

NATIONAL
INDIAN
GAMING
COMMISSION

APR 28 1995

Bruce Anderson, President
Coquille Indian Tribe
P.O. Box 1435
Coos Bay, Oregon 97420

Dear President Anderson:

This letter responds to your request to review and approve the tribal gaming ordinance adopted by the Coquille Indian Tribe (Tribe) on February 25, 1995, in Resolution CY9509. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Also, such approval does not constitute approval of specific games.

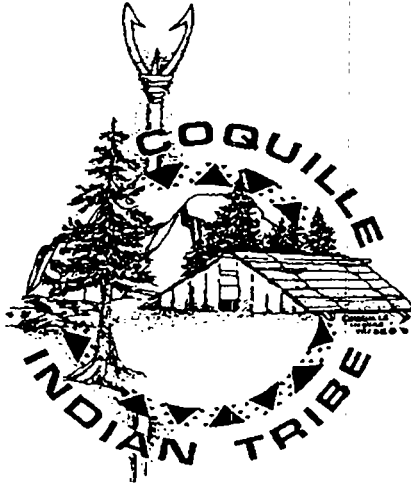
With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

Thank you for submitting the ordinance of the Coquille Indian Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

/s/

Harold A. Monteau
Chairman



COQUILLE INDIAN TRIBE

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RESOLUTION CY9509

ECONOMIC DEVELOPMENT: Approval of Coquille Tribal Gaming Ordinance

- WHEREAS,** the Coquille Indian Tribe is governed by the Coquille Tribal Council pursuant to the Tribal Constitution adopted by eligible voters of the Tribe on August 27, 1991, and approved by the Secretary of the Interior on September 9, 1991; and that the Tribal Council is empowered to act for the Coquille Indian Tribe; **AND,**
- WHEREAS,** The Coquille Indian Tribe possesses the inherent power of self-government and that it has established a government for legislative, executive, and judicial functions; **AND,**
- WHEREAS,** The Coquille Indian Tribe hereby accepts the attached Gaming Code as the Tribe's Gaming Ordinance to govern Tribal gaming activities, with the understanding that it conforms to the Model Gaming Code recommended by the National Indian Gaming Commission (NIGC), and with the understanding that it can and will be amended to include the establishment of a working Tribal Gaming Commission; **AND,**
- WHEREAS,** The Coquille Indian Tribe hereby accepts the attached Procedures for Background Checks of primary management officials and key employees, and authorizes Coquille Economic Development Corporation (CEDCO) to execute a Memorandum of Understanding with the NIGC for processing fingerprints; **AND,**
- WHEREAS,** The Coquille Tribe hereby accepts the attached Procedures for Issuance of Licenses; **AND,**
- WHEREAS,** CEDCO President, Bruce Anderson, as the individual mostly responsible for the day-to-day operation Coquille Tribal gaming, is best suited to be the designated agent to the NIGC for service under 25 CFR § 519.1; **NOW,**

RESOLUTION CY9509

ECONOMIC DEVELOPMENT: Approval of Coquille Tribal Gaming Ordinance

Page two

THEREFORE BE IT RESOLVED, that the Tribal Council hereby accepts and enacts into Tribal law the attached Gaming Code as the Tribe's Gaming Ordinance; AND,

BE IT FURTHER RESOLVED, that the Tribal Council accepts and enacts into Tribal law the Procedures for Background Checks of primary Management Officials and Key Employees, and the Procedures for issuance of Licenses, and authorizes CEDCO to execute a Memorandum of Understanding with the NIGC for processing fingerprints; AND,

BE FURTHER RESOLVED, that Tribal member and CEDCO President, Bruce Anderson, serve as the designated agent to the NIGC for service under 25 CFR § 519.1; AND,


BE IT FINALLY RESOLVED, that CEDCO is authorized to proceed to prepare and submit the Gaming Code to the National Indian Gaming Commission for the approvals necessary to allow the Tribe to proceed with Class II and Class III gaming activities.

CERTIFICATION

The foregoing Resolution was duly adopted at the Tribal Council Meeting held at Medford, Oregon, on February 25, 1995, with the required quorum present by a vote of 5 For; 0 Against; 1 Absent; and 0 Abstaining.



Edward L. Metcalf
Chairperson



Joyce Tanner, Acting
Secretary-Treasurer

**TRIBAL GAMING ORDINANCE
COQUILLE TRIBE OF INDIANS**

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COQUILLE INDIAN TRIBAL CODE
Chapter 198
Tribal Gaming

Index

Subchapter/
Section

198.010	GENERAL	1
198.020	JURISDICTION	1
198.100	GAMING AUTHORIZED	1
198.120	OWNERSHIP OF GAMING	1
198.130	USE OF GAMING REVENUE	1
198.140	AUDIT	2
198.150	PROTECTION OF THE ENVIRONMENT AND PUBLIC HEALTH AND SAFETY	2
198.160	LICENSES FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS	3
198.170	LICENSE LOCATIONS	9
198.180	REPEAL	9
198.190	AMENDMENT	9
198.200	SEVERABILITY	9

COQUILLE INDIAN TRIBAL CODE
Chapter 198
Tribal Gaming

198.010 General

1. Purpose

The Tribal Council ("Tribe"), empowered by the Coquille Tribe's Constitution to enact ordinances, hereby enacts this ordinance in order to set the terms for class II and III gaming operations on tribal lands.

2. Background and Intent

3. Definitions (reserved)

198.020 Jurisdiction (reserved)

198.100 Gaming Authorized

Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, ("IGRA") 25 U.S.C. Section 2703(7)(A) and Class III gaming as defined in IGRA, 25 U.S.C. Section 2703(8) and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. Section 502 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) are hereby authorized.

