shall constitute a quorum. A quorum must include either the Chairperson, the Vice Chairperson, or a Commissioner designated to act in the absence of the Chairperson or Vice Chairperson. No action by the WTGC shall be considered official unless ratified by a majority of the quorum at a WTGC meeting. Other quorum and voting rules not inconsistent with this Title may be established by the WTGC Bylaws.
2. Recusal. No Commissioner of the WTGC shall participate in any decision directly involving the Gaming License, employment, or the direct monetary interest of his or her spouse, child, parent, or sibling, by blood or adoption. A Commissioner of the WTGC may voluntarily recuse himself or herself and decline to participate in any WTGC action or decisions when the Commissioner, in his or her own discretion, believes he or she could not act fairly or without bias, or that there would be an appearance that he or she could not so act.
3. Meetings.
  - (a) Regular meetings of the WTGC shall be held at least monthly, but may also be held upon such notice, or without notice, at such times and places as the WTGC determines. Unless otherwise specified by the WTGC Bylaws, no notice of such regular meetings shall be necessary. Special meetings may be called pursuant to the WTGC Bylaws. Neither the business to be transacted at, nor the purpose

- of any regular or special meeting need be specified in any notice of the meeting.
- (b) Any action required or permitted to be taken at a meeting of the WTGC may be taken without a meeting if each Commissioner signs a written consent to the action. Such consents shall be filed with the minutes of the WTGC.
  - (c) Commissioners of the WTGC may participate in a meeting by conference telephone or similar communications equipment by which all Persons participating in the meeting can hear each other. A Commissioner participating in a meeting by such means shall be deemed present at the meeting.
  - (d) Meeting Minutes shall be maintained by the Secretary. The Minutes shall be typed and in a consistent format designed to guarantee the most informative record of all meetings of the WTGC. Minutes shall be saved both electronically and in hard copy binders. The WTGC Bylaws may specify additional requirements for Meeting Minutes.
  - (e) All Commissioners are expected to attend all duly held meetings of the WTGC and any other non-WTGC meetings or conferences that the Commissioner has agreed to attend or has been required to attend. If a Commissioner is unable to attend a meeting or commitment, the Commissioner must provide notice of his or her absence pursuant to the WTGC Bylaws. Failure to provide notice of absence may result in an unexcused absence, which may subject the Commissioner to penalties as specified in the WTGC Bylaws.
4. Executive Sessions. All meetings involving licensure or involving confidential topics shall be held in an Executive Session accessible only to the Commissioners and their invited advisors, consultants or staff.
5. Reports to the Tribal Council. At least one Commissioner shall attend each regularly scheduled Tribal Council meeting and report generally on any actions taken by the WTGC in the previous month (without revealing any confidential information of the WTGC). At least annually the WTGC shall provide a written report of activities of the WTGC with sufficient detail as requested by the Chairman of the Tribal Council but without including any confidential information of the WTGC.

## **21-50 FINANCIAL MATTERS**

### **21-50-10 Application of Net Revenues**

Tribal revenues from any Gaming activity are not to be used for any purpose other than:

1. To fund tribal government operations or programs;

2. To provide for the general welfare of the Tribe and its members;
3. To promote the Tribe's economic development;
4. To donate to charitable organizations;
5. To help fund operations of local government agencies; or
6. Other purposes permitted under the Act.

**21-50-20 Budgets**

The WTGC shall propose to the Council an annual operating budget, and may in accordance with the budget employ staff necessary to fulfill its responsibilities, and may retain legal counsel, consultants, and other professional services, including compliance and investigative services to assist it. The WTGC shall be funded via appropriation from the Tribal government and not directly funded from the Gaming operation. The Council shall ensure that the WTGC is funded appropriately.

**21-50-30 Audits**

The WTGC and Council shall cause to be conducted independent audits of Gaming operations at least annually, as required by federal law and under 25 C.F.R. §522.4(b) (3) and §§571.12-14 and the Compact and shall submit the results of those audits to the NIGC and the State (as required by the Compact). All Gaming-related contracts that result in purchase of supplies, services, or concessions for more than \$25,000.00 in any year (except for contracts for professional legal and accounting services) shall be specifically included within the scope of such audit. The WTGC, Council, or NIGC may call for special audits at any time.

**21-60 BACKGROUND INVESTIGATIONS FOR PRIMARY MANAGEMENT OFFICIALS AND KEY EMPLOYEES****21-60-10 Required Background Investigations**

All Primary Management Officials and Key Employees of any Class II or Class III Gaming operation shall be subject to background investigations required by the Act, NIGC regulations, this Title and the Compact. Background investigations shall be conducted at the outset of employment, and shall be ongoing.

**21-60-20 Statement of Background Check Responsibilities; Delegation or Contracting Responsibilities**

1. The Tribe is responsible for the conduct of background investigations and suitability determinations. The WTGC shall have primary responsibility for conducting and causing to be conducted the background investigations.

