



APR 22 2010

Ms. Joanne Willis Newton
13223-1 Black Mountain Road., #284
San Diego, CA 92129

Re: Submission of Gaming Ordinance Amendment for Pauma Band of
Mission Indians

Dear Ms. Newton:

This letter responds to your request to the National Indian Gaming Commission (NIGC) to review and approve an amendment to the tribal gaming ordinance of the Pauma Band of Mission Indians (Tribe). The Tribe forwarded Resolution No. 110809-01 and Resolution No. 110809-08 adopted on November 8, 2009, and received by us on March 1, 2010.

The ordinance amendment is consistent with the requirements of the Indian Gaming Regulatory Act (IGRA) and this agency's regulations, and it is therefore approved.

Thank you for your submission. If you have any questions or require assistance, please contact John Hay in the Office of the General Counsel, at 202-632-7003.

Sincerely,

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

George T. Skibine
Acting Chairman



Pauma Band of Mission Indians

P.O. Box 369 • Pauma Valley, CA 92061 • (760) 742-1289 • Fax (760) 742-3422

Established 1893

MAR - 1 2010

General Council Resolution No. 110809-01

RE: Amendment of Gaming Ordinance and Gaming Regulation 001

WHEREAS: The Pauma Band of Mission Indians is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act, 25 U.S.C. 2700 *et. seq.* (IGRA); and

WHEREAS: The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribe's Constitution, having all the legislative powers and responsibilities of the Tribal Government: and

WHEREAS: The General Council enacted its Gaming Ordinance and Gaming Regulation 001, Licensing and Background Investigation Procedures to establish the procedures to be followed by the Pauma Gaming Commission when conducting background investigations and issuing tribal gaming licenses; and

WHEREAS: The General Council wishes to amend the Gaming Ordinance and Gaming Regulation 001 in order to correct certain apparent or perceived inconsistencies between these laws and the 2004 amendments to the Tribal-State Compact;

NOW, THEREFORE BE IT RESOLVED: That the Tribe, acting through its General Council, hereby amends the Gaming Ordinance as follows:

1. Section 1(a) is amended to by changing "All employees" to "All gaming employees";
2. Section 1(e) is amended by deleting "and" at the end of the paragraph;
3. Section 1(f) is changed to 1(g) and a new paragraph 1(f) is added to read:

Any other persons whose job duties or scope of work require or authorize them to have access to non-public areas of the Tribe's gaming facility, whether or not such persons are employed by the Tribe or gaming operation, unless such person remains under the escort of a licensee or is a tribal official who has cleared a background check as a condition of holding his/her position and is present in such area as part of his/her official duties; and

BE IT FURTHER RESOLVED: That the Tribe, acting through its General Council, hereby amends Gaming Regulation 001 as follows:

1. Section III.A is amended to by changing "All employees" to "All gaming employees" and changing "this Ordinance" to "the Gaming Ordinance";

2. Section III.E is changed by deleting “and” at the end of the paragraph;
3. Section III.F is changed to III.G and a new paragraph III.F is added to read:

Any other persons whose job duties or scope of work require or authorize them to have access to non-public areas of the Tribe's gaming facility, whether or not such persons are employed by the Tribe or gaming operation, unless such person remains under the escort of a licensee or is a tribal official who has cleared a background check as a condition of holding his/her position and is present in such area as part of his/her official duties; and


4. Section IV.F is corrected by changing “licence” to “license”.
5. Section XIX is amended to read as follows:

XIX. Gaming Facility


- A. The Commission shall issue a separate license to each facility where class II or class III gaming is conducted. Verification that this requirement has been met will be provided by the Commission to the State Gaming Agency every two years.
- B. A gaming facility license issued by the Commission shall also serve as a certificate of occupancy. Accordingly, before issuing a gaming facility license, the Commission shall determine and certify that the facility meets the Tribe's building and safety code, as set forth in Gaming Regulation 003, Building and Safety Standards.
- C. A gaming facility license shall be posted in a conspicuous and public place in the gaming facility at all times.

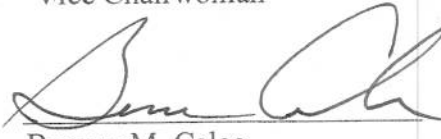
CERTIFICATION

We, the undersigned business committee members of the Pauma Band of Mission Indians do, hereby, certify that the foregoing Resolution was adopted by the Pauma General Council at a duly called meeting on November 8, 2009, with a vote of 61 in favor, 0 opposing, 0 abstaining and such resolution has not been rescinded or amended in any way.


Chris C. Devers
Tribal Chairman


Marlaine R. Bojorquez
Vice Chairwoman


Temet A. Majel
Secretary / Treasurer


Bennae M. Calac
Committee Member



Pauma Band of Mission Indians

P.O. Box 369 • Pauma Valley, CA 92061 • (760) 742-1289 • Fax (760) 742-3422

Established 1893

General Council Resolution No. 110809-08

RE: Amendment of Gaming Regulation 014

WHEREAS: The Pauma Band of Mission Indians is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act, 25 U.S.C. 2700 *et. seq.* (IGRA); and

WHEREAS: The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribe's Constitution, having all the legislative powers and responsibilities of the Tribal Government; and

WHEREAS: The General Council enacted Gaming Regulation 014, Exclusions, to provide a fair and consistent process by which patrons may be voluntarily or involuntarily excluded from the Tribe's gaming facilities and by which such excluded individuals might petition the Pauma Gaming Commission to have their exclusions terminated; and

WHEREAS: The General Council wishes to amend Gaming Regulation 014 in order to afford the Executive Director of the gaming operation to delegate the ability to rescind exclusions when he/she is unavailable or unable to act; and

NOW, THEREFORE BE IT RESOLVED: That the Tribe, acting through its General Council, hereby amends Gaming Regulation 014 as follows:

Subsection V.F is amended by inserting the phrase “, or his/her delegate,” after “General Manager of the Gaming Operation in paragraph A and after “General Manager” in subparagraph A.1

CERTIFICATION

We, the undersigned business committee members of the Pauma Band of Mission Indians do, hereby, certify that the foregoing Resolution was adopted by the Pauma General Council at a duly called meeting on November 8, 2009, with a vote of 61 of favor, 0 opposing, 0 abstaining and such a resolution has not been rescinded or amended in any way.



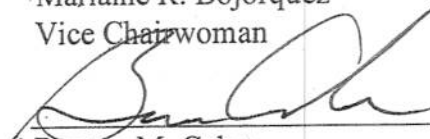
Chris C. Devers
Tribal Chairman



Temet A. Majel
Secretary / Treasurer



Marlaine R. Bojorquez
Vice Chairwoman



Bennae M. Calac
Committee Member

**PAUMA BAND OF MISSION INDIANS
GAMING ORDINANCE**

MAR - 1 2010

ARTICLE I: PURPOSE

The Pauma Band of Mission Indians ("Tribe"), acting through its General Council, pursuant to the Tribe's inherent authority and Article 3 of the Tribe's Articles of Association, duly ratified on June 28, 1968, hereby enacts this Ordinance in order to set the terms for class II and class III gaming operations on the Pauma-Yuima Reservation.

