



FEB - 4 2010

Matthew W. Stensgar, Director
Coeur d'Alene Tribal Charitable Gaming Board
850 A Street
Plummer, Idaho 83851
Fax: (208) 686-1182

Re: Amended Class III gaming ordinance

Dear Mr. Stensgar:

The National Indian Gaming Commission (NIGC) has completed its review of the recently submitted Coeur d'Alene Tribal Council Resolution 22 (2010), adopted on October 29, 2009, amending the Tribe's gaming ordinance.

This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). It is important to note, however, that approval is granted for gaming only on Indian lands, as defined in IGRA, over which the Tribe has jurisdiction.

Thank you for your submission. The NIGC staff and I look forward to working with you and the Tribe on future gaming issues.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Skibine", followed by a long horizontal line.

George T. Skibine
Chairman (Acting)

**GAMING BOARD,
AMEND TRIBAL CODE, CHAPTER 30,
COEUR D'ALENE TRIBAL CHARITABLE GAMING CODE
TO ADD TO SECTIONS 3.01, 5.01, 7.01, 7.02, 7.03, 13.07 AND
INSERT SECTIONS 7.02.01 THROUGH 7.02.14 AND INSERT
SECTIONS 7.03.01 & 7.03.02**

CDA RESOLUTION 22 (2010)

WHEREAS, the Coeur d'Alene Tribal Council has been empowered to act for and on behalf of the Coeur d'Alene Tribe pursuant to the revised Constitution and By-Laws adopted by the Coeur d'Alene Tribe by referendum November 10, 1984, and approved by the Secretary of the Interior, Bureau of Indian Affairs, December 21, 1984; and

WHEREAS, the Coeur d'Alene Tribal Council has a responsibility for Tribal Health, Welfare, economic development and natural resources; and

WHEREAS, the Coeur d'Alene Tribal Council has the authority to change its Code regarding the implementation of policy, for Vendors, dealing with the Coeur d'Alene Tribes Gaming Operations and/or related Departments; and

NOW THEREFORE, BE IT RESOLVED, that the Coeur d'Alene Tribal Council hereby approves the Amendments to the Tribal Code, Chapter 30, Coeur d'Alene Tribal Charitable Gaming Code, the Table of Contents, and to add, and insert, as outlined in the attachment, each section as follows:

30-3.01 Definitions: Insert: Sections (L) through (X) as outlined in the attached

30-5.01 Power and Duties of the Board: Insert: Sections (R) through (Z) & (AA) & (BB) as outlined in the attached

30-7.01 Licenses and Background Check

The Board may issue facility, ~~Strike:~~ and personal licenses~~Insert, gaming vendor, vendor technician and non-gaming vendor licenses.~~ No ~~Strike~~ facility Insert: entity may conduct gaming unless it has received a facility license. ~~Strike~~ No operator, primary management official or key employee of any gaming enterprise may hold such position unless they have received a personal license by the Board. Insert: The following may not hold such positions unless they have received a personal license by the board: Operators, Primary Management Officials, Key Employees, and any other positions that the Casino Management or the Board designates. No gaming vendor, gaming vendor technician and non-gaming vendor may do business with the facility unless they have submitted a completed Board (Vendor/Individual) application to the Board.

THE FOLLOWING ARE EXEMPT FROM LICENSING REQUIREMENTS AND FEES:

- Non-Gaming related vendors providing less than \$25,000.00 in goods and services in any twelve month period.
- Providers of utilities
- Attorneys and Certified Public Accountants providing services covered by their professional licenses.,

30-7.02 **Personal Licensing Standards: Insert: Section (A) - (1), (2) & (3) as outlined in the attached.**

Insert: New Sections to be added see attachment for complete verbiage...

30-7.02.01 Personal License Requirements

30-7.02.02 Gaming Vendor, Gaming Vendor Technician and Non-Gaming Vendor Standards

30-7.02.03 Gaming Operation Vendor License Requirements

30-7.02.04 Application Process for Vendors

30-7.02.05 VENDOR LICENSING FEES

30-7.02.06 Gaming Operation Vendor Technician License Requirements

30-7.02.07 Application Process for Gaming Vendor Technicians

30-7.02.08 VENDOR TECH. LICENSING FEES

30-7.02.09 Renewal Process for Gaming Machine Vendor, Gaming Vendor, their Technicians and Non-Gaming Vendors

30-7.02.10 Gaming Commission Process for Determining Eligibility

30-7.02.11 Maintenance/Access of Records

30-7.02.12 Coeur d'Alene Tribal Gaming Board and Staff – Confidentially

30-7.02.13 Suspension or Revocation of License

30-7.02.14 Additional Enforcement Actions

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30-7.03 Revocation of License

A facility, ~~Strike: or personal,~~ Insert: gaming vendor, gaming vendor technician and non-gaming vendor license previously issued shall be revoked by the Board if it determines anytime that the facility's, ~~Strike: or person's,~~ Insert: gaming vendor's, gaming vendor technician's and non-gaming vendor activities, criminal records, reputation, habits, or associations pose a threat to the public interest or the effective regulation of gaming, or creates or enhances the danger of unsuitable, unfair, or illegal practices or methods or activities in the conduct of gaming, or that the person, ~~Strike: or facility,~~ Insert: gaming vendor, gaming vendor technician and non-gaming vendor is in violation of the By-Laws, regulations, or directives of the Board.

Insert:

30-7.03.01 Revocation Appeal Process

All decisions of the Board regarding the issuance or revocation of licenses shall be effective when issued. An applicant or licensee whose license is denied or revoked may, within fifteen (15) days after the date of receipt of a written decision of the Board, file a petition with the Board requesting a hearing to reconsider the decision. If no petition is filed within the time prescribed, the decision shall be deemed final and not subject to further reconsideration or appeal to be reviewed by the Board.

30-07.03.02 Suspension of License

- (A) A facility, personal, gaming vendor, gaming vendor technician and non-gaming vendor license previously issued shall be Suspended by the Board for any ongoing criminal investigation where the outcome has not been determined, also if the Board determines at anytime that the facility's, person's, gaming vendor's, gaming vendor technician's and non-gaming vendor's activities, reputation, habits, or associations pose a threat to the public interest or the effective regulation of gaming, or creates or enhances the danger of unsuitable, unfair practices or methods or activities in the conduct of gaming, or that the person, facility, gaming vendor, gaming vendor technician and non-gaming vendor is in violation of the By-Laws, regulations, or directives of the Board. The duration of the suspension of a Gaming License shall be determined by the Board.
- (B) At the completion of investigation the facility, personal, gaming vendor, gaming vendor technician and non-gaming vendor is found Guilty of a Criminal offense the Board Shall revoke said license and the facility,

personal, gaming vendor, gaming vendor technician and non-gaming vendor may adhere to 30-7.03.01 Revocation Appeal Process.

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30-13.07 Licenses for Key Employees and Primary Management Officials *Insert:* and Gaming Vendors, Gaming Vendor Technicians and Non-Gaming Vendor

The Tribe shall ensure that the policies and procedures set out in this Section are implemented with respect to key employees and primary management officials employed at any Class II *Insert:* and Class III gaming enterprise *Insert:* and any and all gaming vendors, gaming vendor technicians and non-gaming vendors doing business at any Class II and Class III gaming enterprise operated on Indian lands:

Insert: Sections (I) & (J) as outlined in the attached.

BE IT FUTHER RESOLVED, that these amendments to the Tribal Code, Chapter 30, as presented in the attachments herein, shall take effect immediately upon the signing of this Resolution.

C E R T I F I C A T I O N

The foregoing resolution was adopted at a meeting of the Coeur d'Alene Tribal Council held at the Tribal Administration Building, 850 A Street, Plummer, Idaho on October 29, 2009 with the required quorum present by a vote of 5 FOR 0 AGAINST


CHIEF J. ALLAN, CHAIRMAN
COEUR D'ALENE TRIBAL COUNCIL


NORMA JEAN LOUIE, SECRETARY
COEUR D'ALENE TRIBAL COUNCIL

CHAPTER 30

COEUR D'ALENE TRIBAL CHARITABLE GAMING CODE

30-1.01	Title
30-2.01	Purpose and Intent
30-3.01	Definitions
30-4.01	Establishment of the Board
30-4.02	Responsibility for Gaming
30-4.03	Removal
30-5.01	Powers and Duties of the Board
30-5.02	Board Expenses
30-5.03	Limitation on Board Activities
30-6.01	Limitations on Gaming
30-6.02	Class II Games
30-6.03	Class III Games
30-6.04	Other Gaming
30-6.05	No Gaming by Minors
30-6.06	Gaming Authorized - Class II
30-6.07	Gaming Authorized - Class III
30-7.01	Licenses and Background Checks

30-1

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

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Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- 30-7.02 Personal Licensing Standards
- 30-7.02.01 Personal License Requirements
- 30-7.02.02 Gaming Vendor, Gaming Vendor Technician and Non-Gaming Vendor Standards
- 30-7.02.03 Gaming Operation Vendor License Requirements
- 30-7.02.04 Application Process for Vendors
- 30-7.02.05 VENDOR LICENSING FEES
- 30-7.02.06 Gaming Operation Vendor Technician License Requirements
- 30-7.02.07 Application Process for Gaming Vendor Technicians
- 30-7.02.08 VENDOR TECH. LICENSING FEES
- 30-7.02.09 Renewal Process for Gaming Machine Vendor, Gaming Vendor, their Technicians and Non-Gaming Vendors
- 30-7.02.10 Gaming Commission Process for Determining Eligibility
- 30-7.02.11 Maintenance/Access of Records
- 30-7.02.12 Coeur d'Alene Tribal Gaming Board and Staff – Confidentially
- 30-7.02.13 Suspension or Revocation of License
- 30-7.02.14 Additional Enforcement Actions
- 30-7.03 Revocation of License
- 30-7.03.01 Revocation Appeal Process

30-2

Coeur d'Alene Tribal Code

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 Amended 09/16/1999 by Resolution 358(99)

30-07.03.02	Suspension of License
30-8.01	Certificate of Acceptability
30-8.02	Inspection of Premises and Records
30-8.03	Inspection of Premises and Records by Board
30-9.01	Taxation and Net Revenue Distribution
30-9.02	Net Revenue Distribution - Charitable Requirement
30-9.03	Net Revenue Distribution - Other
30-9.04	Per Capita Payments
30-9.05	Management Contracts
30-10.01	Penalties for Violations
30-10.02	Civil Penalties for Violations
30-11.01	Investigations, Hearings and Judicial Review
30-12.01	Severability
30-13.01	Purpose
30-13.02	Gaming Authorized
30-13.03	Ownership of Gaming
30-13.04	Use of Gaming Revenue
30-13.05	Audit
30-13.06	Protection of the Environment and Public Health and Safety

30-3

Coeur d'Alene Tribal Code

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- 30-13.07 Licenses for Key Employees and Primary Management Officials and Gaming Vendors, Gaming Vendor Technicians and Non-Gaming Vendor
- 30-13.08 License Locations
- 30-13.09 Repeal
- 30-14.01 Specific Background Investigations

Coeur d'Alene Tribal Code

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30-4

Amended 11/09/2001 by Resolution 32(2002)
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CHAPTER 30

COEUR D'ALENE TRIBAL CHARITABLE GAMING CODE

30-1.01 Title

This Chapter shall be known as the Coeur d'Alene Tribal Charitable Gaming Code.