2. The WTGC may delegate the responsibility for conducting background investigations to a Person or agency outside of the WTGC, so long as such Person or agency members have already undergone a background check and have been approved by the WTGC. However, if the WTGC delegates the responsibility for conducting background investigations, such investigations shall remain subject to the review and approval of the WTGC.
3. The Tribe may contract with the State to permit the State to conduct background checks, pursuant to the terms of the Compact.

#### **21-60-30 Notices to Applicants**

1. The following notice shall be placed on the application form for a Key Employee or a Primary Management Official before that form is filled out by an applicant:

“In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 *et seq.* The purpose of the requested information is to determine the eligibility of individuals to be granted a Gaming license. The information will be used by the Washoe Tribal Gaming Commission and 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 Washoe Tribe or the NIGC to appropriate federal, Tribal, State, ~~or local, or foreign law enforcement and regulatory agencies officials,~~ or when relevant to civil, criminal or regulatory investigations or prosecutions, or when pursuant to a requirement by a tribe or the NIGC, or 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 the Washoe Tribe of Nevada and California being unable to ~~hire~~ license you ~~in~~for a primary management official or key employee position.

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

2. The following notice shall be placed on the application form for a Key Employee or a Primary Management Official before that form is filled out by an applicant:

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

**21-60-40 Information from Applicants**

The WTGC shall obtain from any candidate for Primary Management Official or Key Employee at least 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 or written);
2. Currently and for the previous five (5) years: all business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
3. The names and current addresses of at least three Personal references, including one Personal reference who was acquainted with the applicant during each period of residence listed under subsection 2 above;
4. Current business and residence telephone numbers;
5. A description of any existing and previous business relationship with Indian tribes, including ownership interests in those businesses;
6. A description of any existing and previous business relationships within the gaming industry, 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 and 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;
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 subsection 8 or 9 above, the criminal charge, the name and address of the court involved and the date and disposition;

11. The name and address of any licensing or regulatory agency with which the Person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
12. A recent photograph;
13. Any other information the WTGC or Council deems relevant; and
14. Fingerprints certified as adequate by a professional law enforcement agency. The WTGC shall arrange for the obtaining and processing of fingerprints through the Tribe's Police Department.

#### **21-60-50 Rules Regarding Background Investigations**

1. Confidentiality of third party source. The Tribe, the WTGC, and all affiliated agents and employees shall keep confidential the identity of each Person interviewed in the course of a background investigation.
2. Retention of records. The WTGC shall retain applications for employment, applications for licensing, eligibility determinations, and reports (if any) of the background investigations for at least three (3) years from the date of termination of employment, or three years from the date such documents were created if the applicant was never actually employed. Such records shall be made available on request of the Council or NIGC.
3. Conduct of investigation. Background investigations must be of sufficient quality to enable the WTGC to make a determination of eligibility under Section 21-60-60. The investigation shall include, at minimum:
  - (a) Verification by oral or written communication of all relevant information in the application;
  - (b) Interviews of current and prior employers for the preceding five (5) years;
  - (c) Interviews of all Personal references;
  - (d) A criminal history check, including a check of criminal history records information maintained by the Federal Bureau of Investigation;
  - (e) An interview with the applicant;
  - (f) A thorough inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations;

(g) Interviews with a sufficient number of knowledgeable people in order to provide a basis for the Tribe to make a finding concerning the eligibility for employment in a Gaming operations. The disposition of all potential problem areas noted and disqualifying information obtained must be thoroughly documented.

4. Content of investigation report. An investigative report shall be written for each investigation conducted. Each investigation report shall include:
  - (a) A statement of all steps taken in conducting the background investigation;
  - (b) A statement of the results obtained;
  - (c) A statement of the conclusions reached by the investigator; and
  - (d) The basis for those conclusions.

#### **21-60-60 Eligibility Determinations**

1. The Tribe shall adhere to the requirements and standards provided in IGRA and the NIGC regulations for licensing and background checks for management contractors, tribally employed managers, Key Employees, and Primary Management Officials.
2. The WTGC shall carefully review a Person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a Key Employee or a Primary Management Official for employment in a Gaming operation. If the WTGC in the course of this review determines that such employment may pose a threat to the public interest or to the effective regulation of Gaming, or might create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming, no manager, contractor or Gaming operation within the Reservation shall employ that Person in a Primary Management Official or Key Employee Position.
3. Gaming operations shall not employ in a Key Employee or Primary Management Official position a Person who has supplied materially false or misleading information or who has omitted material information required by law.
4. Gaming operations shall not employ any Person who is not a member of the Tribe if such Person is determined by the Nevada Gaming Commission or State Gaming Control Board to be a Person who would be unsuitable to hold or retain a Nevada Key Employee license, or Nevada work-permit, for employment in a similarly situated non-tribal Gaming operation.
5. The WTGC shall submit the names of Key Employees to the State Gaming Control Board, and the State Gaming Control Board shall

determine whether a Key Employee License is required. If required, the Key Employee shall be required to present a license application to the State Gaming Control Board within thirty (30) days after receipt of the State Gaming Control Board's determination, and a determination of suitability shall be made by the State Gaming Control Board or the Nevada Gaming Commission.