ARTICLE II: DEFINITIONS

Section 1. General

Unless a different meaning is clearly indicated in this Ordinance, the terms used herein shall have the same meaning as defined in the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*), its regulations (25 C.F.R. § 500 *et seq.*), and the Compact between the State of California and the Tribe, as amended ("Compact").

Section 2. Special Terms

In this Ordinance:

- (a) "Band member" means any individual who is duly enrolled in the Tribe in accordance with the Tribe's Articles of Association ratified on June 28, 1968 and any enrollment ordinance that may be enacted by the Tribe, as amended from time to time;
- (b) "Business Committee" means the four-member committee authorized to represent the Tribe pursuant to Articles 3 and 6(C) of the Tribe's Articles of Association ratified on June 28, 1968;
- (c) "Commission" means the Pauma Gaming Commission established pursuant to an ordinance or regulation duly adopted by the General Council;
- (d) "Compact" means the Tribal-State Compact between the Tribe and the State of California authorizing class III gaming activities, as required by IGRA, 25 U.S.C. § 2710(d)(1)(C) and amended from time to time;
- (e) "General Council" consists of all Band members who are twenty-one (21) years of age or older;

- (f) "IGRA" means the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 *et seq.* and its regulations, 25 C.F.R. § 500 *et seq.*
- (g) "key employee" means:
 - (1) A person who performs one or more of the following functions: bingo caller; counting room supervisor; chief of security; custodian of gaming supplies or cash; floor manager; pit boss; dealer; croupier; approver of credit; or 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 fifty-thousand dollars (\$50,000.00) per year; or
 - (3) If not otherwise included, the four (4) most highly compensated persons in the gaming operation;
- (h) "NIGC" means the National Indian Gaming Commission established pursuant to 25 U.S.C. § 2704;
- (i) "Primary Management Official" means:
 - (1) The person having management responsibility for a management contract;
 - (2) Any person who has authority to: hire and fire employees; or to set up working policy for the gaming operation; or
 - (3) The chief financial officer or other person who has financial management responsibility;
- (j) "State Gaming Agency" means the entity defined in Subsection 2.18 of the Compact;
- (k) "Tribe" means the Pauma Band of Mission Indians;

Section 3. Status of Tribal Laws

The General Council may enact other tribal laws relating to gaming activities on the Pauma-Yuima Reservation. In the interest of best organizing its gaming laws, it is the practice of the Tribe to enact laws implementing or expanding upon this Gaming Ordinance as regulations rather than as ordinances. Such gaming regulations have the full force of law and are only

inferior to this Ordinance in that the provisions of this Ordinance prevail to the extent of any conflict or inconsistency between such a regulation and this Ordinance. Furthermore, a gaming regulation is deemed to be an "ordinance" as that term is used in the Compact and shall satisfy the Tribe's obligations under the Compact to adopt certain ordinances, including a labor relations ordinance, a workers' compensation ordinance, a tort liability ordinance, and an environmental protection ordinance.

ARTICLE III: GAMING AUTHORIZED

Class II and class III gaming, as defined in 25 U.S.C. §§ 2703(7)(A) and 2703(8) and by the regulations promulgated by the NIGC at 25 C.F.R. §§ 502.3 and 502.4, is hereby authorized. The class III gaming activities authorized by this Ordinance are those gaming activities authorized under the Compact.

ARTICLE IV: OWNERSHIP OF GAMING

The Tribe, acting through the General Council, shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance.

ARTICLE V: USE OF GAMING REVENUES

Section 1. Use of Net Revenues

Net revenues from class II and class III gaming shall be used only for the following purposes:

- (a) to fund tribal government operations and 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;
- (e) to help fund operations of local government agencies; or
- (f) to make contributions, as required by the Compact, to any revenue-sharing funds established for the benefit of the State or non-gaming Tribes.

Section 2. Per Capita Payments

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).

ARTICLE VI: AUDIT

Section 1. Annual Audit

The Commission shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the NIGC. The annual audit shall be conducted by an independent certified public accountant, in accordance with the auditing and accounting standards for audits of casinos of the American Institute of Certified Public Accountants.

Section 2. Gaming Contracts

All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of twenty-five thousand dollars (\$25,000.00) annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in Section 1 of this Article.

ARTICLE VII: PROTECTION OF THE ENVIRONMENT, 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. The General Council shall adopt standards for protecting the environment and the public health and safety that are consistent with its obligations under the Compact. At a minimum, the standards for protecting the public health and safety shall include the following prohibitions:

- (a) If the Tribe permits the consumption of alcoholic beverages in a gaming facility, no person under the age of twenty-one (21) years shall be permitted to be present in any area in which class II or class III gaming activities are being conducted and in which alcoholic beverages may be consumed, to the extent required by the state Department of Alcoholic Beverage Control. No person under the age of eighteen (18) years shall be permitted to be present in any room in which class II or class III gaming activities are being conducted unless the person is en-route to a non-gaming area of the gaming facility.
- (b) Possession of firearms shall be prohibited at all times in class II and class III gaming facilities operated under this Ordinance, except for possession of firearms by state, local, or tribal security or law enforcement personnel authorized by federal, state or tribal law to possess firearms at the facilities.

ARTICLE VIII: LICENSES

Section 1. License Requirements

The following persons and entities are required to be licensed by the Commission:

- (a) All gaming employees, including key employees and primary management officials, employed at any class II or class III gaming enterprise operated under this Ordinance;
- (b) Gaming resource suppliers required to be licensed under Subsection 6.4.5 of the Compact and other vendors required to be licensed under Section III of Gaming Regulation 001, Licensing and Background Investigation Procedures;
- (c) Financial sources required to be licensed under Subsection 6.4.6 of the Compact;
- (d) Each place, facility, or location where class II or class III gaming is conducted under this Ordinance;
- (e) Labor unions and representatives of labor unions who are granted access to the Tribe's gaming facility or employees;
- (f) Any other persons whose job duties or scope of work require or authorize them to have access to non-public areas of the Tribe's gaming facility, whether or not such persons are employed by the Tribe or gaming operation, unless such person remains under the escort of a licensee or is a tribal official who has cleared a background check as a condition of holding his/her position and is present in such area as part of his/her official duties; and
- (g) Any other person determined by resolution of the Business Committee to require licensing.

Section 2. Background Investigations

The Commission or its agents shall conduct an investigation of license applicants sufficient to make a determination under Section 3 of this Article. The Commission and its agents are authorized to receive state summary criminal history information, as defined in Subsection 11105(a) of the California Penal Code, or a copy thereof, maintained under a person's name by the California Department of Justice and shall not knowingly furnish such records or information to a person who is not authorized to receive the record or information. In conducting a background investigation, the Commission or its agent shall keep confidential the identity of each person interviewed in the course of the investigation.

Section 3. Eligibility Determination

The Commission shall review an applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning an applicant's eligibility for a license. A license may not be issued unless the Commission is satisfied the applicant is a person of good character, honesty and integrity. The Commission shall not license a person if the Commission determines that the licensing of the person: poses a threat to the public interest or to the effective regulation of gaming; creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming or the carrying on of business and financial arrangements incidental thereto; or will undermine public trust that tribal gaming is free from criminal and dishonest elements and would be conducted honestly.