30-2.01 Purpose and Intent

The purpose and intent of this Chapter is to provide a comprehensive scheme of regulations of Tribal or Indian owned gaming on the Coeur d'Alene Indian Reservation. This Chapter does not apply to traditional forms of Indian gaming regulated under Chapter 27 or to non-Indian gaming operations. Specifically, the purpose and intents of this Chapter are to:

- (A) Fund charitable activities of the Coeur d'Alene Tribe including education of the Coeur d'Alene Tribal children, Coeur d'Alene Tribal senior citizen activities and traditional Coeur d'Alene Tribal cultural events.
- (B) Provide funds for the health, education and general welfare of the Coeur d'Alene Tribe and its members.
- (C) Provide funds for the operations and programs of the Coeur d'Alene Tribal Government and Coeur d'Alene Tribal Agencies.
- (D) Provide jobs for Coeur d'Alene Tribal Members.
- (E) Provide for responsible, environmentally sound economic development of the Coeur d'Alene Reservation.

30-5

Coeur d'Alene Tribal Code
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Amended 09/16/1999 by Resolution 358(99)

- (F) Promote Coeur d'Alene Tribal self-government by providing a larger share of the Operating expenses of the Tribal Government, thereby reducing dependency on Federal funds.
- (G) Encourage Tribal self-sufficiency and promote Tribal sovereignty.
- (H) Provide services and activities on the Coeur d'Alene Reservation which can be used and enjoyed by both Indians and non-Indians to foster cooperation, goodwill and racial harmony on the Reservation between all races.
- (I) Safeguard all person from unscrupulous and illegal operations of any type of gaming.
- (J) To prevent and eliminate any possible influence of organized crime or other undesirable elements on the Reservation.

30-3.01 **Definitions**

- (A) Tribe means the Coeur d'Alene Tribe.
- (B) Reservation means all area within the exterior boundaries of the Coeur d'Alene Reservation.
- (C) Tribal Council means the elected Tribal Council of the Coeur d'Alene Tribe.
- (D) Board means the Coeur d'Alene Tribal Charitable Gaming Board.
- (E) Lottery means all forms of gaming which contain the three essential elements of chance, consideration and prize, whether or not electronic, computer, or other technological aids are used in connection therewith.
- (F) Class II Gaming means:
 - (1) The game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith);
 - (a) which is played for prizes, including monetary prizes, with cards

30-6

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 Amended 09/28/2000 by Resolution 307(2000)
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bearing numbers or other designations,

- (b) in which the holder of the card covers such numbers of designations when objects, similarly numbered or designated, are drawn or electronically determined, and
 - (c) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo), and
- (2) card games that:
- (a) are explicitly authorized by the laws of the State of Idaho, or
 - (b) are not explicitly prohibited by the laws of the State of Idaho and are played at any location in the State of Idaho, but only if such card games are played in conformity with those laws and regulation (if any) of the State regarding hours of periods of operation of such card games or limitations on wagers or pot sizes in such card games.
- (3) The term Class II gaming does not include -
- (a) any banking card game, including baccarat, chemin de fer, or blackjack (21), or
 - (b) electronic or electro mechanical facsimiles of any game of chance or slot machine of any kind.
- (G) Class III Gaming means all forms of gaming that are not traditional forms of Indian gaming or Class II gaming.
- (H) Net Revenue means those revenues of an authorized and licensed gaming activity less amounts paid out, or paid for, prizes and total operating expenses, excluding management fees.
- (I) Gaming Facility means any facility or location on the Coeur d'Alene Indian

30-7

Coeur d'Alene Tribal Code

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Reservation at which any type of gaming is conducted.

- (J) Operator means any person or entity operating or managing a form of gaming authorized or licenses by the Board.
- (K) Management Contractor means an individual or entity with whom the Coeur d' Alene Tribe has contracted to operate a gaming activity on the Coeur d' Alene Indian Reservation.
- (L) Licensee means a person to whom the Board License is granted, allowing that person to work in or at any and all Coeur d' Alene Tribal Gaming facilities.
- (M) Retaliation means a form of discrimination involving action (s) against an individual because he or she has either (1) opposed an unlawful employment practices or (2) made a charge, testified, assisted or participated in an investigation, proceeding or hearing involving employment discrimination.
- (N) Revocation means to formally rescind a Gaming License: to make the Gaming License null and void by withdrawing, recalling, or reversing it.
- (O) Shipping means the act or business of transporting goods , (ie., Gaming machines, gambling equipment, games or implements for gambling etc.).
- (P) Shipping Waiver means an official request via fax, e-mail or hardcopy for an intentional relinquishment of a right, claim or privilege pertaining to the Board's shipping procedures.
- (Q) Suspension means the temporary revocation of a Gaming license for a period of time determined by the Board.
- (R) Gaming Vendor means any organization/company who provides goods and services to the Tribe and has been classified to follow specific rules and regulations determined by the Board.
- (S) Non-Gaming Vendor means any organization who provides non-gaming related services to the Gaming Operation.

- (T) License Fee means a monetary fee established by the Board to cover costs associated with conducting background checks on Vendor(s).
- (U) Gaming Vendor Technician means any representative physically onsite that will be conducting business at a Tribal operated facility.
- (V) Whistle Blower (or Whistleblower) means an "informant" an employee who exposes wrongdoing or noncompliance especially within an organization, or who reports this information to appropriate government agencies.
- (W) Gaming Employee means any individual employed in the operation or management of gaming in connection with the Tribe's gaming operation, including any person or enterprise providing gaming services to the Tribe, including, but not limited to chief executive officer, chief financial officer, gaming operation managers and assistant managers, accounting personnel, surveillance and security personnel, cashiers, machine personnel, pit supervisors, shift supervisors, cage personnel, pari-mutual personnel, floor personnel or any employee with a salary of \$50,000.00 (i.e., bonuses, cash compensations) in a fiscal year, and any person whose employment duties require or authorize access to areas of the gaming facilities related to gaming which are not otherwise open to the public, or to areas designated by the CTCGB.
- (X) Non-Gaming Employee means an employee within the gaming operation who does not fall within the definition of a Gaming Employee, these employees do not have unaccompanied access to restricted/sensitive areas.

30-4.01 **Establishment of the Board**

The Coeur d'Alene Tribal Charitable Gaming Board is hereby established. The Board shall consist of five (5) members who shall be enrolled members of the Coeur d'Alene Tribe. The Board members shall serve staggered three (3) year terms with one member being appointed by the Council each year.

30-4.02 **Responsibility for Gaming**

The Coeur d'Alene Tribe through its Tribal Council shall have sole proprietary interest and responsibility for the conduct of all gaming on the Coeur d'Alene Reservation. The Tribal Council may designate responsibility for the conduct or various aspects of gaming to the Board, but may not delegate

30-9

Coeur d'Alene Tribal Code

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Amended 09/16/1999 by Resolution 358(99)

the responsibility for determining the type of gaming authorized on the Reservation or for entering into gaming management contracts.

30-4.03 **Removal**

Any member of the Board may be removed for cause by the Council.

30-5.01 **Powers and Duties of the Board**

The Board shall, unless otherwise directed by the Tribal Council, have the following powers and duties:

- (A) Implement gaming activities authorized by the Tribal Council to be conducted on the Coeur d'Alene Reservation in accordance with this Chapter.
- (B) Issue licenses to gaming facilities, operators, primary management officials, and/or key employees of any gaming enterprise.
- (C) Oversee and regulate all gaming and activities authorized by the Tribal Council subject to any terms and conditions that may be set out in any contracts that the Tribal Council may enter into with a management contractor or operator.
- (D) Promulgate rules, regulations and bylaws, subject to Tribal Council approval.
- (E) Contract for services needed to carry out the duties and obligations of the Board, provided however, that only the Tribal Council may enter into contracts with a management contractor for the operation of a gaming facility.
- (F) Regulate and control and/or enter into contracts regarding all concessions, including those for food and beverage, that are operated in conjunction with gaming authorized under this Act.
- (G) Provide for proper record keeping of all gaming activities and Board affairs, including an annual independent outside audit of the gaming, which may be encompassed within the existing independent Tribal audit system. All contracts for supplies, services or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal services or accounting services) shall be subject

30-10

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to such annual independent outside audit.

- (H) Collect revenues, pay expenses and transfer all net revenue as approved by the Tribal Council.
- (I) Hire professional, technical and other employees as may be necessary to carry out the duties of the Board.
- (J) Approve all major procurements.
- (K) Review on a monthly basis records of all gaming authorized under this Code.
- (L) Receive revenue and make disbursements.
- (M) Conduct investigations, hold hearings, administer oaths and issue subpoenas which shall be enforced by the Tribal Court.
- (N) Require bonds of operators, management contractors, primary management officials and key employees of any gaming facility.
- (O) Perform all other acts necessary to carry out the purpose and provisions of this Code.
- (P) The Board shall have no authority over traditional or Class I games unless specifically delegated by the Tribal Council.
- (Q) Ensure that procedures governing the resolution of disputes, complaints and concerns raised by guests or customers of the gaming enterprise are promulgated and implemented.
- (R) Implement individual Gaming license fees.
 - (1) The Board shall set a fee to defray the costs associated with application processing, the search and classification of fingerprints and background investigations.
 - (2) The fees may be periodically adjusted for each application to assure that the

30-11

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administrative and other costs of reviewing and investigating each application are covered by the license applicant.

- (S) Issue licenses to gaming vendors and their technicians and non-gaming vendors.
- (T) Implement vendor license fees.
 - (1) The Board shall set a fee to defray the costs associated with application processing, the search and classification of fingerprints and background investigations.
 - (2) The fees may be periodically adjusted for each application to assure that the administrative and other costs of reviewing and investigating each application are covered by the license applicant.
- (U) Revoke Individual licenses if the Individual has not renewed said license on expiration date.
- (V) Regulate Policies/Procedures at any and all Coeur d'Alene Tribal Gaming Facilities. The Tribal gaming regulatory authority, or the gaming operation subject to the approval of the Tribal gaming regulatory authority, shall develop, implement and ensure compliance with policies/procedures.
- (W) Enforce Shipping Notification requirements of Gaming Machines and Software:
 - (1) All Vendors or Manufacturers shall be required to give a written notification, Fax, Emailed or mail (via certified mail) to the Board requesting a five (5) day shipping notification for the shipment of all Gaming machines, gambling equipment, games or software (i.e., key & clear chips), the notification must be complete and meet the established timeline requirements. The notification shall include the following:
 - (a) Name and address of company where materials are being shipped from.
 - (b) Name and address of location where materials are being shipped to.

