

NATIONAL
INDIAN
GAMING
COMMISSION

JUN 13 1994

Albert V. Garcia, Chairperson
Pascua Yaqui Tribe of Arizona
7474 S. Camino de Oeste
Tucson, Arizona 85746

Dear Chairperson Garcia:

This letter responds to your request to review and approve the amendment to the tribal gaming ordinance of the Pascua Yaqui Tribe of Arizona (the Tribe). The amendment was adopted by the Tribe on April 28, 1994.

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review amendments to 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.

Since the amendments adopted by the Tribe do not relate to the requirements of the IGRA and the NIGC's regulations, they are not within the scope of the NIGC's review and therefore do not require approval by the Chairman.

It is important to note that the Tribe must continue to submit amendments to their gaming ordinance to the NIGC so that the NIGC may determine whether or not the amendments are within the scope of the IGRA.

Thank you for submitting the amendment to the tribal gaming ordinance of the Pascua Yaqui Tribe. The NIGC staff and I continue to look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

Anthony J. Hope

Anthony J. Hope
Chairman

WRITE
DATE 6/13
NAME Dut
DATE 6/13
NAME M Coy
DATE 6/13/94
NAME
DATE
NAME
DATE
NAME
DATE
NAME
DATE
NAME
DATE
NAME
DATE

**GAMING ORDINANCE OF THE
PASCUA YAQUI TRIBE OF ARIZONA**

PART I INDEX

CHAPTER 1.000	Purpose	
CHAPTER 2.000	Gaming Authorized	
CHAPTER 3.000	Ownership of Gaming	
CHAPTER 4.000	Use of Gaming Revenue	
CHAPTER 5.000	Audit	
CHAPTER 6.000	Protection of the Environment and Public Health and Safety	
CHAPTER 7.000	Licenses for Key Employees and Primary management Officials	2
	1. Definitions	
	2. Application Forms	
	3. Background Investigations	4
	4. Eligibility Determination	
	5. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission	6
	6. Report to the National Indian Gaming Commission ..	6
	7. Granting a Gaming License	7
	8. License Suspension	8
CHAPTER 8.000	License Locations	8

PART II INDEX

CHAPTER 1	DEFINITIONS	9
	1.000 Definitions	9
CHAPTER 2	ADMINISTRATION	15
	2.010 Tribal Gaming Office	16
	2.020 Restrictions on Tribal Gaming Office	16
	2.030 Compensation	17
	2.040 Selection of Chairperson	17
	2.050 Meetings Open to Public	17
	2.060 Quorum	17
	2.040 Quarterly Reports	17
	2.050 Necessary Powers	17
	2.060 Regulations	17
	2.070 Personnel	18
	2.080 Forms	19
CHAPTER 3	APPLICATIONS: PROCEDURE	20
	3.010 Applications; general	20
	3.020 Waiver of privilege	20
	3.030 Applications, notices, statements and reports; contents; amendments; incorporation by reference; proceedings not to have substantive implications	20
	3.040 Tribal Application and investigative fees	21
	3.050 Summoning of applicants	21
	3.060 Hearing on applications	22
	3.070 Withdrawal of application	22
	3.080 Application after denial	23
	3.090 Applications for employment after denial or revocation	23
	3.100 Unsuitable affiliates	23
	3.110 Standards for licensing	23
	3.120 Licensing of a natural person under the age of eighteen prohibited	23
	3.121 Duration and Renewal of Tribal Licenses and State Certifications	23
	3.122 Identification Cards	23
CHAPTER 4	REPORTING REQUIREMENTS	23

4.010	Property report	25
4.020	Employee report	25
4.030	Key employees	27
4.040	Loans to Gaming Facility Operator	27
4.050	Finding of suitability of a person holding an option to acquire an interest in a licensed enterprise	28
4.060	Furnishing of reports to State Gaming Agency	28
CHAPTER 5	OPERATIONAL REQUIREMENTS	29
5.010	Methods of operation	29
5.020	Grounds for disciplinary action	29
5.030	Publication of payoffs	29
5.040	Gaming by principals and key employees	31
5.050	Criminal convictions as grounds for revocation or suspension	31
5.060	Transfer of interest among licensees	31
5.070	Transfer of interest to stranger to license	31
5.080	Options	32
5.090	Slot machines and gaming devices	32
CHAPTER 6	HEARINGS	32
6.010	Licensing hearings	32
6.020	Patron dispute hearings	32
CHAPTER 7	DISCIPLINARY PROCEEDINGS REGARDING LICENSES	35
7.010	Applicability	35
7.020	Definitions	35
7.030	Service of complaint	35
7.040	Answer; setting of hearing	35
7.050	Appearance through counsel	36
7.060	Prehearing conferences; scheduling; management	36
7.070	Discovery: mandatory exchanges	37
7.080	Conduct of hearings	38
7.090	Evidence: admissibility	39
7.100	Evidence: authentication and identification	39
7.110	Failure or refusal to testify	39
7.120	Continuances	40
7.130	Defaults	40
7.140	Decision of the Office	40
7.150	Penalties	40