Section 4. Periodic Review

The Commission shall review and, if appropriate, renew each license it issues at least every two (2) years after issuance.

Section 5. Reporting

To the extent required by IGRA and the Compact, the Commission shall promptly forward applications, background investigation reports and related information to the NIGC and the State Gaming Agency and notify the NIGC and the State Gaming Agency of its decisions to deny, issue, suspend or revoke licenses.

Section 6. Additional Requirements

The General Council shall adopt, and the Commission shall implement, regulations providing for such additional licensing and background investigation requirements and procedures as it deems appropriate, provided that such additional requirements are at least as stringent as those contained in IGRA (i.e., 25 U.S.C. § 2710(b)(2)(F) and 25 C.F.R. Parts 556 and 558) and the Compact.

ARTICLE IX: ENFORCEMENT

The General Council shall promulgate regulations authorizing the Commission or other agent of the Tribe to investigate reported violations of this Ordinance, other tribal gaming ordinances or regulations, IGRA or the Compact and to impose fines or other sanctions within the Tribe's jurisdiction against persons who interfere with the Tribe's obligations under this Ordinance, other tribal gaming ordinances or regulations, IGRA or the Compact.

ARTICLE X: RESOLUTION OF PATRON DISPUTES

Patron disputes shall be resolved as follows:

- (a) To the extent that a particular patron dispute falls within the scope of a gaming regulation, it shall be processed in accordance with such regulation, including but not limited to:
 - (1) Patron disputes over the play or operation of any class III game shall be processed in accordance with Gaming Regulation 002, Procedures for Resolving Gaming-Related Patron Disputes;
 - (2) Patron claims for money damages resulting from property damage and personal injury arising out of or related to the operation of a gaming facility offering class III gaming activities shall be processed in accordance with Gaming Regulation 004, Third Party Injuries Regulations;
 - (3) Patron disputes over exclusion from a gaming facility shall be processed in accordance with Gaming Regulation 014, Exclusions; and
- (b) Patrons of the Tribe's class II and class III gaming facilities who have complaints against the gaming establishment, including disputes with any management contractor or its employees, which complaints are not addressed in a gaming regulation, shall have as their sole remedy the right to file a complaint with the gaming operation in question. The gaming operation's authorized management personnel will render a decision in a timely fashion and all such decisions will be final when issued, unless the decision was not made by the highest ranking manager of the gaming facility, in which case the decision shall be subject to further review by the highest ranking manager of the gaming facility if the patron is dissatisfied with the lower ranking manager's decision.

ARTICLE XI: SERVICE OF PROCESS

The Tribe designates the Tribe's Chairperson as its agent for service of any official determination, order, or notice of violation.

ARTICLE XII: REPEAL

Any prior Gaming Ordinance is hereby repealed.

ARTICLE XIII: SEVERABILITY

If any provision of this Ordinance shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XIV: AMENDMENT OF ORDINANCE

This Ordinance may be amended or repealed upon approval by the General Council, and any such amendment or repeal shall be effective upon the date of the General Council's decision, unless otherwise determined by the General Council.

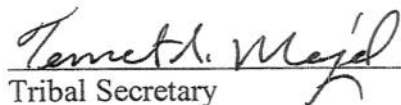
ARTICLE XV: EFFECTIVE DATE

This Ordinance shall become effective immediately upon its approval by the Chairman of the NIGC or ninety (90) days after the date of its submission to the Chairman of the NIGC if he or she fails to approve or disapprove this Ordinance within those ninety (90) days.

CERTIFICATION

I, the undersigned, as Secretary of the Pauma Band of Mission Indians, do hereby certify that this Ordinance was reviewed and adopted at a General Council meeting held on June 11, 2000, by a vote of 45 in favor, 0 opposed and 0 abstaining, and amended by the General Council pursuant to the results of a general mail-out ballot of 25 votes in favor, 0 votes opposing, and 1 vote abstaining, results recorded on April 22, 2004, the results of a general mail out ballot of 41 votes in favor, 0 votes opposing, and 4 votes abstaining, results recorded on December 29, 2004, the results of a vote taken at a General Council meeting held on March 5, 2006, with 51 in favor, 0 opposing, and 0 abstaining, and the results of a vote taken at a General Council meeting held on November 8, 2009, with 61 in favor, 0 opposing, and 0 abstaining and that this Ordinance has not been amended or rescinded in any way.

11-08-09
Date


Tribal Secretary

MAR - 1 2010

**Pauma Band of Mission Indians
Gaming Regulation 001**

Licensing and Background Investigation Procedures

I. Purpose

This Regulation describes the procedures to be followed by the Pauma Gaming Commission (the "Commission") when conducting background investigations and issuing licenses in connection with any class II or class III gaming facilities operated on the Pauma-Yuima Reservation pursuant to the Tribe's Gaming Ordinance.

II. Interpretation

This Regulation supplements the provisions of the Tribe's Gaming Ordinance, the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*) and its regulations (25 C.F.R. § 500 *et seq.*) ("IGRA"), and the gaming compact between the Tribe and the State of California (the "Compact"), which are incorporated herein. In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance, IGRA or the Compact, the provisions of the Gaming Ordinance or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance or the Compact.

III. Scope

The following persons and entities are required to be licensed by the Commission, and as a basis for issuing a license the Commission must conduct or cause to be conducted a background investigation of those persons listed in paragraphs A - F below:

- A. All gaming employees, including key employees and primary management officials, employed at any class II or class III gaming enterprise operated under the Gaming Ordinance;
- B. Gaming resource suppliers required to be licensed under Subsection 6.4.5 of the Compact and, at the Commission's discretion, other vendors who provide, or are likely to provide at least twenty-five thousand dollars (\$25,000) in goods or services in any 12-month period;
- C. Financial sources required to be licensed under Subsection 6.4.6 of the Compact;
- D. Each place, facility, or location where class II or class III gaming is conducted under this Ordinance;

- E. Labor unions and representatives of labor unions who are granted access to the Tribe's gaming facility or employees;
- F. Any other persons whose job duties or scope of work require or authorize them to have access to non-public areas of the Tribe's gaming facility, whether or not such persons are employed by the Tribe or gaming operation, unless such person remains under the escort of a licensee or is a tribal official who has cleared a background check as a condition of holding his/her position and is present in such area as part of his/her official duties; and
- G. Any other person determined by resolution of the Business Committee to require licensing.