30-12

Coeur d'Alene Tribal Code

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- (c) Shipment for (i.e., Machines, Replacement parts or Software).
- (d) Shipment Via (i.e., Federal Express).
- (e) Date of shipment.
- (f) Date of arrival.
- (g) Package/Shipping list, i.e., item description and part numbers etc.
- (h) Appropriate signatures and title of person submitting shipping notification.
- (i) Trucks transportation Seal and shipping number.

Failure to notify the Board as required, using the established timeline, will result in a notice of violation and the possible imposition of a fine not to exceed \$5000.00 per instance of violation. Incomplete forms may be considered invalid and shipment may be rejected and the vendor will receive a notice of violation and the possible imposition of a fine not to exceed \$5000.00 per instance of violation.

- (2) Shipping Waiver: Waivers will be authorized on a case by case basis to allow for immediate shipping of Gaming machines, gambling equipment, games or software (i.e., key & clear chips). All Vendors shall be required to give a written notification, Faxed/Emailed to the Board for a five (5) day waiver of shipping which shall include the following:

- (a) Name and address of company where materials are being shipped from.
- (b) Name and address of location where materials are being shipped to.
- (c) Shipment for (i.e., Machines, Replacement parts or

30-13

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 Amended 11/09/2001 by Resolution 31(2002)
 Amended 10/11/2001 by Resolution 07(2002)
 Amended 09/28/2000 by Resolution 307(2000)
 Amended 09/16/1999 by Resolution 358(99)

Software).

- (d) Shipment Via (ie. Federal Express).
- (e) Date of shipment.
- (f) Date of arrival.
- (g) Package/Shipping list, ie., item description and part numbers etc.
- (h) Appropriate signatures and title of person requesting five (5) day waiver.
- (i) Trucks transportation Seal and shipping number.

(X) Enforce Physical Shipment of Gaming Machines and Software

- (1) Shipment of Gaming Machines and software from a Vendor or Manufacturer shall be made with all devices in tamper proof sealed containers and shall have complied with all applicable shipping requirements contained in the shipping and control requirements for Gaming Machines or Software.
- (2) Upon delivery of any gaming machines to the Coeur d'Alene Tribal Gaming Facility, no one shall break the seal of any delivery, nor shall any machine be removed from the shipping container without the physical presence and authorization of a Board Representative.
- (3) Upon delivery of any gaming machines to the Coeur d'Alene Tribal Gaming Facility, the machines shall be staged in an area where the following procedures will apply prior to movement of the machines to the gaming floor or storage area.
 - (a) A Casino Security Officer shall take possession of all keys to all locks on all devices.
 - (b) If locks are already installed on machines upon delivery, a Casino

30-14

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)
Amended 03/26/2009 by Resolution 135(2009)
Amended 09/06/2007 by Resolution 300(2007)
Amended 08/23/2007 by Resolution 310(2007)
Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)
Amended 11/09/2001 by Resolution 31(2002)
Amended 10/11/2001 by Resolution 07(2002)
Amended 09/28/2000 by Resolution 307(2000)
Amended 09/16/1999 by Resolution 358(99)

- Security Officer shall take possession of all keys as the machines are removed from the container.
- (c) If locks are installed after delivery, Casino Security Officer shall be present at the time of lock installation and collect all keys at that time.
 - (d) Casino Security Officer shall maintain secured possession of all keys that control access to the logic board areas or areas where programmable storage media are located or areas which control the game or payouts.
 - (e) Keys that control access to logic board areas or areas where programmable storage media are located or areas which control the game or payouts may be issued to designated personnel for specific tasks using approved key controls. Keys must be returned, to the security department, by the person that was issued the keys, once the specific task has been completed or prior to the end of shift for the person who was issued the key set or key.
 - (f) Keys that control access to the logic board areas or areas where programmable storage media are located or areas which control the game or payouts will not be issued to non-licensed employees or Vendors.
- (4) Logic boards with programmed storage media or programmed storage media not installed on a logic board must be shipped separately from the machine. Software will not be shipped preinstalled in a gaming machine without written preapproval of the Board. Upon delivery of gaming devices shipped with software preinstalled, the gaming device shall be opened upon delivery in the staging area and a Board representative shall witness the removal of the installed software.
 - (5) All Electrical Sensitive Devices (ESD) shall be shipped in ESD protective containers. An ESD sensitive device is defined as the device itself or any circuit board containing ESD sensitive devices. Proper handling of ESD sensitive devices must be maintained at all times.

30-15

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- (6) Programmed storage media must be shipped separate from the gaming machine and any subsequent shipments of programmed storage media including upgrades or replacements shall be shipped from the manufacturer or supplier directly to the Board. Software will not be shipped preinstalled in a gaming machine without written preapproval of the Board.
- (7) Programmed storage media shall be secured by a Board representative.
- (Y) Regulate licensee responsibilities
 - (1) It will be the duty of a licensee to report any known or observed instances of wrongdoing or noncompliance of National Indian Gaming Commissions Minimum Internal Control Standards, Coeur d'Alene Tribal Charitable Gaming Boards Minimum Internal Control Standards, 1992 Class III Gaming Compact by and between the Coeur d'Alene Tribe and the State of Idaho and or any provisions of this Code by one or more licensees.
 - (2) Failure to report instances of wrongdoing or noncompliance by any licensee shall be grounds for disciplinary action, which shall include verbal/written warning, suspension and or revocation of his/her Board license.
 - (3) If a licensee (Whistle Blower) is restricted from reporting instances of wrongdoing or noncompliance by any other licensee it will result in suspension or revocation of his/her Board license.
 - (4) No retaliation in any form shall be taken against a licensee (Whistle Blower) for reporting wrongdoing or noncompliance, said retaliation will result in suspension or revocation of his/her Board license.
- (Z) To implement changes to the Coeur d'Alene Tribal Charitable Gaming Boards (CTCGB) Minimum Internal Control Standards (MICS).
- (AA) To implement policy & procedures on employee gambling at the Coeur d'Alene Tribal Casino, including Benewah Market and Auto or compel the Coeur d'Alene Casino Resort Hotel to make changes to its existing Policies & Procedures regarding its employees.

(BB) To require vendors to post bonds at the discretion of the Board.

30-5.02 **Board Expenses**

Members of the Board shall be allowed reasonable out-of-pocket expenses and per diem, but shall receive no salaries unless otherwise approved by the Coeur d'Alene Tribal Council. Such payments shall come out of the license fees or net revenues of the gaming activities allowed under this Chapter.

30-5.03 **Limitation on Board Activities**

No member of the Board shall participate in any form of gaming regulated by the Board under this Chapter. No member of the Board, nor their spouse or other with whom they are living in a similar way; shall be employed by any operator management contractor or at any gaming facility regulated by the Board.

30-6.01 **Limitations on Gaming**

No gaming regulated under this Chapter shall be conducted on the Coeur d'Alene Indian Reservation except as allowed by this Chapter, and specifically authorized by the Tribal Council upon a finding that such gaming is in the best interest of the Coeur d'Alene Tribe and under a license issued by the Board.

30-6.02 **Class II Games**

Class II games that are authorized by Tribal Council ordinance may be conducted on the Coeur d'Alene Indian Reservation under such terms and conditions as determined by the Board.

30-6.03 **Class III Games**

Class III games that are authorized by Tribal Council ordinance may be conducted on the Coeur d'Alene Indian Reservation under such terms and conditions as determined by the Board, so long as the conduct of such Class III games satisfies all other legal requirements.

30-6.04 **Other Gaming**

Notwithstanding any other provision of this section, the Tribal Council may authorize by

30-17

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

ordinance any form of lottery, parimutuel betting, or charitable game of chance regardless of whether it employs electronic, computer, or other technological aids, that is allowed by law and found by the Tribal Council to be in the best interest of the Coeur d'Alene Tribe.

30-6.05 **No Gaming by Minors**

No one under the age of eighteen (18) shall be allowed to participate in gaming authorized under this Code.

30-6.06 **Gaming Authorized - Class II**

It is in the best interests of the Coeur d'Alene Tribe that all Class II gaming be authorized to be conducted under the provisions of this act and the same is so authorized under such terms and conditions as the Board shall require.

30-6.07 **Gaming Authorized - Class III**

It is in the best interest of the Coeur d'Alene Tribe that all Class III gaming authorized by the Compact between the Coeur d'Alene Tribe and the State of Idaho be authorized to be conducted under the provisions of this act and the same is so authorized under such terms and conditions as the Board shall require. The National Indian Lottery is specifically authorized to be conducted under the Management Agreement previously approved by the Chairman of the National Indian Gaming Commission.

30-7.01 **Licenses and Background Checks**

The Board may issue facility, personal licenses gaming vendor, vendor technician and non-gaming vendor licenses. No entity may conduct gaming unless it has received a facility license. The following may not hold such positions unless they have received a personal license by the board; Operators, Primary Management Officials, Key Employees, and any other positions that the Casino Management or the Board designates. No gaming vendor, gaming vendor technician and non-gaming vendor may do business with the facility unless they have submitted a completed Board (Vendor/Individual) application to the Board.

THE FOLLOWING ARE EXEMPT FROM LICENSING REQUIREMENTS AND FEES:

30-18

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- Non-Gaming related vendors providing less than \$25,000.00 in goods and services in any twelve month period.
- Providers of utilities
- Attorneys and Certified Public Accountants providing services covered by their professional licenses.

30-7.02 **Personal Licensing Standards**

No person shall receive a personal license if that person's prior activities, criminal records, if any, reputation, or associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of the unsuitable, unfair, or illegal practices or methods or activities in the conduct of gaming and such facts are verified by a background investigation which is conducted on all primary management officials and key employees in the gaming enterprise. The Board shall continue oversight of such officials in their management conduct on an ongoing basis.

(A) **Employee Classification.** Persons employed by Gaming Operations are hereby classified as follows:

(1) **CLASS A. Gaming Employee.** The following is classified as a A Gaming Employee:

(a) **Primary Management Officials** (i.e., a person having management responsibility for a management contract, any person who has the authority to hire or fire, or set up working policy for the gaming operation, also the chief financial officer or other person who has financial management responsibility.)