198.120 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.

198.130 Use of Gaming Revenue

1. Net Revenue

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

COQUILLE INDIAN TRIBAL CODE
Chapter 198
Tribal Gaming

2. Per Capita Payment

If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon the approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. Section 2710(b)(3).

198.140 Audit

1. Annual Audit

The Tribe shall cause to be conducted annually an independent audit of the gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

2. Gaming Contracts

All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.000 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 of this section.

198.150 Protection of the Environment and Public Health and Safety

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

COQUILLE INDIAN TRIBAL CODE
Chapter 198
Tribal Gaming

198.160 Licenses for Key Employees and Primary Management Officials

The Tribe shall ensure that the policies and procedures set forth in this section and that certain Memorandum of Understanding with the State of Oregon dated _____ are implemented with respect to key employees and primary management officials employed at any class II and III gaming enterprise operated on Indian lands and will include but are not limited to the following:

1. Definitions:

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

(a) Key employee means

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

- (A) bingo caller;
- (B) counting room supervisor;
- (C) chief of security;
- (D) custodian of gaming supplies or cash;
- (E) floor manager;
- (F) pit boss;
- (G) dealer;
- (H) croupier;
- (I) approver of credit; or
- (J) custodian of gambling devices including persons with access to cash and accounting records within such devices;

(2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or

(3) If not otherwise included, the four most highly compensated persons in the gaming operation.

(b) Primary management official means

(1) The person having management responsibility for a management contract;

(2) Any person who has authority:

- (A) to hire and fire employees; or
- (B) to set up working policy for the gaming operation; or

COQUILLE INDIAN TRIBAL CODE
Chapter 198
Tribal Gaming

(3) The chief financial officer or other person who has financial management responsibility.

2. Application Forms

(a) The following notice shall be placed on the application form for a key employee or primary management official before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided:

Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by the National Indian Gaming Commission members and staff who have a need for the information in the performance of their official duties. 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 a tribe or the National Indian Gaming Commission 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 a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe 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 errors in processing your application.

(b) Existing key employees and primary management officials shall be notified in writing that they shall either:

(1) complete a new application form that contains a Privacy Act notice; or

(2) sign a statement that contains the Act notice and consent to the routine uses described in that notice.

COQUILLE INDIAN TRIBAL CODE
Chapter 198
Tribal Gaming

(c) 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 the 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)

(d) The Tribe shall notify in writing existing key employees and primary management officials that they shall either:

- (1) complete a new application form that contains a notice regarding false statements; or
- (2) sign a statement that contains the notice regarding false statements.

3. Background Investigations

(a) The Tribe shall request from each primary management official and from each key employee all of the following information:

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

(2) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, if any, business and residence addresses and driver's license number;

(3) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (a) (2) of this section;

(4) Current business and residence telephone numbers;

(5) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

(6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

(7) The name and address of any licensing or regulatory agency with which the person has filed any application for a

COQUILLE INDIAN TRIBAL CODE
Chapter 198
Tribal Gaming

license or permit related to gaming, whether or not such license or permit was granted;

(8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date with disposition if any;

(9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date of disposition if any;

(10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (a)(8) or (a)(9) of this section, the criminal charge, the name and address of the court involved and the date of disposition if any;

(11) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(12) A current photograph of the applicant;

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

(14) Fingerprints consistent with procedures adopted by the Tribe in accordance with 25 CFR section 522.2(h).

(b) The Tribe shall conduct an investigation sufficient to make a determination under section 4 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 the investigation.

4. 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, 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.

COQUILLE INDIAN TRIBAL CODE
Chapter 198
Tribal Gaming

5. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission.

(a) 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 Indian Gaming Commission a completed application for employment, conduct the background investigation and make the determination referenced in subsection 4 of this section.

(b) 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 Indian Gaming Commission.

(c) 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.

6. Report to the National Indian Gaming Commission

(a) Pursuant to the procedures set forth in subsection 5 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:

- (1) steps taken in conducting a background investigation;
- (2) results obtained;
- (3) conclusions reached;
- (4) The bases for those conclusions.

(b) The Tribe shall submit, with the report, a copy of the eligibility determination made under subsection 4 of this section.

(c) If a license is not issued to an applicant, the Tribe:

(1) shall notify the National Indian Gaming Commission;
and

(2) may forward copies of its eligibility determination and investigative report (if any) to the National Indian

COQUILLE INDIAN TRIBAL CODE
Chapter 198
Tribal Gaming

Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

(d) With respect to key employees and primary management officials, the Tribe shall retain applications for employment and reports (if any) of background investigations for inspection 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 the termination of employment.

7. Granting a Gaming License

(a) 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.

(b) 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 7.(a) of this section until the Chairman receives the additional information.

(c) 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 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 the license to the applicant.

8. License Suspension

(a) If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection D of this

COQUILLE INDIAN TRIBAL CODE
Chapter 198
Tribal Gaming

section, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

(b) The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of the license.

(c) After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license within thirty (30) days of the last day of the hearing. The Tribe shall notify the National Indian Gaming Commission of its decision.

198.170 License Locations

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

198.180 Repeal

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

198.190 Amendment

This Ordinance, and regulations promulgated hereunder are subject to revision, amendment and repeal by the Tribe, subject to applicable provisions of the Tribe's Constitution, the Indian Gaming Regulatory Act, regulations of the National Indian Gaming Commission, and other federal laws.

198.200 Severability

If any provision of the Ordinance or amendment thereto, or the application to any purpose or circumstance, is held invalid by a court of competent jurisdiction, the full remainder of the provision, or the application of the provision through another person or upon another circumstance, shall not be affected.