IV. Powers and Responsibilities

The Commission has the following powers and responsibilities:

- A. To conduct or cause to be conducted background investigations;
- B. To receive, directly or through its agents, state summary criminal history information, as defined in Subsection 11105(a) of the California Penal Code, as maintained under a license applicant's name by the California Department of Justice, and to take such measures as are reasonably necessary to prevent the release of such records or information to persons who are not authorized by law to receive the record or information;
- C. To prepare or cause to be prepared an investigative report in compliance with the Gaming Ordinance;
- D. To review and approve the investigative work done;
- E. To obtain and process fingerprints, directly or through its agents;
- F. To forward license applications and the results of the background investigations to the National Indian Gaming Commission ("NIGC") and the State Gaming Agency, to the extent required by IGRA and the Compact;
- G. To make eligibility determinations in accordance with Section IX of this Regulation;
- H. To issue, deny, suspend, revoke and renew licenses in accordance with the

provisions of this Regulation; and

- I. To maintain records on persons who have been issued or denied a license, as well as persons otherwise prohibited from engaging in gaming activities within the Tribe's jurisdiction, for a period of three (3) years from the date on which the license expired or was revoked or denied.

V. Scope of Background Investigations

The Commission shall conduct or cause to be conducted all necessary background investigations reasonably required to determine that an applicant is eligible for a license in accordance with the standard set forth in Section IX of this Regulation. The information submitted by the applicant may be verified by written or oral communication. The disposition of all potential problem areas noted and disqualifying information obtained shall be documented by the Commission. The minimum procedures for conducting background investigations on applicants for licenses are as follows:

- A. Criminal history check, including a check of records maintained by the Federal Bureau of Investigations and the California Department of Justice;
- B. Civil history check;
- C. Financial and credit check;
- D. Reference check;
- E. Previous business and employment check;
- F. Relative check;
- G. Business and personal associates check;
- H. Fingerprint check; and
- I. Educational verification.

VI. Cooperation

The Commission shall cooperate with the State Gaming Agency in sharing as much background information as possible, in order to maximize investigative efficiency and thoroughness and to minimize investigative costs.

VII. Fingerprinting

The Commission shall be deemed to be the Tribe's law enforcement agency for the purpose of taking fingerprints and conducting criminal history checks under this Regulation. The Commission may elect to process fingerprint cards directly on behalf of the Tribe or to process fingerprint cards through the State Gaming Agency or the NIGC and may execute such documents as may be necessary to enter into such an arrangement. Fingerprint cards shall be submitted to the Federal Bureau of Investigations and the California Department of Justice in order to obtain criminal history record information.

VIII. Confidentiality

The identity of third parties interviewed during the course of background investigations shall be kept confidential, unless the third party has consented in writing to the disclosure of such information.

IX. Eligibility Determinations

The Commission shall review an applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning an applicant's eligibility for a license. A license may not be issued unless the Commission is satisfied the applicant is a person of good character, honesty and integrity. The Commission shall not license a person if the Commission determines that the licensing of the person: poses a threat to the public interest or to the effective regulation of gaming; creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming or the carrying on of business and financial arrangements incidental thereto; or will undermine public trust that tribal gaming is free from criminal and dishonest elements and would be conducted honestly.

In making findings concerning the eligibility of license applicants, the Commission shall take into consideration any of the following circumstances:

- A. If the applicant knowingly and intentionally provided false statements or information or omitted relevant information on the application, or otherwise misrepresented or failed to disclose a material fact to the Commission;
- B. If the prior activities, criminal record, reputation, habits, and association indicate that the person may be a threat to the public interest or to the effective regulation and control of gaming;
- C. If association with or employment of this applicant creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the

conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;

- D. If the applicant has violated, failed, or refused to comply with the provisions, requirements, conditions, limitations, or duties imposed by any provision of the Compact or Gaming Ordinance, or possesses knowledge that such violation has occurred upon any premises occupied or operated by any such person or over which he or she has/had substantial control;
- E. If the applicant knowingly caused, aided, abetted, or conspired with another to cause any person or entity to violate any of the laws of any state, the provisions of the Compact or the Gaming Ordinance;
- F. If the applicant has ever obtained a license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
- G. If the applicant has ever been convicted of, or forfeited bond upon a charge of, or plead guilty to forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payment or reports to any Tribal, State, or U.S. Government agency at any level, or filed false reports therewith, or of any similar offense(s), or of bribing or otherwise unlawfully influencing a public official or employee of a Tribe, a State, or the U.S. Government, or of any felony or misdemeanor involving any gaming activity, physical harm to individuals or moral turpitude;
- H. If the applicant is subject to current prosecution or pending charges, or a conviction under appeal for any of the offenses listed above. Upon request of the applicant, the Commission may defer decision on the application pending the results of such prosecution or appeal;
- I. If the applicant has demonstrated a willful disregard for compliance with a gaming regulatory authority in any jurisdiction or has ever had a gaming license issued by any State, Tribe or foreign gaming regulatory agency suspended, revoked or denied; or
- J. If the applicant has failed to provide any information requested by the Commission within fourteen (14) days of the request for the information.

X. Privacy Notice

- A. The following notice, or substantially similar wording contained in such standardized application forms as may be adopted by California Tribes and the State of California pursuant to the Compact, shall be placed on the license

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 be employed in or do business with a gaming operation. The information will be used by the Pauma Gaming Commission, the State Gaming Agency, and the 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, the State Gaming Agency, 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 or do business with you. 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 licensees 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.

XI. Notice Regarding False Statements

- A. The following notice, or such substantially similar wording contained in standardized application forms as may be adopted by California Tribes and the State of California pursuant to the Compact, shall be placed on the application form before that form is filled out by an applicant.

*A false statement on any part of your application may be grounds for denial or revocation of a license. Also, you may be punished by fine or imprisonment.
(U.S. Code, title 18, section 1001.)*

- B. The Commission shall notify in writing existing licensees 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.

XII. Required Information - General

The Commission shall request from each applicant 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 languages (spoken or written);
- B. Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- C. The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph 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 ten (10) years of the date of the 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 ten (10) years of the date of the application and is not otherwise listed pursuant to paragraph H or 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 with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- L. A current photograph;
- M. Any other information the Commission deems relevant; and
- N. Fingerprints consistent with procedures adopted by the Commission according to 25 C.F.R. § 522.2(h).

XIII. Required Information - Business Entities

In addition to the information required under Section XII of this Regulation, the Commission shall request from an applicant that is a business entity or labor union all of the following information, provided that two (2) or more business entities having a commonality of the characteristics identified in the following subparagraphs A - D, inclusive, may be deemed to be a single business entity:

- A. Each of its officers and directors;
- B. Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, and general manager;
- C. Each of its owners or partners, if an unincorporated business;
- D. Each of its shareholders who owns more than ten percent (10%) of the shares of the corporation, if a corporation;
- E. Each person or entity (other than a financial institution that the Commission has determined does not require a license under Subsection 6.4.6 of the Compact) that, alone or in combination with others, has provided financing to the business entity in connection with any gaming authorized under the Compact, if that person or entity provided more than ten percent (10%) of:
 - 1. the start-up capital;

2. the operating capital over a 12-month period; or

3. a combination thereof; and

F. With respect to labor unions, each of the officers and other executive board members of the union, each of the officers and other executive board members of any local chapter(s) that seeks to serve the employees of the Tribe's gaming operation, and any union organizer or other individual who will have on-reservation access to the Tribe's gaming facility or its employees.