(b) **Key employees** are employees who do not possess levels of authority indicative of a Primary Management Official and who performs one or more of the following functions but not limited to:

- i. Bingo caller;
- ii. Counting room supervisor;
- iii. Chief of security;
- iv. Custodian of gaming supplies or cash;
- v. Floor manager;
- vi. Pitt boss;

30-19

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- 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; and
 - xi. Any employee with a salary of \$50,000 (i.e., bonuses, cash compensations) in a fiscal year.
- (c) Ancillary Gaming Employee. Ancillary gaming employees shall consist of all employees, individuals, or entities included within the definition of a "Gaming Employee" who do not otherwise fall within the classification of a Primary Management Official or a Key Employee.
- (2) CLASS B Non Gaming Employees. The following is classified as a Non-Gaming Employee:
- (a) Non-Gaming Employee is an employee within the gaming operation who does not fall within the definition of a PMO, Key Employee, or Gaming Employee. Non-Gaming Employees shall be required to provide information to the CTCGB and shall be subject to a mandatory background check. Non-Gaming Employees shall not have unaccompanied access to restricted/sensitive areas. Non-Gaming Employees shall not be transferred to any Class A position without first applying for and receiving the appropriate license. A Non-Gaming employee shall be issued a badge indicating in which department and position the employee will work.
 - (b) Non Gaming Employees include, but are not limited to:
 - i. Food and Beverage employees;
 - ii. Gift Shop/Store employees;
 - iii. Maintenance employees;
 - iv. Shuttle Drivers;
 - v. Lounge employees; and
 - vi. Positions identified by the CTCGB (non-gaming)

Sometimes the need for assistance in other positions within the Class A Classification may be needed. In these cases, the employee may be issued a separate badge identifying the position as well as the original badge issued to the individual. The appropriate badge must be worn for each respective position and identified pursuant to License Classification

- (3) Temporary Employees. Upon prior approval of the CTCGB, temporary employees who work less than 30 days in any rolling one year period and who perform Class B Non-Gaming duties may be exempted from the background and eligibility requirements set forth in these regulations. SUGESTION TO GO HOURLY INSTEAD OF 30 DAYS AS IN ANY EMPLOYEE WORKING 20 HOURS OR LESS IN ANY GIVEN PAY PERIOD.

30-7.02.01 Personal License Requirements

License Requirements; Applicability. Unless otherwise specifically excluded, all Existing and future gaming operation employee licensees (classifications A & B) are subject to the requirements set forth in this Section.

- (A) All applicants must meet the following minimum requirements:
- (1) Be at least 18 years of age
 - (2) Possess suitable character as determined by the CTCGB.
 - (3) Comply with all applicable State, Federal and Tribal Laws.
 - (4) Complete a Gaming License Application which shall include all information required by applicable State, Federal and Tribal Laws, including:
 - (a) Personal and Employment References;
 - (b) Complete financial information, including financial information concerning the applicant's immediate family employed in gaming;

30-21

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- (c) Information that specifies the location of activities which may be relevant to the suitability or unsuitability of an applicant for licensing purposes;
 - (d) Complete criminal history information; and
 - (e) Other relevant information as requested by CTCGB.
- (5) All information submitted to the CTCGB must be true and accurate to the best of the applicant's knowledge, information and belief.
- (6) Failure of the applicant to disclose information or provision of false or misleading information may result in denial of the applicant's gaming license.
- (7) The applicant shall complete and sign a Waiver of Confidentiality/Release of Information Form which shall advise the applicant that the information contained in the application may be used by the CTCGB to access information from any agency and/or government that has information in regard to the applicant.
- (8) Any of the following criteria shall constitute grounds for revocation or denial of a gaming operation employee license:
- (a) The employee/applicant failed to disclose a material fact which the employee/applicant knows or should reasonably know is material to the application process, or has furnished any information which is untrue or misleading in connection with such application.
 - b) Conviction of any FELONY offenses shall constitute grounds to deny or revoke a gaming license:
 - (c) Any other violation or offenses under Tribal, State or Federal Law or any other jurisdiction which indicate

30-22

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 22(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

the employee/applicant's employment at a Tribal Gaming Operation Facility poses a threat to the integrity of Coeur d'Alene Tribe.

(9) In addition to the criteria set forth in section (A), (8), a Class A or B license shall not be issued if the applicant meets any of the following criteria:

- (a) The applicant/employee has violated, failed or refused to comply with provisions, requirements, conditions, limitations or duties imposed by any provision of the Tribal-State Compact.
- (b) The employee/applicant has had a Gaming License or State Gaming License revoked or denied within twelve (12) months prior to the date the CTCGB received the application; or has demonstrated a willful disregard or failed to comply with the requirements of any gaming regulatory authority in any jurisdiction, including offenses that could subject the individual to suspension, revocation or forfeiture of any gaming license.
- (c) The employee/applicant has been convicted of any offense related to gambling, or any felony within the past ten (10) years;
- (d) The applicant has been convicted of any gross misdemeanor, excluding traffic offenses, or any gambling related offense within the last five (5) years, unless the applicant demonstrates to the CTCGB that the violation does not impede the integrity of Coeur d'Alene Tribal Gaming.
- (e) The applicant has been terminated from employment as a result of a violation of any Minimum Internal Control Standards.
- (f) Applicants with active arrest WARRANT(S), regardless of the underlying offense, shall not obtain a Class A or B gaming license. Persons that have a Class A or B gaming license will be

30-23

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

subject to license suspension or revocation, if the person has an active arrest warrant, regardless of the underlying offense All individuals who have been issued a Class A or B gaming license (Regular or Temporary) that have been charged with any criminal violations, including criminal traffic, must report the violations to the CTCGB within five (5) days from date of violation. Failure to comply with his/her requirement may result in suspension or revocation of gaming license.

(10) Criteria for Class A or B Licenses. The Coeur d'Alene Tribal Charitable Gaming Board shall consider the following criteria when determining whether to approve or deny a Class A or B license:

- (a) Whether the applicant is of good moral character (honesty and integrity)
- (b) Whether the applicant has been denied a gaming license or had a gaming license revoked by this or any other jurisdiction;
- (c) Whether the applicant has withdrawn a gaming license application from this or any jurisdiction and the reasons for the withdrawal;
- (d) Whether the applicant has charges pending in any jurisdiction that constitute "Grounds for Denial or Revocation of a Gaming License";
- (e) Whether the applicant has refused to cooperate with any legislative investigative body or other official investigative body of any tribe or other jurisdiction when such body is engaged in the investigation or crimes relating to gaming, official corruption or organized criminal activity.

(11) Additional Requirements for Class A or B employees

30-24

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- (a) Class A and B license applicants must obtain a favorable suitability determination from the National Indian Gaming Commission to obtain a permanent license. Failure to obtain a favorable suitability determination will result in immediate revocation of any temporary license issued pursuant to these regulations.

30-7.02.02 Gaming Vendor, Gaming Vendor Technician and Non-Gaming Vendor Standards.

No gaming vendor, gaming vendor technician and non-gaming vendor shall receive a gaming vendor's, gaming vendor technician's and non-gaming vendor's license if that gaming vendor's, gaming vendor technician's and non-gaming vendor's prior activities, criminal records, if any, reputation, or associations pose a threat to the public interest or the effective regulation of gaming, or create or enhance the dangers of the unsuitable, unfair, or illegal practices or methods or activities in the conduct of gaming and such facts are verified by a background investigation which is conducted on all gaming vendor's, gaming vendor technician's and non-gaming vendor's in the gaming enterprise. The Board shall continue oversight of such gaming vendors, gaming vendor technician's and non-gaming vendor's in their business activities on an ongoing basis.

- (A) Gaming Vendor, Gaming Vendor Technicians and Non-Gaming Vendor Classification. Vendors providing goods and services to the Gaming Operations and Gaming Vendor Technicians are hereby classified as follows:

- (1) CLASS A Gaming Machine Vendors and Technicians. The following are Gaming Machine Vendors and Technicians:

- (a) Vendors who supply, sell Video games to the Gaming Operation.
- (b) Vendor Technicians who perform installs and provide technical support for video gaming devices in the Gaming establishment.

- (2) CLASS B Gaming Vendors and Technicians. The following are Gaming Vendors and Technicians:

30-25

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)
 Amended 03/26/2009 by Resolution 135(2009)
 Amended 09/06/2007 by Resolution 300(2007)
 Amended 08/23/2007 by Resolution 310(2007)
 Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)
 Amended 11/09/2001 by Resolution 31(2002)
 Amended 10/11/2001 by Resolution 07(2002)
 Amended 09/28/2000 by Resolution 307(2000)
 Amended 09/16/1999 by Resolution 358(99)

- (a) Vendors who provides gaming related goods and services to the Gaming Operation (excluding gaming machine vendors).
- (b) Vendor Technicians who visit gaming establishment for repairs and upgrades for video gaming devices.
- (3) CLASS C Non-Gaming Vendors. The following are Non-Gaming Vendors:
 - (a) Vendors who provides non-gaming related services to the Gaming Operation.

30-7.02.03 Gaming Operation Vendor License Requirements

License Requirements; Applicability. Unless otherwise specifically excluded, all existing and future gaming operation vendors licensees (classifications A, B, and C) are subject to the requirements set forth in this Section.

- (A) All applicants must report the following minimum requirements.
 - (1) Name of business.
 - (2) Address of the vendor's principle place of business, and all other permanent locations at which vendor (or and subdivision) does business, and describe the business carried on at each location.
 - (3) Explain how vendor is organized (ie.; whether corporation, partnership, individually owned business or other entity).
 - (4) If vendor is a corporation, identify every person or other entity owning 5% or more of the stock in the corporation, give the name and address of each officer of the corporation, and each member of the Board of Directors, and state the date and place of incorporation.
 - (5) Provide complete information concerning the officers of the company.

30-26

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)
 Amended 03/26/2009 by Resolution 135(2009)
 Amended 09/06/2007 by Resolution 300(2007)
 Amended 08/23/2007 by Resolution 310(2007)
 Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)
 Amended 11/09/2001 by Resolution 31(2002)
 Amended 10/11/2001 by Resolution 07(2002)
 Amended 09/28/2000 by Resolution 307(2000)
 Amended 09/16/1999 by Resolution 358(99)

- (6) Provide complete information on the Board of Directors.
- (7) If vendor is a partnership, give the name and address of each partner and the percentage of ownership interest held thereby.
- (8) If vendor is not organized as a corporation or a partnership, describe the organization in detail, and give the name and address of every person who owns more than 5% of the business or who has any decision-making powers in the management of the business.
- (9) Describe in detail vendor's activities in the gaming business (including the activities of any parent entity or subsidiaries of the vendor).
- (10) Describe in detail the types of equipment and material handled by the vendor.
- (11) Give the length of time the vendor has been engaged in such business in years and months.
- (12) Describe any particular qualifications the vendor has with respect to the material or equipment that the vendor carries.
- (13) State whether the gaming vendor (or any parent entity or subsidiary) has ever been required to apply for a license in connection with its activities in the gaming business:
 - (a) If so, as to each application, state the regulatory agency to which such application was submitted.
- (14) As to each application, state whether any license in any other jurisdiction has ever been suspended or revoked for any reason, and if so give the violation, dates, amount(s) of fine(s) and any and all other pertinent information.
- (15) Identify by name and address every manufacturer, wholesaler or distributor of gaming equipment with which vendor (including any parent or subsidiary) has done business in the past five years.