6. The WTGC may establish additional regulations to govern the determination of eligibility, including regulations that would permit a Person convicted of certain crimes (but not crimes of moral turpitude or crimes of dishonesty) to be employed in certain Gaming positions. Any regulations adopted by the WTGC under this Subsection may not conflict with the background check requirements of IGRA, applicable NIGC background check requirements, the Compact, or Subsection 21-60-60(4) of this Title 21.

## **21-60-70 Reporting to the NIGC; WTGC Action on NIGC Recommendations**

1. This section adopts as Tribal law the NIGC's requirements for Tribal licensing and background investigations. This section shall be interpreted and applied in a manner which conforms to 25 C.F.R. Parts 556 and 558.
2. ~~Notification regarding background investigations and eligibility determinations. The WTGC shall forward to the NIGC the following records with respect to all Persons investigated as candidates for a position as a Primary Management Official or Key Employee:~~
  - ~~(a) All application information described in Section 21-60-40 above;~~
  - ~~(b) The investigative report described in Section 21-60-50 above;~~
  - ~~(c) The WTGC's eligibility determination described in Section 21-60-60 above;~~
  - ~~(d) A notification of the WTGC's hiring and/or licensing decision;~~
  - ~~(e) The date on which the applicant began, or will begin, working as a Primary Management Official or Key Employee.~~
32. Procedure following decision to hire Key Employee or Primary Management Official

- (a) When a Key Employee or a Primary Management Official begins work at a Gaming operation, the WTGC shall:

- i. Maintain an application file containing all information required by Section 21-60-40.

~~Forward to the NIGC a complete application for employment that contains the notices and information listed in 25 C.F.R. §§556.2 (privacy notice), 556.3 (notice regarding false statements), 556.4 (background investigations—required information); and~~



- ii. Conduct a background investigation under 25 C.F.R. part 556, and Sections 21-60-40 through 21-60-60 of this Title 21 to determine the eligibility of the Key Employee or Primary Management Official for employment in a Gaming operation.
  - iii. Create and maintain an investigative report on each background investigation in accordance with the requirements of Section 21-60-50(4).
  - iv. Submit a notice of results of the Key Employee or Primary Management Official's background investigation to the NIGC no later than sixty (60) days after the Key Employee or Primary Management Official begins work. The notice of results shall contain:
    - (A) Applicant's name, date of birth, and social security number;
    - (B) Date on which applicant began work 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:
      - 1. Licenses that have previously been denied;
      - 2. Gaming licenses that have been revoked, even if subsequently reinstated;
      - 3. Every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
      - 1.4. Every felony of which the applicant has been convicted or any ongoing prosecution.
    - (D) A copy of the eligibility determination made pursuant to Section 21-60-60 of this Title 21 and 25 C.F.R. § 556.5.
- (b) ~~Upon completion of a background investigation and a determination of eligibility for employment in a Gaming operation under Sections 21-60-50 and 21-60-60 of this Title, the WTGC shall forward a report, as required by 25 C.F.R. §556.5 (b) and Section 21-60-70 (2) (b) of this Title, to the NIGC within sixty (60) days after an employee begins work or within sixty (60) days of the approval of this Title by the Chairman of the NIGC. A Gaming operation shall not employ a Key Employee or Primary~~

Management Official who does not have a Gaming License after ninety (90) days of applying for such License.

- (c) During a thirty-day period beginning when the NIGC receives a report submitted under Subsection 21-60-70 (2) ~~(ba)~~(iv) of this Title, the Chair of the NIGC may request additional information from the Tribe concerning a Key Employee or a Primary Management Official who is the subject of such report. Such a request shall suspend the thirty-day period until the NIGC Chairman receives the additional information.
- (d) If, within the thirty-day period described in Subsection 21-60-70 ~~(23)~~ (c) above, the NIGC notifies the WTGC that it has no objection to the issuance of a License pursuant to an application filed by a Key Employee or a Primary Management Official for whom the WTGC has provided the required application and investigative report to the NIGC, the WTGC may issue a License to such applicant.
- (e) If, within the thirty-day period described in Subsection 21-60-70 ~~(23)~~ (c) above, the NIGC provides the WTGC with a statement itemizing objections to the issuance of a License to a Key Employee or to a Primary Management Official for whom the WTGC has provided the required application and investigative report to the NIGC, the WTGC shall reconsider the application, taking into account the objections itemized by the NIGC. The WTGC shall make the final decision whether to issue a License to such applicant.~~tion.~~
- (f) If the NIGC fails to respond to the WTGC within the thirty (30) day period described in Subsection 21-60-70(2)(c), then the WTGC may issue a Gaming License to the Primary Management Official or Key Employee.
- (g~~f~~) Suspension of License ~~by NIGC~~. If, after the issuance of a Gaming License, the NIGC notifies the WTGC that it has received reliable information indicating that a Key Employee or Primary Management Official is ineligible for employment under applicable law, the Tribe shall suspend the License of such Person and notify the Licensee in writing of the suspension and the proposed revocation. The WTGC shall notify the Licensee of the time and place for a hearing on the proposed revocation of a license. After a revocation hearing, the WTGC shall decide whether to revoke or to reinstate a Gaming license. The WTGC shall notify the NIGC of its decision within 45 days of receiving the initial notification from the NIGC. A right to a hearing under

this section shall vest only upon receipt of a license granted under this Ordinance.