XIV. Reporting to NIGC

A. When a key employee or primary management official begins work at a gaming operation authorized by the Gaming Ordinance, the Commission shall forward to the NIGC a completed application for employment and conduct the background investigation and make the determination referred to in Section IX of this Regulation. The Commission shall prepare and forward to the NIGC, within sixty (60) days after a key employee or primary management official begins work or within sixty (60) days of the approval of the Gaming Ordinance by the Chairman of the NIGC, an investigative report on each background investigation and a copy of the eligibility determination made under Section IX of this Regulation. The background investigation report shall include 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. With respect to key employees and primary management officials, if a license is not issued to an applicant, the Commission shall notify the NIGC and may forward copies of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System.

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

XV. Reporting to State Gaming Agency

- A. Except for an applicant for licensing as a non-key gaming employee, as defined by agreement between the Commission and the State Gaming Agency, the Commission shall require the applicant to also file an application with the State Gaming Agency, prior to issuance of a license, for a determination of suitability for licensure under the California Gambling Control Act.
- B. Upon receipt of a completed license application and a determination by the Commission that it intends to issue a license, the Commission shall transmit to the State Gaming Agency a notice of intent to license the applicant, together with all of the following:
 - 1. A copy of the license application materials and information received by the Commission from the applicant;
 - 2. An original set of fingerprint cards;
 - 3. A current photograph; and
 - 4. Except to the extent waived by the State Gaming Agency, such releases of information, waivers, and other completed and executed forms as have been obtained by the Commission.
- C. Upon receiving notice of the State Gaming Agency's denial of an application for a determination of suitability, the Commission shall promptly notify the Business Committee and, if the Commission objects to the denial, request an opportunity for the Tribe to be heard and diligently exercise its right to a hearing.
- D. With respect to non-key gaming employees, as defined by agreement between the Commission and the State Gaming Agency, the Commission shall provide the State Gaming Agency with the name, badge identification number, and job descriptions of all such employees on a monthly basis, within seven (7) days of the end of each month.

XVI. Granting a Gaming License

- A. Key Employees and Primary Management Officials. If, within a 30-day period after the NIGC receives a report, the NIGC notifies the Commission 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 Commission has

provided an application and investigative report to the NIGC, the Commission may issue a license to such applicant. The Commission shall respond to a request for additional information from the Chairman of the NIGC 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 until the Chairman of the NIGC receives the additional information. If, within the 30-day period described above, the NIGC provides the Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Commission has provided an application and investigative report to the NIGC, the Commission shall reconsider the application, taking into account the objections itemized by the NIGC. The Commission shall make the final decision whether to issue a license to such applicant.

- B. All Employees, Including Primary Management Officials. If an applicant has completed a license application to the satisfaction of the Commission, and the Commission has conducted a preliminary background investigation, the Commission may issue a temporary license and impose such conditions thereon as it deems appropriate pending completion of the licensing process, provided that the Commission has no information suggesting the applicant would either be automatically disqualified from obtaining a license or that would cause a reasonable person to investigate further before issuing a license. The Commission may issue a regular license to a person who meets the eligibility standards set out in Section IX of this Regulation after receiving a determination of the applicant's suitability from the State Gaming Agency. In the event the State Gaming Agency denies an applicant a determination of suitability or refuses to renew a determination of suitability, the Commission shall revoke any temporary license issued to the applicant and deny the applicant a license, except that the Commission shall have discretion to renew a license if the person is an enrolled member of the Tribe or has been continuously employed by the Tribe for at least three (3) years prior to the effective date of the Compact and also meets the following criteria:

1. The person holds a valid and current license issued by the Commission;
2. The person is not an employee or agent of any other gaming operation; and
3. The State Gaming Agency's denial of the person's application for a determination of suitability is based solely on activities, conduct or associations that antedate the filing of the person's initial application to the State Gaming Agency for a determination of suitability.

XVII. Limitation

The gaming operation shall not employ or continue to do business with a person who does not have a license that is not a temporary license after ninety (90) days.

XVIII. Identification Cards

All persons who are required to be licensed pursuant to the Gaming Ordinance shall be required to wear, in plain view at all times while in a gaming facility licensed by the Commission, identification badges issued by the Commission. The identification badges must display the person's photograph, identification number, name, and expiration date of his or her license.

XIX. Gaming Facility

- A. The Commission shall issue a separate license to each facility where class II or class III gaming is conducted. Verification that this requirement has been met will be provided by the Commission to the State Gaming Agency every two years.
- B. A gaming facility license issued by the Commission shall also serve as a certificate of occupancy. Accordingly, before issuing a gaming facility license, the Commission shall determine and certify that the facility meets the Tribe's building and safety code, as set forth in Gaming Regulation 003, Building and Safety Standards.
- C. A gaming facility license shall be posted in a conspicuous and public place in the gaming facility at all times.

XX. Gaming Resource Suppliers

Any gaming resource supplier who, directly or indirectly, provides, has provided, or is deemed likely to provide at least twenty-five thousand dollars (\$25,000.00) in gaming resources in any 12-month period, or who has received at least twenty-five thousand dollars (\$25,000.00) in any consecutive 12-month period within the 24-month period immediately preceding application, shall be licensed by the Commission prior to the sale, lease, or distribution, or further sale, lease, or distribution, of any such gaming resources to or in connection with the Tribe's gaming facilities. The Tribe shall not enter into, or continue to make payments pursuant to, any contract or agreement for the provision of gaming resources with any person whose application to the State Gaming Agency for a determination of suitability has been denied or has expired without renewal. Any agreement between the Tribe and a gaming resource supplier shall be deemed to include a provision for its termination without further liability on the part of the Tribe, except for the bona fide repayment of all outstanding sums (exclusive of interest) owed as

of, or payment for services or materials received up to, the date of termination, upon revocation or non-renewal of the supplier's license by the Commission based on a determination of unsuitability by the State Gaming Agency.

XXI. Financial Sources

- A. Subject to paragraph E of this Section, any person or entity extending financing, directly or indirectly, to the Tribe's gaming facilities or gaming operations ("Financial Source") shall be licensed by the Commission prior to extending that financing.
- B. A license issued under this Section shall be reviewed at least every two (2) years for continuing compliance. In connection with such a review, the Commission shall require the Financial Source to update all information provided in the previous application. For purposes of paragraph B of Section XXIV of this Regulation, such a review shall be deemed to constitute an application for renewal.
- C. Any agreement between the Tribe and a financial source shall be deemed to include a provision for its termination without further liability on the part of the Tribe, except for the bona fide repayment of all outstanding sums (exclusive of interest) owed as of the date of termination, upon revocation or non-renewal of the financial source's license by the Commission based on a determination of unsuitability by the State Gaming Agency. The Tribe shall not enter into, or continue to make payments pursuant to, any contract or agreement for the provision of financing with any person whose application to the State Gaming Agency for a determination of suitability has been denied or has expired without renewal.
- D. A gaming resource supplier who provides financing exclusively in connection with the sale or lease of gaming resources obtained from that supplier may be licensed solely in accordance with licensing procedures applicable, if at all, to gaming resource suppliers, and need not be separately licensed as a financial source under this section.
- E. The Commission may, at its discretion, exclude from the licensing requirements of this Section, under the circumstances stated, financing provided by:
 - 1. a federally regulated or state-regulated bank, savings and loan, or other federally- or state-regulated lending institution;
 - 2. an entity identified by Regulation CGCC-2, subdivision (f) (as in effect on

