



JUL 17 2002

Honorable Brian Cladoosby  
Chairman, Swinomish Indian Senate  
P. O. Box 817  
950 Moorage Way  
LaConner, Washington 98257

RE: Amendment to Swinomish Gaming Ordinance

Dear Chairman Cladoosby:

This letter responds to your request to the National Indian Gaming Commission (NIGC) review and approve the April 9, 2002, Ordinance No 151 that amends the Swinomish Tribal Community's (Community) Gaming Ordinance. This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA).

Approval of the amendment does not constitute approval of specific games. We note that a unique feature of the ordinance is that it would allow the Community to authorize entities of the Tribe to be Washington State Lottery Venders. As with other gaming endeavors, we assume that the Community and the State understand that gaming on Indian lands over which the Community has jurisdiction must be conducted in conformance with IGRA. This amendment is approved for gaming only on Indian lands, as defined by IGRA, over which the Community exercises jurisdiction.

Thank you for submitting the amendments to the tribal gaming ordinance of the Swinomish Tribal Community. The NIGC staff and I look forward to continue working with you and the Community in implementing the IGRA. If you have questions or require further assistance, please contact Ms. Frances Fragua at 202/632-7003.

Sincerely yours,

A handwritten signature in black ink that reads "Montie R. Deer".

Montie R. Deer  
Chairman

ORDINANCE NO. 151

AMENDMENTS TO SWINOMISH GAMING ORDINANCE  
(Ordinance No. 103 as previously amended by Ordinance Nos. 104, 118, and 130)  
(Title 12 STC)

BE IT ENACTED by the Swinomish Indian Senate, that Ordinance No. 103, as previously amended by Ordinance 104, Ordinance No. 118, and Ordinance No. 130 (Title 12 of the Swinomish Tribal Code), is hereby amended as indicated herein. This amending ordinance is adopted pursuant to Article VI, Sections 1(a), (k), (l), (m), and (s) of the Swinomish Constitution and Bylaws, as amended.

(1) *Amend Section 2.020(h) to read as follows:*

(h) "Gaming Enterprise" means the Swinomish Gaming Enterprise established by the Tribe to conduct gaming operations of the Tribe on the Reservation.

(2) *Amend Section 4.050(a) to read as follows:*

(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 provided for in Section 4.030.

(3) *Amend Sections 5.020(h), (l), and (m) to read as follows:*

(h) The Commission may issue licenses for key employees and primary management officials in accordance with Section 4. The Commission may issue licenses for other Class II and Class III gaming employees, and for other employees of the Gaming Enterprise, in accordance with Commission rules and regulations, and, to the extent applicable, in accordance with the requirements of the Compact. The Commission may suspend and revoke licenses in accordance with Section 8.

(l) The Commission may impose penalties for violations of this Ordinance, the Compact, Commission rules and regulations, or the Standards of Operation and Management in accordance with Sections 8 through 12 of this Ordinance.

(m) The Commission may in the name of the Tribe bring any civil action or criminal complaint in the courts of the Tribe, the State or the United States to enforce the provisions of this Ordinance or to enjoin or otherwise prevent any violation of this Ordinance, the Act, the

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Compact, or Commission rules and regulations, occurring on the Reservation.

*(4) Amend Section 6.020(b) to read as follows:*

(b) **Reports.** To oversee the operation of all gaming activities operated by the Gaming Enterprise and to make regular reports to the Senate at least once every two months on the operation and financial status of each separate activity.

*(5) Add new Section 7.025 as follows:*

#### **7.025 Washington State Lottery Sales**

The Senate may authorize entities of the Tribe to be Washington State Lottery vendors. Washington State Lottery sales on the Reservation shall be conducted in conformance with the Compact and such rules and regulations as the Swinomish Gaming Commission may prescribe.

*(6) Amend Section 8.040 to read as follows:*

#### **8.040 Citations and Other Enforcement Actions**

When a Commission investigator has probable cause to believe that a violation of this Ordinance, the Compact, or the rules and regulations of the Commission is taking place or has taken place the investigator shall issue the person or persons involved a civil citation and/or take other appropriate enforcement action, including but not limited to license or permit suspension pursuant to Section 8.060. If the person found to be in violation is not present, the citation shall be served on the operator or employee present. Civil citations shall require that the cited person appear before the Swinomish Gaming Commission which may, after a hearing conducted pursuant to Commission rule, impose the civil remedies provided for in Section 11. The Commission may, in addition or in the alternative, refer appropriate matters for criminal prosecution in Tribal Court under Section 9, or, where there has been a violation of state or federal law, refer such matters to the appropriate non-tribal law enforcement agency.

*(7) Amend Section 8.050 to read as follows:*

#### **8.050 Removal**

A Commission investigator may remove from a gaming facility any person subject to citation pursuant to Section 8.040 or subject to license or permit suspension pursuant to Section 8.060 whenever the circumstances of the violation lead the investigator to believe that continuation of the activity poses a threat to public safety, the integrity of gaming, or the assets of the Gaming Enterprise.

(8) *Amend Section 10 to read as follows:*

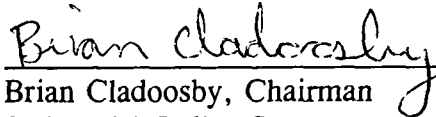
10. TRIBAL COURT

The Swinomish Gaming Commission and the Swinomish Tribal Court shall have exclusive jurisdiction over any controversies arising under this Ordinance. The Tribal Court shall have exclusive jurisdiction to enforce Section 9.

(9) *Amend Section 12(e) to read as follows:*


(e) To participate as a player in any regular public bingo game, any lottery, any pari-mutuel wager, or game of chance authorized pursuant to Section 7, conducted by the Tribe, while such person is a member of the Gaming Commission or the Business Committee, or an employee of the Gaming Commission, or, except to the extent that such participation is authorized by the rules and regulations of the Gaming Commission, while such person is an employee of the Gaming Enterprise.

**Effective date of this Amending Ordinance.** This Ordinance shall be effective as of the date of its adoption by the Swinomish Indian Senate.

  
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Brian Cladoosby, Chairman  
Swinomish Indian Senate

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

As Secretary of the Swinomish Indian Senate, I hereby certify that the foregoing ordinance was approved at a Regular Meeting of the Swinomish Indian Senate held on April 9, 2002, at which time a quorum was present and the ordinance was passed by a vote of 9 FOR, 0 AGAINST, and 0 ABSTENTIONS.

  
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Lydia Charles, Secretary  
Swinomish Indian Senate