- (4) The WTGC shall notify the NIGC of the issuance of a license to a Primary Management Official or Key Employee within thirty (30) days of issuance.
- (5) When the WTGC does not issue a license to an applicant for a Primary Management Official or Key Employee position, or revokes a previously issued license after reconsideration, it shall notify the NIGC and forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

## **21-70 LICENSES**

### **21-70-10 License Required for Each Gaming Location**

A License issued by the WTGC is required for each facility, operation, or location where Class II or Class III Gaming occurs. The License required by this section is a prerequisite to any Certificate of Compliance issued by the WTGC pursuant to 21-40-30 (3) (d). Each Gaming facility, operation, place and location shall be constructed and maintained in a manner which adequately protects the environment, public safety and welfare. Each Gaming facility, operation, place and location shall comply with all applicable Tribal, state and federal laws, including but not limited to fire codes, safety codes and building codes.

### **21-70-20 License Required for Each Gaming Employee; Standard for Gaming License**

1. All Gaming employees shall be licensed by the WTGC. Prior to issuance of each License, the WTGC shall conduct or cause to be conducted a background investigation of each applicant pursuant to regulations adopted pursuant to this Title 21.
2. The WTGC shall deny or revoke a Gaming employee License for any employee whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of Gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming.

### **21-70-30 Background Investigation**

Before issuing a License to a Gaming employee, the WTGC shall forward the results of any background investigation to the NIGC.

**21-70-40      Licensing Decision; No Vested Right to License**

1. If the WTGC determines, on the basis of a background investigation and such other information as it may obtain, that the applicant is qualified for a Gaming employee License, the WTGC may, but shall not be required to issue such License. The WTGC, at its sole discretion, may impose any qualifications to such License it deems appropriate, or may refuse to issue such License despite an applicant's qualifications.
2. No applicant for any License or other affirmative WTGC approval has any right to a License or the grant of approval sought. Any License issued or other WTGC approval granted pursuant to the provisions of this Title is a revocable privilege, and no holder acquires any vested right therein or thereunder.

**21-70-50      Work Permits**

All Persons who are not Gaming employees but work at any facility where authorized Gaming occurs or is supervised or administered must obtain a non-Gaming work permit. Such work permits shall be issued upon determining that the employee is not a threat to the effective regulation of Gaming and creates no risk or enhances no danger of unfair or illegal practices, methods or activities in the conduct of Gaming on the Reservation. The Tribe shall send copies of all applications for work permits to the State Gaming Control Board, and the State Gaming Control Board may object to the issuance of a work permit pursuant to the terms of the Compact.

**21-70-60      Licensing of Vendors, etc.**

Any Person or entity proposing to sell, lease, or otherwise provide electronic games of chance, other Gaming devices, or Gaming services are required to obtain a License from the WTGC. The standards with respect to such Licenses are the same as those applicable to Gaming employees, except that if the applicant is a corporation, trust, or partnership, applications must be made by any Person or entity holding 10% or more of any beneficial or legal interest in such entity.

**21-80      HEARINGS AND APPEALS****21-80-10      Licensing Decisions**

1. The WTGC shall promptly notify in writing any Licensee or applicant whose License or application for a License has been or will be denied, suspended, or revoked. Said notice shall include:
  - (a) The effective date of WTGC action, and
  - (b) The right of Person to appeal the WTGC action.



2. Any Person whose application for a Gaming-related License is denied, or whose License has been suspended or revoked, may request a hearing before the WTGC by written request submitted within fifteen (15) days following receipt of notice of the action of the WTGC. The WTGC shall hold a hearing within thirty (30) days of the filing of the request. A right to a revocation or suspension hearing under this section shall vest only upon receipt of a license granted under this Ordinance.

## 21-80-20 Patron Disputes

1. Patrons with complaints against the Gaming Facility regarding gaming wagers or alleged winnings must submit a Notice of Claim with the General Manager of the Gaming Facility within thirty (30) business days of the incident giving rise to the Claim. A Notice of Claim shall be submitted in writing.
2. The General Manager shall investigate the allegations made in the Notice of Claim and issue a written decision based on the results of the investigation within thirty (30) business days of receiving the Notice of Claim. As part of the investigation, the General Manager may request additional information from the Patron or any other person with knowledge of the incident giving rise to the claim. The General Manager may delegate the duties in this subsection to another Gaming Facility employee, department, risk management and/or insurance company.
3. If the Patron is dissatisfied with the General Manager's resolution of their Notice of Claim, then the Patron may file a Petition for Relief with the WTGC within fifteen (15) business days of receiving the General Manager's resolution. Petitions for Relief shall be submitted in writing.  
~~Any complaint by a patron must be brought to the attention of the WTGC by the patron, or such complaint is deemed waived. All Patron Disputes shall be governed by regulations to be adopted pursuant to this Title 21.~~
4. The WTGC may, in its sole discretion, conduct a hearing and receive evidence with regard to such Petition for Relief if it deems an evidentiary proceeding useful to resolve the Patron's claims. The WTGC may issue a decision solely based on the Notice of Claim, Resolution of Claim, and Petition for Relief. The Patron may have legal counsel present at a WTGC hearing.
5. The WTGC shall issue a written decision resolving the Petition for Relief within sixty (60) calendar days of receiving the Petition for Relief. The decisions of the WTGC shall be final and non-appealable.
6. All claims by Patrons shall be limited to a maximum recovery of the Patron's alleged winnings; provided, however, that if any alleged winnings are found to be the result of a mechanical, electronic or electromechanical failure and not due to the intentional acts or gross negligence of the Gaming Facility or its