July 1, 2004) of the California Gambling Control Commission, when an entity is a financial source solely by reason of being:

- a. a purchaser or holder of debt securities issued directly or indirectly by the Tribe for a gaming facility or by the gaming operation; or
- b. the owner of a participation interest in any amount of indebtedness for which a financial source described in subparagraph E.1.a is the creditor;
- 3. an agency of the federal, state, or local government providing financing, together with any person purchasing any debt securities of the agency to provide such financing; or
- 4. an investor who, alone or in conjunction with any person controlling, controlled by or under common control with such investor, holds less than ten percent (10%) of all outstanding debt securities issued directly or indirectly by the Tribe for a gaming facility or gaming operation;
- F. The following are not financial sources for the purposes of this Section:
 - 1. an entity identified by Regulation CGCC-2, subdivision (h) (as in effect on July 1, 2004) of the California Gambling Control Commission; and
 - 2. a person or entity whose sole connection with a provision or extension of financing to the Tribe is to provide loan brokerage or debt servicing for a financial source at no cost to the Tribe or the gaming operation, provided that no portion of any financing provided is an extension of credit to the Tribe or the gaming operation by that person or entity.

XXII. Denial, Revocation and Suspension of License

A license may be suspended, revoked or denied upon the occurrence of any of the following:

- A. Notification by the NIGC, or by any other reliable source, that the licensee is not eligible for a license under Section IX of this Regulation;
- B. Notification by the State Gaming Agency that it intends to deny an application for a determination of suitability or a renewal of determination of suitability;
- C. The Commission has probable cause to believe that the licensee has, by act or

omission, violated provisions of the Compact, the Gaming Ordinance, the Tribe's Gaming Regulations, any condition of a Conditional Gaming License, or any other Federal, State or Tribal laws or regulations;

- D. The licensee has been convicted of a felony offense, in which case suspension, revocation or denial of a license is mandatory, unless:
 - 1. the licensee is a tribal member, in which case such a conviction is not an absolute bar to licensing; or
 - 2. the licensee has had his or her felony conviction expunged or reduced to a misdemeanor conviction, in which case such a conviction is not an absolute bar to licensing;
- E. The Commission has reason to believe that the continued licensing of a person constitutes an immediate threat to the public health, safety or welfare;
- F. The Commission has reason to believe that the licensee is involved in any theft, misappropriation, misuse or abuse of Tribal assets;
- G. The licensee engages in any conduct that brings discredit to the Tribe's gaming operations, or interferes with the normal operation of the Tribe's gaming facilities;
- H. The licensee fails to disclose any required information on any State or Tribal gaming license application; or
- I. The licensee fails to respond to a request from the Commission within fourteen (14) days of the date of the initial request.

XXIII. Due Process

The denial, suspension or revocation of a license pursuant to Section XXII of this Regulation shall require:

- A. Written, certified, return receipt requested or personally hand-delivered notification of the denial, suspension or pending revocation must be given to the applicant or licensee ten (10) days in advance of the proposed action, including notice of the licensee's right to a hearing and opportunity to be heard and present evidence or witnesses prior to the denial, suspension or revocation;
- B. Such written notification shall include: the reasons for the proposed action; a copy of the investigative report on which the Commission based its decision,

provided the Commission will have the discretion to redact information needed to protect the identity of certain individuals in exceptional circumstances where the Commission has reasonable cause to believe that individual may be at risk of retaliatory action if his or her identity is revealed; a summary of any other evidence upon which the Commission based its decision and information concerning the applicant's or licensee's option to view the evidence at the Commission's offices at some mutually convenient time in advance of the hearing; information concerning the applicant's or licensee's right to a hearing; the date, time and place for the hearing; and the admonition that failure to appear for a scheduled hearing shall forfeit any further right to appeal;

- C. The Commission shall make a ruling within three (3) days, and the applicant or licensee shall be notified of the ruling in writing within three (3) days of the ruling. If the ruling is to deny, suspend or revoke a license, the notice shall also include:
 - 1. notification of the licensee's ability to file a petition with the Commission for reconsideration within fifteen (15) days of the receipt of the notice if new evidence becomes available to the applicant or licensee that was previously unavailable or unknown or the relevance of which could not have been anticipated by the applicant or licensee based on the information provided to the applicant or licensee by the Commission prior to the hearing; and
 - 2. information on any further right of appeal to the Gaming Appellate Board under Section V of Gaming Regulation 013, Gaming Appellate Board.
- D. If the applicant or licensee files a petition for reconsideration within fifteen (15) days of receipt of the written notification described in the preceding paragraph, the Commission shall review any additional information submitted by the applicant or licensee with the petition and notify him or her in writing of its decision and any further right of appeal to the Gaming Appellate Board under Section V of Gaming Regulation 013, Gaming Appellate Board.
- E. Notwithstanding subparagraph A above, the Commission may suspend or revoke a license without advance notice and without a prior hearing if, in the opinion of the Commission, the continued licensing of the person:
 - 1. poses an immediate threat to the integrity of the Tribe's gaming operations;
 - 2. poses a threat to public health or safety; or

**Pauma Band of Mission Indians
Gaming Regulation No. 014**

Exclusions

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I. Purpose

The exclusion of certain individuals from Gaming Facilities operated on the Pauma-Yuima Reservation is necessary to effectively maintain the strict regulation of the Tribe's gaming activities and to address problem gambling. This Regulation sets forth the terms and conditions under which individuals may be excluded from the Gaming Facilities, either voluntarily or involuntarily. This Regulation is consistent with the Tribe's obligation under Subsection 8.1.7 of the Compact between the Tribe and the State of California ("the Compact"), which requires the Tribe to maintain a list of involuntarily excluded individuals, and its sovereign authority to exclude individuals from the Pauma-Yuima Reservation.

II. Interpretation

This Regulation supplements the provisions of the Tribe's Gaming Ordinance, the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*) and its regulations (25 C.F.R. § 500 *et seq.*) ("IGRA"), and the Compact. In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance, IGRA or the Compact, the provisions of the Gaming Ordinance, IGRA, or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance, IGRA, or the Compact.

III. Scope of Application

- A. This Regulation applies to the exclusion of individuals from any Gaming Facility located on the Pauma-Yuima Reservation. When the Tribe operates more than one Gaming Facility, an individual who is excluded from one Gaming Facility shall be automatically excluded from any other Tribal Gaming Facility. All exclusions shall apply to all areas of the Gaming Facility, as well as all rooms, buildings, parking lots and walkways, a principal purpose of which is to serve the activities of the Gaming Facility.
- B. This Regulation is not intended to limit the Gaming Operation's discretion to refuse service or access to any individual by excluding the individual from the Gaming Facilities for a day, and such actions are not considered "exclusions" within the meaning of this Regulation when the refusal of service or access is restricted to twenty-four (24) hours or less. Nor is this Regulation intended to limit the authority of the Gaming Operation or the Commission to restrict access to former employees to the Gaming Facilities for a period of up to ninety (90) days immediately following the

termination of the individual's employment, whether the termination is voluntary or involuntary, or to limit the authority of the Commission to restrict access to persons whose license has been suspended for the period of suspension, and such restrictions are not considered "exclusions" within the meaning of this Regulation.