4.010	Property report	25
4.020	Employee report	26
4.030	Key employees	27
4.040	Loans to Gaming Facility Operator	27
4.050	Finding of suitability of a person holding an option to acquire an interest in a licensed enterprise	28
4.060	Furnishing of reports to State Gaming Agency	28
CHAPTER 5	OPERATIONAL REQUIREMENTS	29
5.010	Methods of operation	29
5.020	Grounds for disciplinary action	29
5.030	Publication of payoffs	29
5.040	Gaming by principals and key employees	29
5.050	Criminal convictions as grounds for revocation or suspension	29
5.060	Transfer of interest among licensees	30
5.070	Transfer of interest to stranger to license	31
5.080	Options	32
5.090	Slot machines and gaming devices	32
CHAPTER 6	HEARINGS	32
6.010	Licensing hearings	32
6.020	Patron dispute hearings	32
CHAPTER 7	DISCIPLINARY PROCEEDINGS REGARDING LICENSES	35
7.010	Applicability	35
7.020	Definitions	35
7.030	Service of complaint	35
7.040	Answer; setting of hearing	35
7.050	Appearance through counsel	35
7.060	Prehearing conferences; scheduling; management	36
7.070	Discovery: mandatory exchanges	37
7.080	Conduct of hearings	37
7.090	Evidence: admissibility	37
7.100	Evidence: authentication and identification	39
7.110	Failure or refusal to testify	39
7.120	Continuances	39
7.130	Defaults	39
7.140	Decision of the Office	40
7.150	Penalties	40

CHAPTER 8	ACCOUNTING REGULATIONS	42
8.010	Definitions	42
8.020	Tribal Gaming Office audit procedures	42
8.030	Accounting records	43
8.040	Standard financial statements	44
8.050	Internal control	45
8.060	Gross gaming revenue computations	45
8.070	Treatment of credit for purposes of computing gross revenue	45
8.080	State Gaming Agency	47
CHAPTER 9	CHIPS AND TOKENS	47
9.010	Definitions	47
9.020	Specifications for chips and tokens	47
9.030	Specifications for chips	48
9.040	Specifications for tokens	49
9.050	Use of chips and tokens	50
9.060	Redemption and disposal of discontinued chips and tokens	50
9.070	Destruction of counterfeit chips and tokens	51
9.080	Other instrumentalities	51
CHAPTER 10	ENFORCEABILITY OF CREDIT INSTRUMENTS	53
10.010	Enforceability of credit instruments	53
CHAPTER 11	CRIMES AND LIABILITIES CONCERNING GAMING	55
11.010	"Cheat" defined; applicability of definitions in the Compact	55
11.020	Fraudulent acts	55
11.030	Use of device for calculating probabilities	56
11.040	Use of counterfeit or unapproved chips or tokens or unlawful coins or devices; possession of certain devices, equipment, products or materials	56
11.050	Cheating	57
11.060	Unlawful manufacture, sale, distribution, marking, altering or modification of equipment and devices associated with gaming; unlawful instruction	57
11.070	Penalties	58

11.080	Unlawful dissemination of information concerning racing; exemptions; penalty	58
11.090	Detention and questioning of person suspected of violating chapter; limitations on liability; posting of notice	59
11.100	Disposition of evidence seized by agent of the Tribal Gaming Office or the State Gaming Agency	60
11.110	Unauthorized Gaming	61
CHAPTER 12		
12.100	Ordinance Supersedes Former Gaming Ordinance	61
CHAPTER 13		
13.100	Severability Clause	61

PART I

BE IT ENACTED BY THE COUNCIL OF THE PASCUA YAQUI TRIBE OF ARIZONA:

AN ORDINANCE: (PART I) AUTHORIZING CLASS II AND CLASS III GAMING OPERATIONS ON THE PASCUA YAQUI INDIAN RESERVATION; (PART II) ESTABLISHING A TRIBAL GAMING OFFICE, PROCEDURES FOR LICENSING, REPORTING REQUIREMENTS, OPERATIONAL REQUIREMENTS, HEARINGS, PATRON DISPUTES, DISCIPLINARY PROCEEDINGS, ACCOUNTING REGULATIONS, SPECIFICATION OF CHIPS AND TOKENS, ENFORCEABILITY OF TRIBAL INSTRUMENTS.