agents, then the WTGC shall deny the Patron's claims for alleged winnings but shall award reimbursement of the amount wagered by the Patron which was lost as a result of any said failure.

7. All written complaints from any person regarding any aspect of Gaming Operations shall be reviewed by the WTGC and retained by the WTGC for at least five (5) years.
8. The Tribe may also contract with the State to obtain assistance from the State in the resolution of patron disputes, pursuant to the terms of the Compact.
9. The remedies in this section are the exclusive remedies for complaints against the Gaming Facility regarding gaming wagers or alleged winnings.
10. Notwithstanding the above, licensing disputes and disputes regarding the imposition of penalties shall be resolved as set forth in Section 21-80-10 of this Title, and Gaming Facility Patron tort claims shall be resolved as set forth in the Washoe Tribe of Nevada and California Tort Claims Ordinance.

#### **21-80-30 Appeal to Council**

Any rulings of the WTGC under Sections 21-80-10 above, or assessment by the WTGC of a penalty under Chapter 9 (Section 21-90), may be appealed within fifteen (15) days of the WTGC's decision to the Council. The Council shall give appropriate deference to the expertise of the WTGC. Review of WTGC action shall be limited to and proceed on the WTGC's administrative record. The Council shall either affirm the WTGC's decision or:

- (a) In a licensing dispute, award or reinstate a License; or
- (b) Regarding assessment of penalties, reverse, abate, reduce, or enhance a penalty assessed by the WTGC.

The Council may impose conditions on the above awards of relief. In no event may the Council assess prejudgment interest, costs, or attorney's fees against the Tribe, the WTGC or any tribal employee, agent, or instrumentality. All determinations of the Council under this section are final, and subject to no further appeal.

#### **21-80-40 Confidential Information**

Where WTGC action is based upon confidential information, which may not as a matter of law or policy be disclosed to the aggrieved Person, such circumstances shall not be grounds for reversal of the WTGC's decision, and the aggrieved Person shall have no right to such confidential information in proceedings before either the WTGC, Council, or any other forum.

#### **21-80-50 Hearing Procedures; Burden of Proof**

1. The WTGC or Council may adopt such additional procedures and rules for the conduct of hearings as either deems necessary or convenient so long as they are consistent with this Title and other provisions of applicable law.
2. The public interest in the integrity of Gaming is such that the burdens of proof and persuasion with respect to Gaming issues, especially regarding fitness for licensing, shall be upon the individual.

**21-90 PROHIBITED ACTS AND PENALTIES**

**21-90-10 Prohibited Acts**

It shall be a violation of this Title for any Person to:

1. Conduct or participate in Class II or Class III Gaming Within the Tribe's Jurisdiction other than at licensed Gaming facilities.
2. Receive, distribute, apply, or divert any property, funds, proceeds, or other assets of the Gaming operation to the benefit of any Person except as authorized by this Title, the Compact or the Act.
3. Tamper with any equipment used in the conduct of Gaming operations, or do any other act in connection with Gaming operations, with the intent to cause any Person to win or lose any wager other than in accordance with the publicly announced rules of such Gaming operation.
4. Alter or misrepresent the outcome or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.
5. Place, increase, or decrease a bet or to determine the course of play after acquiring knowledge not available to all players of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet, or to aid anyone in acquiring such knowledge.
6. Claim, collect, or take, or attempt to claim, collect or take, money or anything of value in or from a Gaming device, with intent to defraud, without having made a wager, or to claim, collect or take an amount greater than the amount won.
7. Place, increase, or reduce a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting, pressing, or pinching bets.



8. Manipulate, with the intent to cheat, any component of an electronic game of chance or Gaming device in a manner contrary to the designed and normal operational purpose for the component.
9. Use other than coins or tokens approved by the WTGC or other lawful legal tender, or use a coin not of the same denomination as the coin is intended to be used in the Gaming device.
10. Possess or use any device or means to cheat while at the Gaming facility.
11. Permit any Person to engage in Class III Gaming in violation of the Compact.
12. Engage in Class II or Class III Gaming while employed by and on duty at a Gaming facility.