IV. Self-Exclusions

Any individual may voluntarily exclude themselves from the Tribe's Gaming Facilities, and all such requests shall be granted. Self-exclusions must be requested by the individual seeking to exclude himself or herself from the Gaming Facility, not by any third party. The following policies and procedures apply to self-exclusions.

A. Form

The Commission shall adopt a Self-Exclusion Form to be completed by individuals wishing to exclude themselves from the Tribe's Gaming Facility and make such form available to such individuals upon request. At a minimum, the form shall require the individual to provide his or her full name, other names used, driver's license or state or tribal identification number, birth date, current address, telephone number, and physical characteristics. The form must also contain a statement releasing the Tribe and all involved tribal entities from any liability arising from processing or implementing the self-exclusion request and acknowledging the consequences of making a self-exclusion request. The form must be signed and dated by the individual. The Commission's or Gaming Operation's authorized personnel shall verify the individual's identity and signature by inspecting his or her driver's license or state or tribal identification card and take a current photograph of the individual to affix to the Self-Exclusion Form.

B. Term

Self-exclusions shall be for either an indefinite or lifetime term, at the individual's option. A lifetime self-exclusion is irrevocable. An indefinite self-exclusion shall be for a minimum period of one (1) year. After one (1) year, an individual who has requested an indefinite self-exclusion may submit a written request to the Commission to terminate his or her exclusion.

C. Termination Hearing

The Commission will follow its usual hearing procedures in reviewing a written request to terminate a self-exclusion. If the individual who requested the hearing fails to appear at the hearing without good cause, he or she forfeits any further right of appeal, and the notice of hearing he or she receives from the Commission shall state this. The individual requesting termination of his or her self-exclusion bears the burden of establishing by a preponderance of the evidence that the gambling problem giving rise to his or her self-exclusion has been successfully addressed.

D. Notification to Gaming Operation's Management

The Commission shall promptly forward such information as is necessary to the appropriate management personnel at the Gaming Facility in order to implement the self-exclusion request. The Commission shall require the Gaming Operation to remove all self-excluded individuals from all mailing lists and to revoke any slot or players' cards issued to the individual. The self-excluded individual has the right, upon request, to receive a payout of any credits on his or her slot or players' card prior to its revocation, but not to exceed the maximum daily payout limit.

E. Notification to Patrons

The Commission shall ensure that the Gaming Operation has procedures in place to inform individuals who enquire about self-exclusion about the Tribe's process for self-exclusion.

V. Involuntary Exclusions

Only the Gaming Operation's security personnel or employees of the Commission are authorized to exclude a person from the Gaming Facility. Security personnel may only do so when such action has been requested by the Gaming Operation's authorized management staff. The following policies and procedures apply to involuntary exclusions.

A. Form

The Commission shall adopt a Notice of Exclusion form to be completed by authorized officers or agents of the Commission or the Gaming Operation. At a minimum, the form shall require the individual to provide his or her full name, other names used, driver's license or state or tribal identification number, birth date, current address, telephone number, and physical characteristics. The form must also contain a statement releasing the Tribe and tribal entities from all liability arising from processing or implementing the exclusion and acknowledging the consequences of an exclusion. The form must also contain information about the individual's right to seek review by the Commission. The form must be signed and dated by the individual. The Commission's or Gaming Operation's authorized personnel shall verify the individual's identity and signature by inspecting his or her driver's license or state or tribal identification card and take a current photograph of the individual to affix to the Notice of Exclusion.

B. Grounds

Any individual may be excluded from a Gaming Facility for conduct detrimental to the integrity or reputation of the Gaming Operation, including, and limited to:

1. violations of applicable state, federal or tribal criminal or gaming laws and regulations;

2. violations of the Compact;
3. conduct which adversely affects the health, security and welfare of the Tribe's residents or of the patrons or employees of the Gaming Operation, including but not limited to cheating, assault, battery, theft, panhandling, prostitution, misrepresentation, fraud, threatening and intimidating behavior, use and/or possession of a controlled substance or drug paraphernalia, intoxication, and disorderly conduct;
4. the individual is a person whose reputation, habits, associations, or known criminal history would bring discredit to the Tribe or pose a risk of danger to employees or patrons, when such a conclusion is supported, on a balance of probabilities, by reasonably reliable evidence;
5. an exclusion from a gaming facility other than the Tribe's Gaming Facility;
6. violation of 24-hour or less restriction imposed on a patron by the Gaming Operation or of a 90-day or less restriction imposed on a former employee, as referenced in Section III.B of this Regulation; or
7. an exclusion from the Pauma-Yuima Reservation issued in accordance with tribal law.

C. Exclusion Request

To request the exclusion of an individual, the Gaming Operation's personnel must call for the presence of security personnel or Commission personnel on duty at the time. The requesting personnel shall explain the circumstances to the responding personnel and provide all applicable supporting documentation, including such things as written statements, forms, copies of reports, photographs and/or video tapes, etc. Commission personnel may initiate an exclusion without waiting for a request from management but shall first call for the presence of security personnel to help deter any potential hostile reaction from the individual being excluded.

D. Response to Exclusion Request

The responding security or Commission personnel will:

1. Inform the individual being excluded that if they fail to cooperate in completing the Notice of Exclusion by refusing to provide identification or requested information or have a photograph taken, or by providing false identification or information, they will automatically receive a permanent exclusion and forfeit any right of review.

2. Obtain valid identification, if available, and the current address of the individual to be excluded and fill out a Notice of Exclusion form.
3. Read the contents of the Notice of Exclusion to the individual being excluded.
4. Have the individual sign and date the Notice of Exclusion or, if the individual refuses to do so, the responding security or Commission personnel shall sign the substitute signature line on the form.
5. Give a copy of the Notice of Exclusion to the individual being excluded or, if the individual refuses to accept it, send the Notice of Exclusion to the individual by registered or certified mail, return receipt requested.
6. Write an incident report describing the situation and attach a copy of the Notice of Exclusion and all other supporting documentation. Include in the incident report the period of exclusion recommended by the Gaming Operation's authorized management personnel.
7. Forward a copy of the complete report, including the Notice of Exclusion and any return receipt received, to the Commission.

E. Failure to Cooperate

If the individual to be excluded fails to cooperate by refusing to provide identification or requested information or have a photograph taken, or by providing a false name, address or identification, he or she forfeits any right to further review of the exclusion.

F. Reviewing Exclusions

All exclusions shall be issued for an indefinite term and remain in effect unless terminated by the General Manager of the Gaming Operation, or his/her delegate, or the Commission in accordance with this section.