30-27

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- (16) State whether any of the gaming materials or equipment handled by vendor (or any parent or subsidiary) have been certified or otherwise tested by any testing or certification agency, and if so, describe the particular material or equipment in detail, identify the entity conducting the certification or testing thereof, and describe in detail the results of such testing or certification, including the date thereof.
- (17) Describe in detail the gaming equipment or service proposed to be conveyed or offered by vendor to the Gaming Operation, and the number of units, each type, and describe the terms of conveyance:
 - (a) Attach additional sheets as required to add information, but retain the same format. If applicant has questions, applicant can contact the Background Investigations Department of the Coeur d'Alene Tribal Charitable Gaming board for an appropriate response.

30-7.02.04 Application Process for Vendors

- (A) The following procedures apply to new applications and renewal applications:
 - (1) Class A, B, and C licensing processes commence when the CTCGB Licensing Department receives a completed referral from the Gaming Operation.
 - (2) The CTCGB Licensing Department shall not initiate contact with a potential Vendor until a completed referral is provided by the Gaming Operation.
 - (3) The Vendor is responsible for obtaining and completing the gaming license application in its entirety and returning the application and all necessary supporting documents to the CTCGB Licensing Department.
 - (4) The Vendor shall provide a completed gaming license application and all necessary supporting documents to the Licensing Department. CTCGB licensing department shall document the time, date, delivery of the gaming license application and all necessary supporting documents.

30-28

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)
 Amended 03/26/2009 by Resolution 135(2009)
 Amended 09/06/2007 by Resolution 300(2007)
 Amended 08/23/2007 by Resolution 310(2007)
 Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)
 Amended 11/09/2001 by Resolution 31(2002)
 Amended 10/11/2001 by Resolution 07(2002)
 Amended 09/28/2000 by Resolution 307(2000)
 Amended 09/16/1999 by Resolution 358(99)

- (5) At the conclusion the Licensing Department shall forward all information of the Investigations to the CTCGB, Should the application or supporting documentation be incomplete, the Vendor shall be notified that their application is incomplete.
The Vendor shall be given ten (10) days to complete their application or bring in requested supporting documentation needed. Should the Vendor not respond within ten (10) Days, the application shall be administratively closed.
- (6) The licensing Department shall conduct a preliminary background investigation as soon as practicable after receipt of the completed Vendor license application, and all necessary supporting documents.
- (7) When Vendor application is completed, the Licensing Department shall submit the results of the preliminary background investigation to the Board.
- (8) The Licensing Department may recommend that the CTCGB summarily approve or deny a gaming license if the license background investigation demonstrates the Vendor meets the or fails to meet criteria for obtaining a Gaming License.
- (9) The Licensing department shall notify the Vendor of the final review of the application, of one or more of the following:
 - (a) The Vendor is eligible for a Temporary Gaming License and the process to acquire a Temporary Gaming License
 - (b) The Vendor is ineligible and is summarily denied a Gaming License with the rationale for the denial, and any applicable right to a hearing or an appeal
 - (c) The Vendor is requested to come in for an interview with CTCGB to clarify or provide additional information
- (10) If the Vendor preliminarily meets the criteria for issuance of a Class A, B, or C license, the CTCGB, in its sole and unreviewable discretion, may issue a temporary license to the Vendor.
- (11) If the Vendor meets the criteria for Gaming Code and Regulations for issuance

30-29

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

of a Class A, B or C License, the Licensing department shall forward the application, and current photographs and the license fee required under the Code for final eligibility verification review by the Board.

- (12) The CTCGB shall complete the review and thereafter notify the Licensing department that either: (1) the eligibility verification review has revealed no information which would make the Vendor ineligible for a Gaming License pursuant to the Gaming Code; or (2) the eligibility verification review has revealed that the Vendor is ineligible for a License pursuant to the Gaming Code.
- (13) A Vendor who has been determined ineligible for licensing by the CTCGB after an eligibility verification review will not be licensed by the CTCGB.
- (14) All background materials compiled by the Licensing department in connection with the background investigation of any Vendor for Gaming licensing shall be available to the CTCGB.
- (15) Upon receipt by the Licensing Department of the criminal records check and verification results, the Licensing Department shall review the results of such criminal records checks and verification results to ensure Vendors continue to meet the eligibility requirements of these regulations.
- (16) Upon review of applicable state and federal investigation results, the Licensing department shall notify the Vendor of one or more of the following:
 - (a) The Vendor is eligible for a Gaming License and what the process is in order to acquire the License;
 - (b) The Vendor is ineligible and is summarily denied a Gaming License with the rationale for said denial, and notification to the applicant concerning any applicable right to a hearing or an appeal.
 - (c) The Vendor is requested to come in for an interview with CTCGB to clarify or provide additional information.
- (17) The Licensing department shall maintain complete records of each Vendor and

30-30

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution ~~22~~(2010)

Amended 03/26/2009 by Resolution ~~135~~(2009)

Amended 09/06/2007 by Resolution ~~300~~(2007)

Amended 08/23/2007 by Resolution ~~310~~(2007)

Amended 10/23/2003 by Resolution ~~30~~(2004)

Amended 11/09/2001 by Resolution ~~32~~(2002)

Amended 11/09/2001 by Resolution ~~31~~(2002)

Amended 10/11/2001 by Resolution ~~07~~(2002)

Amended 09/28/2000 by Resolution ~~307~~(2000)

Amended 09/16/1999 by Resolution ~~358~~(99)

the application submitted for Gaming License purposes, in their original form and or a verified copy on a computer disc, including records of any hearings or interviews.

30-7.02.05 VENDOR LICENSING FEES

(A) Fee Schedule.

(1) Gaming Machine Vendors

- Total # of Machines:

1-200	=	Fee to be determined by the Gaming Board.
201-500	=	Fee to be determined by the Gaming Board. More
than 500	=	Fee to be determined by the Gaming Board.

(2) Gaming Vendors

- Amount of Business Annually

\$0-\$50,000	=	Fee to be determined by the Gaming Board
\$50,000-\$100,000	=	Fee to be determined by the Gaming Board
\$100,000 or more	=	Fee to be determined by the Gaming Board.

(3) Non-Gaming Related Vendors

- Amount of Business Annually

\$25,000-\$50,000	=	Fee to be determined by the Gaming Board
\$50,000-\$100,000	=	Fee to be determined by the Gaming Board.
\$100,000 or more	=	Fee to be determined by the Gaming Board.

THE FOLLOWING ARE EXEMPT FROM LICENSING REQUIREMENTS AND FEES:

- Non-Gaming related vendors providing less than \$25,000.00 in goods and services in any twelve month period.
- Providers of utilities

30-31

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- Attorneys and Certified Public Accountants providing services covered by their professional licenses.

- (B) If an additional Fee is Required for Background Investigation. The application fee shall be utilized to initiate the background investigation of a Vendor. In the case of a Class A, B or C gaming license, the application fee may be increased to the extent that the cost of the background investigation relating to the Vendor exceeds the application fee set forth in these regulations. The Vendor shall be advised by the CTCGB in writing that an additional application fee is required. The letter shall direct the Vendor to remit an amount that the CTCGB has determined is necessary to complete the investigation. Once the Vendor is directed to submit an application fee in excess of the amount set forth in these regulations, the Licensing Department conducting the investigation of the Vendor shall not finalize the report on the Vendor's suitability for licensing nor submit that report to the CTCGB for consideration until the increased fee is paid by the Vendor, unless the CTCGB provides an express exemption.

30-7.02.06 Gaming Operation Vendor Technician License Requirements

- (A) License Requirements; Applicability. Unless otherwise specifically excluded, all existing and future Gaming operation Gaming vendor technicians' licensees are subject to the requirements set forth in this Section.
- (B) All Vendor Technician applicants must report the following minimum requirements.
- (C) Submit a completed CTCGB License application.
- (D) Provide a valid picture Identification.
- (E) Be fingerprinted by a CTCGB staff personnel.

30-7.02.07 Application Process for Gaming Vendor Technicians

- (A) The following procedures apply to new applications and renewal applications:
- (1) Vendor technician licensing process commences when CTCGB receives a completed gaming application photo ID and fingerprints from a Technician.

30-32

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)
 Amended 03/26/2009 by Resolution 135(2009)
 Amended 09/06/2007 by Resolution 300(2007)
 Amended 08/23/2007 by Resolution 310(2007)
 Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)
 Amended 11/09/2001 by Resolution 31(2002)
 Amended 10/11/2001 by Resolution 07(2002)
 Amended 09/28/2000 by Resolution 307(2000)
 Amended 09/16/1999 by Resolution 358(99)

- (2) The Gaming Vendor Technician is responsible for obtaining and completing the gaming license application in its entirety and returning the application and all necessary supporting documents to the CTCGB Licensing Department.
- (3) The Gaming Vendor Technician shall provide a completed gaming license application and all necessary supporting documents to the Licensing Department. CTCGB licensing department shall document the time, date, delivery of the gaming license application and all necessary supporting documents.
- (4) At the conclusion the Licensing Department shall forward all information of the Investigations to the CTCGB, Should the application or supporting documentation be incomplete, the Technician shall be notified that their application is incomplete. The Technician shall be given ten (10) days to complete their application or bring in requested supporting documentation needed. Should the Gaming Vendor Technician not respond within ten (10) Days, the application shall be administratively closed and the Technician shall not be allowed to perform his/her duties in the gaming facility.
- (5) The licensing Department shall conduct a preliminary background investigation as soon as practicable after receipt of the completed Gaming Vendor Technicians license application, and all necessary supporting documents.
- (6) When Gaming Vendor Technician's application is completed, the Licensing Department shall submit the results of the preliminary background investigation to the Board.
- (7) The Licensing Department may recommend that the CTCGB summarily approve or deny a gaming license if the license background investigation demonstrates the Gaming Vendor Technician meets the or fails to meet criteria for obtaining a Gaming License.
- (8) The Licensing department shall notify the Gaming Vendor Technician of the final review of the application, of one or more of the following:

30-33

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- (a) The Gaming Vendor Technician is eligible for a Temporary Gaming License and the process to acquire a Temporary Gaming License;
 - (b) The Gaming Vendor Technician is ineligible and is summarily denied a Gaming License with the rationale for the denial, and any applicable right to a hearing or an appeal.
 - (c) The Gaming Vendor Technician is requested to come in for an interview with CTCGB to clarify or provide additional information.
- (9) If the Gaming Vendor Technician preliminarily meets the criteria for issuance of a Class A or B license, the CTCGB, in its sole and unreviewable discretion, may issue a temporary license to the Technician.
 - (10) If the Gaming Vendor Technician meets the criteria of the Gaming Code and Regulations for issuance of a Class A or B License, the Licensing department shall forward the application, and current photographs and the license fee required under the Code for final eligibility verification review by the Board. Upon approval for a Class A or B License Vendor Technicians will be allowed to Gamble in the Coeur d'Alene Casino Resort Hotel as long as the Technician does not gamble on their companies machines (i.e., Williams Tech. can't gamble on Williams machines, IGT Techs. Will not be able to gamble on IGT Techs.)
 - (11) The CTCGB shall complete the review and thereafter notify the Licensing department that either: (1) the eligibility verification review has revealed no information which would make the Gaming Vendor Technician ineligible for a Gaming License pursuant to the Gaming Code ; or (2) the eligibility verification review has revealed that the Gaming Vendor Technician is ineligible for a License pursuant to the Gaming Code .
 - (12) A Gaming Vendor Technician who has been determined ineligible for licensing by the CTCGB after an eligibility verification review will not be licensed by the CTCGB.
 - (13) All background materials compiled by the Licensing department in connection

30-34

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

with the background investigation of any Gaming Vendor Technician for Gaming licensing shall be available to the CTCGB.