**21-90-20 Penalties**

Any Person who violates any provision of this Title, WTGC regulations promulgated thereunder, or the provisions of the Compact, shall be subject to civil penalties including exclusion from employment or other involvement with any Gaming operation within the Reservation, denial or revocation of a Tribal Gaming License, exclusion from attendance at any Gaming facility within the Reservation, possible exclusion from all land Within the Tribe's Jurisdiction if a non-member of the Tribe, or, with respect to any Person subject to the jurisdiction of the Tribe to impose such fines, a fine of not more than \$5,000.00 for each such violation. The WTGC shall have the jurisdiction to impose any such penalties on any Person, except with respect to exclusion from all land Within the Tribe's Jurisdiction, which the WTGC may recommend for action by the Council.

**21-100 CLASS II GAMING****21-100-10 Definitions**

1. 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 designated arrangement or pattern of numbers or designation on such cards. ~~“Bingo” includes, if played at the same location, pull tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo.~~

2. Bingo Occasion – means a single session or gathering at which a series of successive bingo games are played.
3. Card Games – means non-banked card games played in conformity with Nevada state law, as applicable, regulating hours, wagers and pot limitations.
4. Game Card and Bingo Game Card – mean a regular or special bingo card.
5. Lotto – means a game of chance with cards bearing numbers or other designations, in rows of 9, in which the player holding the card covers such numbers or designations with 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 a game of chance in which players purchase a card containing predetermined numbers, colors, symbols or other designations which when revealed may result in the award of a prize on the basis of a designated winning number, color, symbol or other designation or combination thereof, whether or not electronic, computer, or other technological aids, to the extent permitted by law, are used in connection therewith.
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 an admission fee which affords a Person the opportunity to participate in all regular bingo games played at a bingo occasion.
9. Special Bingo Game – means any bingo game which is not a regular bingo game and which is played with special bingo cards for special prizes.
10. 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.

**21-100-20 Persons Authorized to Conduct Class II Gaming**

1. All Class II Gaming conducted on the Washoe Reservation shall be conducted in compliance with applicable federal and tribal laws.
2. No Person or entity shall operate or conduct a Class II Gaming activity on Tribal Lands unless that Person or entity has first received a License to conduct a Class II Gaming activity from the WTGC.

**21-100-30 Ownership of Class II Gaming Activity**

1. The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any Class II Gaming operation unless it elects to allow individually owned Gaming under 25 C.F.R. § 522.10. No Person or entity shall own an interest in any Class II Gaming location, facility or operation on Washoe Tribe lands unless that Person or entity has:
  - (a) Received from the WTGC all necessary licenses required to conduct a Class II Gaming activity; and
  - (b) Been authorized by contractual or other duly executed authorization of the Tribal Council.
2. Any Person or entity who owns an interest in a Class II Gaming enterprise shall apply to the WTGC for an owner and/or operator License for a Class II Gaming facility, as is appropriate, on a form prescribed by the WTGC. A separate application and License shall be required for each place, facility, or location on Tribal Lands at which Class II Gaming will be conducted.
3. Preference shall be given to permitting Class II Gaming activities in which the Tribe has the sole proprietary interest.
4. Notwithstanding subparagraph (3) above, the WTGC may license a Class II Gaming operations owned in whole or in part, by a Person other than the Tribe, provided that no License may be issued to such a Person unless the Person has first expressly agreed, and commemorated in writing in a form prescribed by the WTGC, that:
  - (a) That the Person agrees that the Gaming operation must be licensed at all times by the WTGC and will be regulated under this Title 21 Gaming Ordinance;
  - (b) That not less than 60 percent of the Net Revenues generated by the Person must be income to the Tribe;
  - (d) That the Person will pay an assessment to the NIGC under 25 CFR 514.1;
  - (e) That the Person understands that licensing standards that will be applied to the Person are at least as restrictive as those established

by the State of Nevada governing similar Gaming within the jurisdiction of the State of Nevada; and

- (f) That the Person understands that the WTGC must deny a license to any Person or entity that would not be eligible to receive a license to conduct the same activity within the jurisdiction of the surrounding State of Nevada and the State of Nevada's standards shall apply with respect to purpose, entity, pot limits and hours of operation for the license.

5. The Tribe will utilize the income to the Tribe from an individually owned Gaming operation only for the purposes listed in 25 CFR 522.4(b)(2).

Person

#### **21-100-40 Management Contracts for Class II Gaming**

The Tribe may enter into a management contract for the operation and management of Class II Gaming activities. Each such contract must comply with the provisions of this Title, other applicable provision of tribal law and provisions of federal law (including, but not limited to 25 U.S.C. §2711). Management contracts for the operation of Class II Gaming activities must be approved by the NIGC.

#### **21-100-50 Class II Games Permitted and Class II Game Regulations**

The WTGC may adopt regulations establishing the rules for the operation of Class II games, including but not limited to, the types of games permitted, the types of game cards or other implements permitted, the number of players permitted in a Class II Gaming facility, the number of players permitted to play in each Class II game, minimum age of patrons, and mechanisms by which Class III games may be offered.