CHAPTER 1.000 Purpose

The [Tribal Council of the Pascua Yaqui Tribe (hereinafter "Tribe"), empowered by the Tribe's Constitution to enact ordinances, hereby enacts this ordinance in order to meet the terms for Class II and Class III gaming operations on tribal lands and to comply with the requirements of the National Indian Gaming Commission.

CHAPTER 2.000 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. § 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) and Class III gaming as defined in 25 U.S.C. Section 2703(8) as authorized by the Tribal-State Compact executed June 24, 1993 is hereby authorized.

CHAPTER 3.000 Ownership of Gaming

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

CHAPTER 4.000 Use of Gaming Revenue

1. Net revenues from Class II and Class III 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; or help fund operations of local government agencies.

2. If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the

Interior under 25 U.S.C. § 2710(b)(3).¹

CHAPTER 5.000 Audit

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

2. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional and accounting services, shall be specifically included within the scope of the audit as is described in subsection A. above.

CHAPTER 6.000 Protection of the Environment and Public Health and Safety

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

CHAPTER 7.000 Licenses for Key Employees and Primary Management Officials

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 or Class III gaming enterprise operated on Indian lands:

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:
 - (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;

¹ Guidelines to Govern the Review and Approval of Per Capita Payments, memorandum to All Area Directors from the Assistant Secretary - Indian Affairs, December 21, 1992.

- (8) Croupier;
- (9) Approver of credit; or
- (10) Custodian of gambling or gaming devices including persons with access to cash and accounting records within such devices;

- 2. If not otherwise included, any other person whose total 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 under a management contract;
- 2. Any person who has authority:
 - (11) To hire and fire employees; or
 - (12) To set up working policy for the gaming operation;
- 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 new employee or a primary management official before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have 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'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 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 Privacy Act notice and consent to the routine uses described in that notice.

(c). The following notice shall be placed on the application form for a new employee or a 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.)

(d). 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.

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, and languages (spoken or written);
2. Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and other information.

license numbers;

3. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph 3(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 an application for a license or permit related to gaming, whether or not such license or permit was granted;
8. For each felony for which there is an ongoing prosecution or conviction, the charge, the name and address of the court involved, and the date and disposition, if any;
9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
10. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph 3(a)(8) or 3(a)(9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
11. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
12. A current photograph;

13. Any other information the Tribe deems relevant; and
14. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h).

(b). The Tribe shall conduct an investigation sufficient to make a determination under subsection 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, reputation, habits and associations to make a finding concerning the eligibility of an 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, to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unsafe, 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.

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 and conduct the background investigation and make the determination referred to in subsection 4. of this section.

(b). The Tribe shall forward the report referred to in subsection 6. 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 out 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 contain

all of the following:

1. Steps taken in conducting a background investigation;
2. Results obtained;
3. Conclusions reached; and
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 Gaming Commission for inclusion in the Indian Gaming Industry 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 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 may suspend the 30-day period under paragraph 7.(a). of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

(c). If, within the thirty (30) day period described above, 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.

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.

3. 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 subsections 2(a) through 2(d) above, the Tribe shall suspend such license and shall notify in writing the licensee of such 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 a license.

(c). 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.

CHAPTER 8.000 License Locations

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

PART II

CHAPTER 1

Definitions

1.000 Definitions. Unless a different meaning is clearly indicated, the terms used in this Ordinance shall have the same meaning as defined in the "Indian Gaming Regulatory Act," Public Law 100-497, 25 U.S.C. §§ 2701 et seq. (the "Act") and the Pascua Yaqui Tribe - State of Arizona Gaming Compact (the "Compact").

1.010 "Act" means the Indian Gaming Regulatory Act, Public Law 100-497, 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§1166-1168.

1.020 "Applicant" means any person who has applied for a license or certification under the provisions of the Compact, or employment with a Gaming Facility Operator, or approval of any act or transaction for which approval is required or permitted under the provisions of the Compact.

1.030 "Application" means a request for the issuance of a license or certification, or for employment by a Gaming Facility Operator, or for approval of any act or transaction for which approval is required or permitted under the provisions of the Compact.

1.040 "Class I Gaming" means all forms of gaming defined as Class I in Section 4(6) of the Act, 25 U.S.C. §2703(6).