- (14) Upon receipt by the Licensing Department of the criminal records check and verification results, the Licensing Department shall review the results of such criminal records checks and verification results to ensure Gaming Vendor Technicians continue to meet the eligibility requirements of these regulations.
- (15) Upon review of applicable state and federal investigation results, the Licensing department shall notify the Gaming Vendor Technician of one or more of the following:
 - (a) The Gaming Vendor Technician is eligible for a Gaming License and what the process is in order to acquire the License;
 - (b) The Gaming Vendor Technician is ineligible and is summarily denied a Gaming License with the rationale for said denial, and notification to the applicant concerning any applicable right to a hearing or an appeal.
 - (c) The Gaming Vendor Technician is requested to come in for an interview with CTCGB to clarify or provide additional information.
- (16) The Licensing department shall maintain complete records of each Gaming Vendor Technician and the application submitted for Gaming License purposes, in their original form and or a verified copy on a computer disc, including records of any hearings or interviews.

30-7.02.08 VENDOR TECH. LICENSING FEES

(A) Fee Schedule.

(1) Gaming Vendors Technicians

(a) Any and all Gaming Vendor Technicians described above will pay \$300.00 for a new application and \$300.00 every 2 Years for renewal.

THE FOLLOWING ARE EXEMPT FROM LICENSING REQUIREMENTS AND FEES:

30-35

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- Non-Gaming related vendor technicians

30-7.02.09 Renewal Process for Gaming Machine Vendor, Gaming Vendor, their Technicians and Non-Gaming Vendors

- (A) Renewal of Gaming License—A gaming license shall be renewed every Two (2) years from the date of initial issuance. Renewal applications are subject to the following criteria:
- (1) A Gaming Machine Vendor, Gaming Vendor, their Technicians and Non-Gaming Vendor applications for renewal of a gaming license shall obtained from the CTCGB office. The applicant shall submit the renewal application not less than (30) days prior to the expiration of the current license.
 - (a) It is the sole responsibility of the Gaming Machine Vendor, Gaming Vendor, their Technicians and Non-Gaming Vendors to have application submitted before expiration date.
 - (2) The CTCGB will act upon a renewal application prior to the date of the expiration of the current applicant's current Gaming License.
 - (3) The CTCGB shall not renew a license for a Gaming Machine Vendor, Gaming Vendor, their Technicians and Non-Gaming Vendors if the applicant does not meet the requirements for issuance of the applicable license.
 - (4) Upon renewal of a gaming license, the CTCGB may issue an appropriate renewal license, provided that the Gaming Machine Vendor, Gaming Vendor, their Technicians and Non-Gaming Vendors have paid all applicable license renewal fees.

30-7.02.10 Gaming Commission Process for Determining Eligibility

- (A) The CTCGB shall adhere to the following process to determine eligibility of Gaming Machine Vendor, Gaming Vendor, their Technicians and Non-Gaming Vendors licenses:

30-36

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- (1) The CTCGB shall conduct a meeting in order to review applications for eligibility determinations for licensing. Licensing determinations shall only be made by the CTCGB.
- (2) CTCGB shall consist of at least three (3) members for a quorum.
- (3) Application files cannot be removed from the CTCGB for review purposes, unless, a location for review other than the CTCGB Office is formally determined by the CTCGB or the Director of Gaming.
- (4) The CTCGB will review each application based upon the actual information and facts as presented by the Director of Gaming or Licensing Department.
- (5) The CTCGB will determine the eligibility of Gaming Machine Vendors, Gaming Vendors, their Technicians and Non-Gaming Vendors Licenses pursuant to these regulations, the Gaming Code and the Indian Gaming Regulatory Act.
- (6) Subsequent to a complete review of the application file, the CTCGB will vote to grant, deny, condition, renew, revoke or suspend a Gaming Machine Vendors, Gaming Vendors, their Technicians and Non-Gaming Vendors Licenses.
- (7) At the end of an application review session, the CTCGB shall return all application files to the Licensing File Room.

30-7.02.11 Maintenance/Access of Records

- (A) Maintenance and Access. The following maintenance and access procedures apply to application files which include the application, background information and investigations and other applicable documents:
 - (1) Only one copy or original of an applicants' application file will be maintained by the CTCGB.
 - (2) All files shall be logged and checked out by the Licensing Department for any reason set forth in these regulations.

30-37

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- (3) All application files shall be maintained in a secure manner sufficient to protect the privacy of the applicant and the confidentiality of the application, background information and the investigation.
- (4) Application files shall only be accessed for hearings, appeals and other judicial purposes and to submit required background information to the CTCGB and National Indian Gaming Commission if so required and to comply with other applicable Federal and Tribal laws.
- (B) Confidentiality No information obtained during the licensing process shall be disseminated for any reason other than for use in the eligibility process, which shall include, as applicable, dissemination of information to the CTCGB and NIGC.
- (C) Application files are maintained by the Licensing Department, and are the property of the CTCGB.
- (D) Access Restrictions. Access to Licensing files is restricted to the following:
 - (1) Members of the Coeur d'Alene Tribal Charitable Gaming Board (CTCGB).
 - (2) The CTCGB Director and designated CTCGB staff
 - (3) Representatives of the National Indian Gaming Commission (NIGC), pursuant to these regulations and applicable federal law.

30-7.02.12 Coeur d'Alene Tribal Gaming Board and Staff – Confidentially

- (A) Confidentiality of Communications. All communications relating to individual licensing decisions between the CTCGB and CTCGB staff is privileged and confidential if made lawfully and in the course of or the furtherance of the business of the Coeur d'Alene Tribal Gaming Board.
- (B) Maintaining Confidentiality. CTCGB staff shall be held to the same strict standard of confidentiality as the CTCGB. A staff member may be subject to termination in the event a breach of confidentiality occurs and the fault is attributed directly to the staff person.

30-38

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)
 Amended 03/26/2009 by Resolution 135(2009)
 Amended 09/06/2007 by Resolution 300(2007)
 Amended 08/23/2007 by Resolution 310(2007)
 Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)
 Amended 11/09/2001 by Resolution 31(2002)
 Amended 10/11/2001 by Resolution 07(2002)
 Amended 09/28/2000 by Resolution 307(2000)
 Amended 09/16/1999 by Resolution 358(99)

- (C) Confidential records may be released to law enforcement agencies if necessary to comply with applicable law or to assist in any investigation into activities that may pose a threat to Tribal assets or the integrity of Coeur d'Alene Casino Resort/Hotel.
- (D) Former CTCGB Members and Staff shall be held to the same confidentiality requirements for information they had access too as an active Board Member or staff. Every Board and staff member shall sign a statement agreeing to the above.

30-7.02.13 Suspension or Revocation of License

- (A) Gaming Machine Vendors, Gaming Vendors, Their Technicians and Non-Gaming Vendors Licenses Suspension or Revocation. All Vendors and their Technicians licenses are subject to a suspension for a period of no longer than six (6) months or a revocation for a minimum period of twelve (12) months if one or more of the following events occur:
 - (1) An event occurs that would have prevented the original issuance of a license.
 - (2) A violation of any provision of the COEUR D'ALENE TRIBAL GAMING CODE, MINIMUM INTERNAL CONTROLS, STANDARD OPERATING PROCEDURES or any other rule or regulation of the Coeur d'Alene Tribal Charitable Gaming Board has occurred.
 - (3) Receipt of a recommendation from the National Indian Gaming Commission to deny a license.
 - (4) Any information received resulting in disciplinary actions taken by current gaming facility operations for conduct that poses a threat to other employees or patrons (i.e. failing urinalysis testing, verbal abuse, assaultive behavior).
- (B) Summary Suspension. The CTCGB may summarily suspend a license pending a hearing before the Commission based upon prima facie evidence that a licensee has violated any provisions of the TRIBAL GAMING CODE, MINIMUM INTERNAL CONTROLS, STANDARD OPERATING PROCEDURES, THE COMPACT, IGRA and implementing regulations, or any CTCGB regulations – including the occurrence of an event that would have prevented the original issuance of a license.

- (C) All licensees who are subject to adverse licensing decisions by the CTCGB may utilize the administrative and judicial review process set forth in the Tribal Gaming Code.
- (D) The CTCGB shall provide a notice of rights to a hearing and/or an appeal to all licensees who are subject to adverse licensing decisions.
- (E) The CTCGB shall notify the NIGC of all final, adverse licensing decisions involving Class A, B, and C licensees, if applicable.
- (F) Any CTCGB administrative hearing potentially involving adverse licensing decisions shall not preclude the CTCGB from advising and recommending to the appropriate authorities that criminal proceedings or additional administrative proceedings be initiated against the licensee.

30-7.02.14 Additional Enforcement Actions

- (A) Consistent with the Gaming Code, the CTCGB reserves the right to take adverse enforcement actions against licensees that are not otherwise specifically set forth in these regulations.

30-7.03 Revocation of License

A facility, personal, gaming vendor, gaming vendor technician and non-gaming vendor license previously issued shall be revoked by the Board if it determines anytime that the facility's, person's, gaming vendor's, gaming vendor technician's and non-gaming vendor activities, criminal records, reputation, habits, or associations pose a threat to the public interest or the effective regulation of gaming, or creates or enhances the danger of unsuitable, unfair, or illegal practices or methods or activities in the conduct of gaming, or that the person, facility, gaming vendor, gaming vendor technician and non-gaming vendor is in violation of the By-Laws, regulations, or directives of the Board.