#### **21-110 CLASS III GAMING**

##### **21-110-10 Compliance with Compact and Applicable Laws**

All Class III Gaming conducted on Tribal Lands shall be conducted in compliance with the Compact, federal law, Tribal law, and applicable rules and regulations of any governmental authority with jurisdiction.

##### **21-110-20 Persons Authorized to Conduct Class III Gaming**

1. All Class III Gaming conducted on the Washoe Reservation shall be conducted in compliance with the Compact, applicable federal, state and tribal law, and applicable rules and regulations of any governmental authority with jurisdiction. In the event of a conflict between the provisions of 21-110 of this Title and the Compact, the Compact shall control.

2. No Person or entity shall operate or conduct a Class III Gaming activity on the Reservation unless that Person or entity has first received a License to conduct a Class III Gaming activity from the WTGC.

**21-110-30      Ownership of Class III Gaming Activity**

1. The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any Class III Gaming operation unless it elects to allow Gaming under 25 C.F.R. § 522.10. No Person or entity shall own an interest in any Class III Gaming location, facility or operation on Washoe Tribal Lands unless that Person or entity has:
  - (a) received from the WTGC all necessary Licenses required to conduct a Class III Gaming activity; and
  - (b) been authorized by contractual or other duly executed authorization of the Tribal Council.
2. Any Person or entity who owns an interest in Class III Gaming enterprise, location, facility, or operation shall apply to the WTGC for an owner and/or operator License for a Class III Gaming facility, as is appropriate, on a form prescribed by the WTGC. A separate application and License shall be required for each place, facility, or location on Tribal Lands at which Class III Gaming will be conducted.
3. Preference shall be given to permitting Class III Gaming activities in which the Tribe has the sole proprietary interest.
4. Notwithstanding subparagraph (3) above, the WTGC may license Class III Gaming operations owned in whole or in part, by a Person other than the Tribe, provided that no License may be issued to such a Person unless the Person has first expressly agreed, and commemorated in writing in a form prescribed by the WTGC, that:
  - (a) That the Person agrees that the Gaming operation must be licensed at all times by the WTGC and will be regulated under this Title 21 Gaming Ordinance;
  - (b) That not less than 60 percent of the Net Revenues generated by the Person must be income to the Tribe;
  - (d) That the Person will pay an assessment to the NIGC under 25 CFR 514.1;
  - (e) That the Person understands that licensing standards that will be applied to the Person are at least as restrictive as those established by the State of Nevada governing similar Gaming within the jurisdiction of the State of Nevada; and
  - (f) That the Person understands that the WTGC must deny a license to any Person or entity that would not be eligible to receive a license to conduct the same activity within the jurisdiction of the

surrounding State of Nevada and the State of Nevada's standards shall apply with respect to purpose, entity, pot limits and hours of operation for the license.

5. The Tribe will utilize the income to the Tribe from an individually owned Gaming operation only for the purposes listed in 25 CFR 522.4(b)(2).

#### **21-110-40 Class III Games Permitted**

1. Any Class III games permitted by the Compact may be conducted Within the Tribe's Jurisdiction, subject to applicable laws, rules and regulations.
2. 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 Indian lands under federal law, pursuant to the Compact or amendments thereto, may be conducted Within the Tribe's Jurisdiction subject to applicable laws, rules or regulations.

#### **21-110-50 Management Contracts for Class III Gaming**

The Tribal Council may authorize and enter into a management contract for a Person or entity to operate or manage Class III Gaming activities at a tribally-owned facility on behalf of the Tribe, but only if the Tribe negotiates with the State to add an addendum to the Compact or adopts a subsequent compact with the State to address such issues. Each such management contract must comply with the tribal law and applicable federal law (including, but not limited to, 25 U.S.C. §2711). Management contracts for the operation of Class III Gaming activities must be approved by the NIGC.

#### **21-110-60 Class III Game Regulations**

The WTGC may establish additional regulations establishing the rules for the operation of Class III games and Gaming facilities, including but not limited to, the types of games permitted, the number of players permitted in a Class III Gaming facility, hours of operation, minimum age of patrons, and mechanisms by which Class III games may be offered.

### **21-120 RECORDS AND AUDITS**

#### **21-120-10 Records and Maintenance**

The WTGC shall ensure that all accounting records of each Gaming Facility are kept on a double entry system of accounting, maintaining detailed, supporting, subsidiary records. The WTGC shall also ensure that both the Gaming Facilities and the WTGC maintain the following records for not less than five (5) years:

- (1) Revenues, expenses, assets, liabilities and equity for each location at which Class II and Class III Gaming is conducted;
- (2) Daily cash transactions for each Class II and Class III game at each location at which Gaming is conducted, including but not limited to transactions relating to each Gaming table bank, game drop box, and Gaming room bank if applicable;
- (3) All markers, IOUs, returned checks, hold checks or other similar credit instruments;
- (4) Individual and statistical game records (except card games) to reflect statistical drop and statistical win; for electronic, computer, or other technologically assisted games, analytic reports which show the total amount of cash wagered and the total amount of prizes won;
- (5) Contracts, correspondence and other transaction documents relating to all Vendors and contractors;
- (6) Records of all tribal Gaming enforcement activities;
- (7) All Gaming related audits prepared by or on behalf of the Tribe or one of its subdivisions.
- (8) Personnel information on all Class II and Class III Gaming employees or agents including rotation sheets, hours worked, employee profiles and background checks.
- (9) Any additional records required by the WTGC or other governmental authority with jurisdiction.