1. Termination of Exclusion Within Thirty (30) Days. Except as provided The General Manager or his/her delegate may, on his or her own initiative, review and terminate an exclusion issued by the Gaming Operation within thirty (30) days of its issuance. The Commission may, on its own initiative, review and terminate an exclusion issued by the Commission, within thirty (30) days of its issuance. A decision to terminate under this paragraph does not require advance notice to the excluded individual or an opportunity to be heard. Accordingly, paragraph G of this Section does not apply to such decisions.

2. Petition for Termination of Exclusion by Excluded Individual. To terminate an exclusion, the excluded individual must file a petition for review with the Commission within three (3) years of the issuance of the Notice of Exclusion. The petition must include a statement of the reasons why the individual believes the exclusion should be terminated.
 - a. Within thirty (30) days of receiving a request for review, the Commission shall set the matter for a hearing and send a written notice to the excluded individual, by certified mail return, receipt requested, of the date, time and place for the hearing. The notice shall be mailed at least twenty-one (21) days prior to the hearing date and include an admonition that failure to appear at the scheduled hearing without good cause will forfeit any further right of review. A copy of the notice shall also be provided to the Gaming Operation.
 - b. The Commission shall make a ruling within ten (10) days of the hearing, and the excluded individual will be notified of the ruling within three (3) days of the ruling.
 - c. Decisions of the Commission shall be final and not subject to further review.

G. Exclusion Hearing

The Commission will follow its usual hearing procedures when conducting a hearing on a petition to terminate an exclusion, except that notice of the hearing shall also be provided to the Gaming Operation, and the Gaming Operation's management staff involved in the initial exclusion may attend the hearing. If the individual who requested the hearing fails to appear at the hearing without good cause, he or she forfeits any further right of review, and the notice of hearing he or she receives from the Commission shall state this. The individual contesting his or her extended exclusion bears the burden of producing valid evidence to dispute the facts or evidence produced at the time the Notice of Exclusion was issued.

H. Notification to Gaming Operations Management

The Commission shall promptly forward such information as is necessary to the appropriate management personnel at each of the Tribe's Gaming Facilities in order to implement the termination of an exclusion.

I. Reinstatement of Exclusion

If an individual has had an exclusion terminated but the effective date of the termination is set for a future date, and the individual subsequently violates the exclusion by visiting one of

the Tribe's Gaming Facilities while the exclusion is still in effect, that individual's indefinite exclusion is automatically reinstated without further review, except as such further review may be granted by and at the discretion of the Commission. The Gaming Operation shall provide notice of an automatic reinstatement to the Commission.

VI. Forfeiture

A. Any winnings or thing of value obtained by an excluded individual, whether voluntarily or involuntarily excluded, shall be subject to seizure and forfeiture. The Commission shall require each of the Gaming Facilities to have written policies and procedures to prevent the payout of any hand-paid jackpot or other winnings to an excluded individual. Any winnings or thing of value forfeited shall be returned to the Gaming Operation's revenues.

B. Any cash or cash equivalent deposited into a game for play but not yet wagered and played by an excluded individual, whether voluntarily or involuntarily excluded, may also be subject to seizure and forfeiture. For purposes of this section, "game" includes a gaming device, table game or other gaming activity.

VII. Trespass

An excluded individual, whether under a voluntary or involuntary exclusion, who enters a Gaming Facility during a period of exclusion commits a trespass. Such offense constitutes a civil violation, and the excluded individual may be excluded from the Pauma-Yuima Reservation under tribal law. In the case of involuntary exclusions, the Tribe, Commission or Gaming Operation may also press criminal charges when the conduct on which the exclusion is based violates the State of California's criminal laws. The Gaming Operation may, at its discretion, permit an excluded individual access to the Gaming Facility for emergency purposes only, such as, to pick up an intoxicated individual who has no other available means of transportation.

VIII. Confidentiality

Information contained on the self-exclusion forms or the Notice of Violations and supporting documents shall be treated as confidential and shall not be disclosed except to the appropriate Gaming Operation's management and personnel, the State Gaming Agency as required by law, appropriate federal, state or local law enforcement agencies if needed in the conduct of an official investigation, or when ordered by a court of competent jurisdiction.

IX. Exclusion Lists

A. Self-excluded Individuals

The Gaming Operation shall maintain or cause to be maintained a list of self-excluded individuals. The Gaming Operation shall update the list upon any change and provide a copy to the Commission. The Commission shall require the Gaming Operation to have written policies

and procedures to ensure that cage personnel check an individual's identification against the list of self-excluded persons before allowing the person to cash a check or complete a credit card cash advance transaction. The Commission shall require the Gaming Operation to have written policies and procedures to identify excluded individuals, whether voluntarily or involuntarily excluded, who may be in a Gaming Facility and, once identified, to promptly escort the individual from the Gaming Facility.

B. Involuntary Exclusions

The Gaming Operation shall maintain or cause to be maintained a list of individuals excluded from the Tribe's Gaming Facilities because their past behavior, criminal history or association with persons or organizations poses a threat to the integrity of the Tribe's gaming activities or to the integrity of regulated gaming within California. The Gaming Operation shall update the list upon any change and provide a copy to the Commission. The Commission shall require the Gaming Operation to have written policies and procedures to ensure that individuals on the list are not permitted entry into the Gaming Facility.

X. Severability

If any provision of this Regulation or the application thereof to any person or circumstance is held invalid, its invalidity does not affect other provisions or applications of this Regulation, and to this end the provisions of this Regulation are severable.

XI. Sovereign Immunity

The sovereign immunity of the Tribe is in no manner waived by this Regulation or by any action by the Gaming Operation, the Commission, or any employee of the Tribe, the Commission or the Gaming Operation acting pursuant to this Regulation.

XII. Effective Date

This Regulation shall take effect immediately upon its adoption by the General Council. However, an individual who was excluded from the Gaming Facility prior to the effective date of this Regulation, whether voluntarily or involuntarily, and whose exclusion remains in effect shall be deemed to be under an indefinite exclusion and shall have the option of petitioning the Commission to review the exclusion in accordance with paragraphs B and C of Section IV of this Regulation, in the case of a voluntary self-exclusion, and in accordance with paragraph F of Section V of this Regulation, in the case of an involuntary exclusion.

CERTIFICATION

I, the undersigned, as Secretary of the Pauma Band of Mission Indians, do hereby certify that this Regulation was adopted by the General Council pursuant to the results of a general mail-out

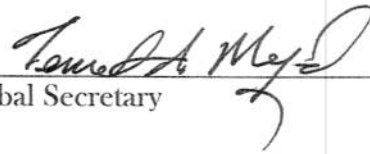
Adopted 03/05/06; Amended 06/10/07, 06/14/09 and 11/08/09

ballot, by a vote of 51 in favor, 0 against and 0 abstaining, results recorded on March 5, 2006, amended by a vote of the General Council at a duly called meeting on June 10, 2007, by 50 in favor, 0 opposed, and 0 abstaining, and at a duly called meeting on June 14, 2009, 61 in favor, 0 opposing, and 0 abstaining and that this Regulation has not been amended or rescinded in any way.

11-08-09

Date

Tribal Secretary

A handwritten signature in black ink, appearing to read "Teresa A. May", is written over a horizontal line. The signature is stylized and cursive.