30-7.03.01 Revocation Appeal Process

All decisions of the Board regarding the issuance or revocation of licenses shall be effective when issued. An applicant or licensee whose license is denied or revoked may, within fifteen (15) days after the date of receipt of a written decision of the Board, file a petition with the Board requesting a hearing to reconsider the decision. If no petition is filed within the time prescribed, the decision shall be deemed final and not subject to further reconsideration or appeal to be reviewed by the Board.

30-40

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

30-07.03.02 Suspension of License

- (A) A facility, personal, gaming vendor, gaming vendor technician and non-gaming vendor license previously issued shall be Suspended by the Board for any ongoing criminal investigation where the outcome has not been determined, also if the Board determines at anytime that the facility's, person's, gaming vendor's, gaming vendor technician's and non-gaming vendor's activities, reputation, habits, or associations pose a threat to the public interest or the effective regulation of gaming, or creates or enhances the danger of unsuitable, unfair practices or methods or activities in the conduct of gaming, or that the person, facility, gaming vendor, gaming vendor technician and non-gaming vendor is in violation of the By-Laws, regulations, or directives of the Board. The duration of the suspension of a Gaming License shall be determined by the Board.
- (B) At the completion of investigation the facility, personal, gaming vendor, gaming vendor technician and non-gaming vendor is found Guilty of a Criminal offense the Board Shall revoke said license and the facility, personal, gaming vendor, gaming vendor technician and non-gaming vendor may adhere to 30 -7.03.01 Revocation Appeal Process.

30-8.01 Certificate of Acceptability

Prior to the issuance of a facility license to any premise under this Code, the Board shall be provided with a certificate of acceptability from the Coeur d'Alene Tribal Planning & Development Corp. which certifies that the construction and maintenance of the gaming facility and the manner in which gaming is to be operated and services provided will adequately protect the environment and the public health and safety.

30-8.02 Inspection of Premise and Records

Each and every facility licensed under this Code to conduct gaming shall be available for inspection by the Board or its designee at all times. All books and records of any gaming facility authorized under this Chapter shall be kept and maintained on the Coeur d'Alene Indian Reservation at all times. Such books and records shall be open for inspection by the Board or its designee at all times, and shall be reviewed by the Board or its designee at all times, and shall be reviewed by the Board or its designee on a monthly basis.

30-41

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

30-8.03 **Inspection of Premises and Records by Board**

In addition to inspections and audits conducted by the Board or its designee, the Tribal Council, through the Tribal attorney or his/her designee, shall conduct spot monthly inspections and/or audits, without notice, as he/she sees fit. The results of such spot monthly inspections or audits shall be reported directly to the full Tribal Council and a copy provided to the Board. The Tribal attorney or his/her designee shall have full and complete access to all books, records and facilities of any gaming facility authorized under this Chapter at all times and under whatever conditions as the Tribal attorney or his/her designee requires.

30-9.01 **Taxation and Net Revenue Distribution**

The Tribe specifically reserves, through its inherit power as a sovereign nation, the full right and authority to adopt or impose a uniform and comprehensive system of taxation and/or fee structure for all gaming allowed under this Code.

Per capita payments from net gaming revenue are subject to federal income taxation. The Tribe shall so notify each recipient at the time of disbursement.

30-9.02 **Net Revenue Distribution - Land Repurchase Requirement**

Not less than twenty-five percent (25%) of net revenues shall go to the land repurchase plan of the Coeur d'Alene Tribe. The land repurchase plan promotes Tribal economic development and provides for the general welfare of the Tribe and its members.

30-9.03 **Net Revenue Distribution - Other**

Up to fifty percent (50%) of net revenues shall be used for the following purposes:

- (A) To fund Tribal government operations or programs;
- (B) To provide for the general welfare of the Tribe and its members;
- (C) To promote Tribal economic development;
- (D) To donate to charitable organizations; or

- (E) To help fund operations of local government agencies.

30-9.04 Per Capita Payments

Distribution of net gaming revenues is subject to Tribal Code and federal laws, specifically this Chapter and 25 U.S.C. § 2710(b) (3). No Less than twenty five percent (25%) of net gaming revenues are to be distributed as per capita payment to all individual tribal members. The following are guidelines for per capita payments:

- (A) Eligibility Deadline. Eligibility for per capita payments is based upon Tribal Enrollment. Enrollment as a Tribal member must be established by September 30 for winter per capita and March 31 for summer per capita of the year of the distribution in order to be eligible for payment. Eligibility for enrollment is reviewed in accordance with Chapter 39 of the Tribal Code.
- (B) Minors and Legal Incompetents. The interests of minors and other legally incompetent persons who are entitled to receive per capita payments are to be distributed as follows:
- (1) Minors - persons under the age of 18:
- (a) One-half of the per capita payment shall be placed into a trust in the name of the individual minor. Such amount shall remain in trust until:
1. the person reaches the age of 18.
- (b) One-half of the per capita payment shall be disbursed to the parents or legal guardian for the benefit of such minors. Such payment is necessary for the health, education, and welfare of the individual.
- (2) Legal Incompetents - person deemed incompetent through a court proceeding:
- (a) Regardless of age of the incompetent, one-half of the per capita payment shall be placed into a trust in the name of the individual incompetent. Such amount may be distributed to the parents or legal guardians of the incompetent upon application. The application must include an explanation of why the trust should be distributed for the benefit of the incompetent.

30-43

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)
Amended 03/26/2009 by Resolution 135(2009)
Amended 09/06/2007 by Resolution 300(2007)
Amended 08/23/2007 by Resolution 310(2007)
Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)
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Amended 10/11/2001 by Resolution 07(2002)
Amended 09/28/2000 by Resolution 307(2000)
Amended 09/16/1999 by Resolution 358(99)

- (b) One-half of the per capita payment shall be disbursed to the parents or legal guardian for the benefit of such legal incompetent. Such payment is necessary for the health, education, and welfare of the individual.
- (3) Special Circumstances. The Coeur d'Alene Tribe recognizes there are circumstances which may require or justify disbursement of all or a portion of the remaining individual trust money. An application must be submitted for such disbursement. Applications are available through the Tribal Enrollment Office. Tribal Council or designated representatives will review applications for disbursement under the following circumstances:
 - (a) Upon certification by at least two licensed physicians that the minor is afflicted with a terminal illness.
 - (b) Upon certification by a school official that the minor will be graduating. Disbursement for the graduation expenses shall not exceed \$500.
 - (c) Upon showing the legitimate need or exigent circumstance of a minor who has received a high school diploma or GED certificate.
- (4) Encumbrances. No funds received and placed in trust on behalf of individual members may be pledged or encumbered in any manner.
- (5) Death of a Minor or Legal Incompetent. Upon the death of a minor, all funds including interest shall be transferred from the individual trust account and shall be probated in accordance with appropriate procedures in the court of competent jurisdiction.

30-9.05 Management Contracts

The Tribal Council may enter into management contracts for the conduct of gaming under this Chapter, but in no event shall the management contractor receive more than 40% of the net revenues in consideration of the provisions of management services.

30-10.01 Penalties for Violations

30-44

Coeur d'Alene Tribal Code
 Amended 10/29/2009 by Resolution 22(2010)
 Amended 03/26/2009 by Resolution 135(2009)
 Amended 09/06/2007 by Resolution 300(2007)
 Amended 08/23/2007 by Resolution 310(2007)
 Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)
 Amended 11/09/2001 by Resolution 31(2002)
 Amended 10/11/2001 by Resolution 07(2002)
 Amended 09/28/2000 by Resolution 307(2000)
 Amended 09/16/1999 by Resolution 358(99)

Any person who contracts, supplies, manages, is employed by, or participates in any gaming activity authorized under this Chapter shall, as a matter of doing so, consent to the civil and criminal jurisdiction of the Coeur d'Alene Tribe. Such consent of jurisdictions shall be publicly posted and shall be contained on all cards, tickets or other gaming devices used under the authority of this Chapter.

30-10.02 **Civil Penalties for Violations**

Any person who shall violate any provisions of this Chapter or shall conduct gaming operations without a required license, shall commit fraud or deceit, or shall engage in professional gambling or bookmaking, shall be subject to one or all of the following civil penalties:

- (A) Civil fine of \$2,000 per occurrence per day and confiscation of all proceeds from such activities;
- (B) Injunctive relief against continued violation of this Chapter;
- (C) Exclusion from the Coeur d'Alene Indian Reservation in conformity with Chapter 25 of this Code;
- (D) Revocation or suspension of gaming license, or
- (E) Civil cause of action by the Tribe for damages, restitution or other equitable relief

30-11.01 **Investigation, Hearings, and Judicial Review**

Nothing in this Chapter shall entitle any individual or entity to any right to appeal or judicial review that they do not otherwise have as a result of some other law.

The Board or its designee may conduct any investigation or hold any hearing it deems appropriate and necessary to carry out its responsibilities under this Chapter.

The Board or its designee may conduct such other hearings to review a prior decision as are necessary.

Jurisdiction for judicial review of any administrative hearing decision under this Section shall rest exclusively with the Tribal Court. In the exercise of its jurisdiction to conduct such judicial review, the

30-45

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

Court shall be absolutely and completely bound by the findings of facts of the administrative hearing and may only reverse the decision if substantial prejudicial errors of law occur.

30-12.01 **Severability**

If any provision of this Chapter is held invalid or its application to any person or circumstance is held invalid, the remainder of this Chapter or the application of the provision to other persons or circumstances is not affected.

30-13.01 **Purpose**

The Coeur d'Alene Tribal Council (hereinafter "Tribe"), empowered by the Tribe's Constitution to enact ordinances, hereby enacts this ordinance which shall be referred to as statutes in order to further set the terms for Class II and III gaming operations on Tribal lands. All of the following sections shall apply to Class II gaming. Sections 30-13.03; 30-13.06; 30-13.07 (A), (C), and (D); 30-13.08; and 30-14.01 shall apply to Class III gaming.

30-13.02 **Gaming Authorized**

Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100 -447, 25 U.S.C. Section 2703 (7)(A)("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. Subsection 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized. Class III gaming authorization is governed by the terms of 30-6.03.

30-13.03 **Ownership of Gaming**

The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

30-13.04 **Use of Gaming Revenue**

Net revenues from Class II gaming shall be used only for the following purposes: to fund Tribal government operations and programs; provide for the general welfare of the Tribe and its members; promote Tribal economic development; donate to charitable organizations; to help fund operations of local government agencies.

30-46

Coeur d'Alene Tribal Code
Amended 10/29/2009 by Resolution 22(2010)
Amended 03/26/2009 by Resolution 135(2009)
Amended 09/06/2007 by Resolution 300(2007)
Amended 08/23/2007 by Resolution 310(2007)
Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)
Amended 11/09/2001 by Resolution 31(2002)
Amended 10/11/2001 by Resolution 07(2002)
Amended 09/28/2000 by Resolution 307(2000)
Amended 09/16/1999 by Resolution 358(99)

30-13.05 **Audit**

- (A) The Tribe shall cause to be conducted annually an independent audit of gaming operations 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 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.