**21-120-20 Reports to the State**

The Tribe and/or the WTGC shall furnish to the State all financial and statistical data and reports as related to Class III Gaming required by the Compact.

**21-120-30 Reports to the NIGC**

The Tribe and/or the WTGC shall furnish to the NIGC all financial reports, statistical data, audit records, and other notifications required by IGRA and its applicable regulations.

**21-120-40 Audits**

The Tribe and/or the WTGC shall require each Gaming operation licensed by the Tribe to engage an independent accountant, licensed by the Nevada State Board of Accountancy, who shall audit and/or review each Gaming operation. The subject matter(s) of such audits shall be determined by the Compact and any applicable federal, tribal, or state law.

**21-130 INTERNAL CONTROL STANDARDS AND FINANCIAL STANDARDS**

**21-130-10 Minimum Internal Control Standards**

1. The WTGC shall adopt by regulation Minimum Internal Control Standards (MICS) for Class II Gaming activities which are at least as stringent as or superior to the MICS adopted by the NIGC.
2. The WTGC shall adopt by regulation Minimum Internal Control Standards (MICS) for Class III Gaming activities which are at least as stringent as or superior to the MICS or Procedures adopted by the State Gaming Control Board. Once adopted, the WTGC MICS shall be submitted to the State Gaming Control Board.

**21-130-20 Minimum Technical Standards for Class II Gaming Systems and Equipment**

The WTGC shall adopt by regulation Minimum Technical Standards for Class II Gaming systems and equipment which are at least as stringent as or superior to the Minimum Technical Standards adopted by the NIGC.

**21-130-30 Cash Transaction Reporting**

The Tribe hereby incorporates the currency transaction reporting requirements of the Nevada Gaming Commission Regulation 6A, as they now exist and may be hereafter amended, as Tribal law. However, the Tribe need not comply with Regulation 6A if federal law or regulations require the Tribe to comply with the Bank Secrecy Act (Title 31 Section 5311 et. seq. of the U.S. Code) and its regulations.

**21-130-40 Minimum Bankroll**

Gaming operations owned, operated, or licensed by the Tribe shall maintain cash or cash equivalents in an amount sufficient to reasonably protect the Tribe's patrons against defaults in Gaming debts owed by the Tribe or a Tribally licensed Gaming operation. The amount of the minimum bankroll shall be calculated and reviewed in the same manner as calculated and reviewed by the State Gaming Control Board for a non-tribal operation.

**21-140 MISCELLANEOUS PROVISIONS**

**21-140-10      Power to Adopt Regulations**

The Council and the WTGC shall have the power to adopt any regulations which are necessary to the efficient administration of Title 21 as long as such regulations are not in conflict with the provisions of this Title 21, applicable federal, tribal, and State law, and for Class III Gaming, the Compact.

**21-140-20      Severability**

If any provision of this Title or the application thereof to any Person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of the Title which can be given effect without the invalid provision or application, and to this end the provisions of this Title 21 are severable.

**21-140-30      Tribal Remedies are Cumulative**

The remedies of the Tribe for the assessment of penalties provided for in this Title 21 are cumulative and any action taken by the Tribe does not constitute an election by the Tribe to pursue any remedy to the exclusion of any other remedy for which provision is made in this Title 21 or other applicable provisions of the Law & Order Code.

**21-140-40      Sovereign Immunity**

Nothing contained in this Title 21 shall be construed as waiving sovereign immunity from suit or counterclaim of the Washoe Tribe, its Tribal government, the WTGC, or any other Tribal agency, subdivision, corporation, or entity. All inherent sovereign rights of the Tribe as a federally-recognized Indian Tribe are hereby expressly reserved.

**21-140-50      List of Barred Persons**

The Tribe shall maintain a list of Persons who shall be excluded from any Gaming enterprises licensed by the Tribe (e.g., a “blackbook”). The Tribe shall incorporate the State’s “List of Excluded Persons” into the Tribe’s list.

**21-140-60      Effective Date**

This Title shall become effective upon the date of its approval by the Chair of the NIGC pursuant to the IGRA.

**21-140-70      Expansion of Gaming Offerings**

It is the explicit intent of the Tribal Council that this Ordinance not preclude the establishment of Class II and Class III Gaming via the internet from Within the Tribe’s Jurisdiction if permitted under applicable law. If internet-based Gaming



is intended to be operated from Within the Tribe's Jurisdiction, the Tribal Council shall promulgate regulations specifically governing the sound regulation of internet-based Gaming activities and seek all necessary approvals to lawfully permit such Gaming activities.

**21-140-80      Calendar Days**

All references to "days" in this Title 21 shall be calendar days.