1.050 "Class II Gaming" means all forms of gaming defined as Class II in Section 4(7) of the Act, 25 U.S.C. §2703(7).

1.060 "Class III Gaming" means all forms of gaming as defined in Section 4(8) of the Act, 25 U.S.C. § 2703(8).

~~1.070 "Commissioner" means a member of the Tribal Gaming Office.~~

1.070 "Compact" means that written document executed June 24, 1988, by the Pascua Yaqui Tribe and the State of Arizona governing the conduct of Class III gaming activities on Tribal lands.

1.080 "Credit instrument" means a writing which evidences a gaming debt owed to the Tribal Gaming Operation, and includes any writing taken in connection with redemption or payment of a prior credit instrument.

1.090 "Distributor" means a person who distributes Class III Gaming Devices and/or component parts thereof.

1.100 "Enterprise" means any corporation (other than a "publicly traded corporation" as defined hereinafter), firm, partnership, limited partnership, trust, or other form of business organization other than a Tribal enterprise wholly owned by the Tribe; provided, however, that the term "enterprise" shall also include each corporation, partnership, limited partnership trust or other form of business organization not a natural person which, directly or indirectly, owns, has the power or right to control or holds with the power to vote all or any part of the outstanding voting securities, partnership interests, limited partnership interests or beneficial interest in a trust which holds or applies for a license or finding of suitability under the provisions of the Compact and this Ordinance.

1.110 "Equity security" means for each of the following:

1. Corporation - Any voting stock, or similar security; and security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; any warrant or right; or any security having a direct or indirect participation in the profits of the issuer.

2. Limited partnership - an interest representing the right of a general or limited partner to receive from a limited partnership: a share of the profits; any other compensation by way of income; or a return of any or all of his contribution to capital of the limited partnership; or the right to exercise any of the rights or powers provided in the Limited Partnership Act in the Arizona Revised Statutes.

3. Partnership - an interest representing the right of a partner to receive from a partnership: a share of the profits; any other compensation by way of income; or a return of any or all of his contribution to capital of the partnership; or the right to exercise any of the rights or powers provided in the Uniform Partnership Act of the Arizona Revised Statutes.

1.120 "Executive Director" means the Executive Director appointed by the Tribal Council.

1.130 "Finding of suitability" means an approval granted to a person or enterprise directly or indirectly involved with the Gaming Operation and relates only to the specified involvement for which it was made. If the nature of the involvement changes from that for which the applicant is found suitable, the Tribal Gaming Office may require the person or enterprise to submit for a determination of suitability in the new capacity.

1.140 "Game" and "gambling game" means any game played with cards, dice, equipment or any mechanical, electromechanical or electronic device or machine for

money, property, checks, credit or any representative of value, including any banking or percentage game.

1.150 "Gaming" or "gambling" or "Gaming Activity" means to deal, operate, carry on, conduct, maintain or expose for play any game, slot machine, gaming machine, pari-mutuel operation, off-track pari-mutuel operation, interstate common pari-mutuel pool, or race book as defined in the Compact or this Ordinance and means all forms of Class II and Class III gaming owned and operated by the Tribe and conducted within the Indian Lands of the Tribe.

1.160 "Gaming device" or "Electronic Game of Chance" means a microprocessor-controlled electronic device which allows a player to play games of chance, some of which are affected by skill, which device is activated by the insertion of a coin, currency, tokens or by the use of a credit, and which awards game credits, chips, tokens, replays or a receipt that can be redeemed by the player for any of the foregoing. Game play may be displayed by:

- (1) Video facsimile; or
- (2) Mechanical rotating reels whereby the software of the device predetermines the stop positions and the presence, or absence thereof, of a winning combination and pay out, if any.

1.170 "Gaming employee" means any person employed as a Principal Management Official or Key Employee of a Gaming Operation of the Tribe and any person employed in the operation or management of a Gaming Operation, including, but not limited to, any person whose employment duties require or authorize access to restricted areas of a Gaming Facility not otherwise open to the public.

1.180 "Gaming equipment" means any equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming, any game that would not otherwise be classified as a gaming device, including dice, playing cards, equipment which affects the proper reporting of gaming revenue, computerized systems for monitoring gaming devices and devices for weighing or counting money.

1.190 "Gaming Facility" or "gaming facilities" means the buildings, improvements and facilities in which Class III gaming, as authorized by the Compact, is conducted and also includes where Class II gaming is conducted.

1.200 "Gaming Operation" means any Gaming Activity conducted within any Gaming Facilities.

1.210 "Gaming Facility Operator" means the Tribe, an enterprise owned by the