30-13.06 **Protection of the Environment and Public Health and Safety**

Class II gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

30-13.07 **Licenses for Key Employees and Primary Management Officials and Gaming Vendors, Gaming Vendor Technicians and Non-Gaming Vendor**

The Tribe shall ensure that the policies and procedures set out in this Section are implemented with respect to key employees and primary management officials employed at any Class II and Class III gaming enterprise and any and all gaming vendors, gaming vendor technicians and non-gaming vendors doing business at any Class II and Class III gaming enterprise operated on Indian lands:

- (A) Definitions. For the purposes of this Section, the following definitions apply:

- (1) Key employee means:

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

- (1) Bingo caller;
 - (2) Counting room supervisor;
 - (3) Chief of security;
 - (4) Custodian of gaming supplies or cash;
 - (5) Floor manager;
 - (6) Pit boss;
 - (7) Dealer;

30-47

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- (8) Croupier;
 - (9) Approver of credit; or
 - (10) 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.
- (2) Primary management official means
- (a) The person having management responsibility for a management contract;
 - (b) Any person who has authority:
 - (1) To hire or fire employees; or
 - (2) To set up working policy for the gaming operation; or
 - (c) The chief financial officer or other person who has financial management responsibility.

(B) Application Forms

- (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 individual to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information, and it may be disclosed 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 of the National Indian Gaming Commission in connection with the hiring or firing of any employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosure indicated in this notice will result in the Tribe's being unable to hire you in 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.

- (2) Existing key employees and primary management officials shall be notified in writing that they shall either:
 - (a) Complete a new application form that contains a Privacy Act notice; or
 - (b) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.
- (3) The following notice shall be placed on the application form for a key employee or primary official before that form is filled out by an applicant:

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, title 18, Section 1001)

- (4) The Tribe shall notify in writing existing key employees and primary management officials that they shall either:
 - (a) Complete a new application form that contains a notice regarding false statements; or
 - (b) Sign a statement that contains the notice regarding false statements.

(C) Background Investigations

- (1) The Tribe shall request from each primary management official and from each key employee all of the following information:
- (a) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all language (spoken or written);
 - (b) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
 - (c) The names and current addresses of at least three personal references, including one personal reference who acquainted with the applicant during each period residence listed under paragraph (1)(b) of this Section;
 - (d) Current business and residence telephone numbers;
 - (e) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
 - (f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - (g) 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;
 - (h) 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;
 - (i) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the

30-50

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

application, the name and address of the court involved and the date and disposition;

- (j) For each criminal charge (excluding minor traffic charges) 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 paragraph (1)(h) or (1)(i) of this Section, the criminal charge, the name and address of the court involved and the date and disposition;
 - (k) The name and address of any licensing or regulatory agency which has filed an application for an occupations license or permit, whether or not such license or permit was granted;
 - (l) A current photograph;
 - (m) Any other information the Tribe deems relevant; and
 - (n) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. Subsection 522.2(h).
- (2) The Tribe shall conduct an investigation sufficient to make a determination under subsection D below. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of investigation.

(D) Eligibility Determination

The Tribe shall 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 primary management official for employment in a gaming operation. If the Tribe determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a Tribal gaming operation shall not employ that person in a key employee or primary management official position.

(E) Procedure for Forwarding Applications and Reports for Key Employees and Primary

30-51

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)
Amended 03/26/2009 by Resolution 135(2009)
Amended 09/06/2007 by Resolution 300(2007)
Amended 08/23/2007 by Resolution 310(2007)
Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

Management Officials to the National Indian Gaming Commission

- (1) When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribe shall forward to the National Gaming Commission a completed application for employment and conduct background investigation and make the determination referred to in subsection D of this Section.
- (2) The Tribe shall forward the report referred to in subsection F of this Section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Gaming Commission.
- (3) The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

(F) Report to the National Indian Gaming Commission

- (1) Pursuant to the procedures set out in subsection E of this Section, the Tribe shall prepare and forward to the National Indian Gaming Commission 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) Conclusion reached; and
 - (d) The basis for those conclusions.
- (2) The Tribe shall submit, with the report, a copy of the eligibility determination made under subsection D of this Section.
- (3) If a license is not issued to an applicant, the Tribe:
 - (a) Shall notify the National Indian Gaming Commission;
 - (b) May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Record System.

30-52

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 97(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- (4) With respect to key employees and primary management officials, the Tribe shall retain applications for employment and reports (if any) of the background investigations for inspections by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

(G) Granting a Gaming License

- (1) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.
- (2) The Tribe 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. Such a request shall suspend the 30-day period under paragraph G (1) of this Section until the Chairman of the National Indian Gaming Commission receives the additional information.
- (3) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

(H) License Suspension

- (1) If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming Commission reliable information indicating that a key

30-53

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

employee or a primary management official is not eligible for employment under Section D above, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

- (2) The Tribe shall notify the licensee of a time and place for a hearing on the proposed revocation of a license.
- (3) After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

(I) Gaming Vendor Application Forms

The following notice shall be placed on the gaming vendor application form 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 provide goods and services to a gaming operation. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by the tribe in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with the tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in the Tribe being unable to provide the applicant with a vendor license.

The disclosure of Social Security Numbers (SSN) is voluntary. However, failure to supply SSN's may result in errors in processing your application.

A false statement on any part of your application may be grounds for not licensing your company. A false statement may also be punishable by fine or imprisonment (U.S. Code, title 18, section 1001).

(J) Background Investigation

- (1) The Tribe shall request from each gaming vendor the following information:

30-54

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- (a) State the Name of business.
- (b) State the address of the gaming vendor's principle place of business, and all other permanent locations at which gaming vendor (or and subdivision) does business, and describe the business carried on at each location.
- (c) Explain how gaming vendor is organized (i.e., whether corporation, partnership, individually owned business or other entity).
- (d) If gaming vendor is a corporation, identify every person or other entity owning 5% or more of the stock in the corporation, give the name and address of each officer of the corporation, and each member of the Board of Directors, and state the date and place of incorporation.
- (e) Provide complete information concerning the officers of the company:
- (f) Provide complete information on the Board of Directors.
- (g) If gaming vendor is a partnership, give the name and address of each partner and the percentage of ownership interest held thereby.
- (h) If gaming vendor is not organized as a corporation or a partnership, describe the organization in detail, and give the name and address of every person who owns more than 5% of the business or who has any decision-making powers in the management of the business.
- (i) Describe in detail gaming vendor's activities in the gaming business (including the activities of any parent entity or subsidiaries of the gaming vendor):
- (j) Describe in detail the types of equipment and material handled by the gaming vendor.
- (k) Give the length of time the gaming vendor has been engaged in such business in years and months.

30-55

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- (l) Describe any particular qualifications the gaming vendor has with respect to the material or equipment that the gaming vendor carries.
- (m) State whether the gaming vendor (or any parent entity or subsidiary) has ever been required to apply for a license in connection with its activities in the gaming business:
 - (1) If so, as to each application, state the regulatory agency to which such application was submitted.
- (n) As to each application, state whether any license in any other jurisdiction has ever been suspended or revoked for any reason, and if so give the violation, dates, amount(s) of fine(s) and any and all other pertinent information.
- (o) Identify by name and address every manufacturer, wholesaler or distributor of gaming equipment with which gaming vendor (including any parent or subsidiary) has done business in the past five years.
- (p) State whether any of the gaming materials or equipment handled by gaming vendor (or any parent or subsidiary) have been certified or otherwise tested by any testing or certification agency, and if so, describe the particular material or equipment in detail, identify the entity conducting the certification or testing thereof, and describe in detail the results of such testing or certification, including the date thereof.
- (q) Describe in detail the gaming equipment or service proposed to be conveyed or offered by gaming vendor to the Coeur d'Alene Tribal Bingo/Casino, and the number of units, each type, and describe the terms of conveyance:
 - (1) Attach additional sheets as required to add information, but retain the same format. If you have questions, you can contact the Background Investigations Department of the Coeur d'Alene Tribal Gaming board for and appropriate response.

30-56

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

30-13.08 **License Locations**

The Tribe shall issue a separate license to each place, facility, or location on Indian lands where Class II gaming is conducted under this ordinance.

30-13.09 **Repeal**

To the extent that any sections are inconsistent, those prior gaming statutes are hereby repealed and these shall control.

30-14.01 **Specific Background Investigations**

Section 522.2(b) of IGRA regulations requires a description of procedures to conduct or cause to be conducted background investigations on key employees and primary management officials.

Background investigations of key employees and primary management officials shall include:

- (A) A clear statement that the Tribe is responsible for the conduct of the background investigations and suitability determinations.
- (B) An organization chart or statement showing the positions of people responsible for:
 - (1) Conducting and causing to be conducted the background investigations;
 - (2) Reviewing and approving the investigative work done;
 - (3) Reporting the results of the background investigation to the National Indian Gaming Commission;
 - (4) Obtaining and processing fingerprints; and
 - (5) Making the suitability determinations.
- (C) An explanation of how the positions and people identified above were selected.
- (D) A listing of the minimum investigative procedures to be performed, including the following:
 - (1) Verify by written or oral communication information submitted by applicant.

30-57

Coeur d'Alene Tribal Code

Amended 10/29/2009 by Resolution 22(2010)

Amended 03/26/2009 by Resolution 135(2009)

Amended 09/06/2007 by Resolution 300(2007)

Amended 08/23/2007 by Resolution 310(2007)

Amended 10/23/2003 by Resolution 30(2004)

Amended 11/09/2001 by Resolution 32(2002)

Amended 11/09/2001 by Resolution 31(2002)

Amended 10/11/2001 by Resolution 07(2002)

Amended 09/28/2000 by Resolution 307(2000)

Amended 09/16/1999 by Resolution 358(99)

- (2) Inquire into the applicant's prior activities, criminal record, if any, and reputation, habit and associations; interview a sufficient number of knowledgeable people such as former employers, personal references, and others to whom referred in order to provide a basis for the Tribe to make a finding concerning the eligibility for employment in a gaming operation.
 - (3) Document the disposition of all potential problem areas noted and disqualifying information obtained.
- (E) An investigative report setting forth the following:
- (1) Steps taken in conducting the background investigation;
 - (2) Results obtained;
 - (3) Conclusions reached; and
 - (4) The basis for those conclusions.

30-15.01 Guest Dispute Resolution Procedures

All gaming enterprises licensed and regulated by the Board shall create and implement procedures for resolving disputes, complaints and concerns raised by guests of the gaming enterprise.