

P.O. BOX 309
ACOMA, NEW MEXICO 87034

PUEBLO OF ACOMA
OFFICE OF THE GOVERNOR

TELEPHONE: 505/552-6604
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RESOLUTION NO. TC-OCT-21-10-VIa

**RESOLUTION OF THE PUEBLO OF ACOMA
APPROVING 2010 AMENDMENTS TO ACOMA GAMING ORDINANCE**

At a duly called meeting of the Tribal Council of the Pueblo of Acoma held on this 21st day of October, 2010, the following resolution was adopted:

WHEREAS:

- Section No. 1 The Pueblo of Acoma is a sovereign Indian nation, recognized as such by the federal government of the United States of America, and in the exercise of its tribal sovereignty remains organized in accordance with Pueblo tradition; and
- Section No. 2 The Pueblo of Acoma accepted the terms of the Indian Reorganization Act (Congressional Act of June 18, 1934, Chapter 576, Codified at 25 United States Code § 461-479 ("IRA")). However, the Pueblo is not organized under the IRA and has no written Constitution; and
- Section No. 3 The Tribal Council is the legislative authority for the Pueblo of Acoma and has the responsibility to adopt laws applicable on the lands of the Pueblo. This Resolution is passed in exercising the responsibilities and authorities of the Tribal Council for and in the best interest of the Pueblo of Acoma; and
- Section No. 4 Congress enacted the Indian Gaming Regulatory Act of 1988, 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§ 1166-1168 ("IGRA") to regulate Gaming on Indian Lands subject to oversight by the National Indian Gaming Commission ("NIGC") and to authorize Class III Gaming on Indian Lands by Indian Tribes and states pursuant to tribal-state compacts; and
- Section No. 5 The Tribal Council, pursuant to Tribal Council Resolution No. TC-OCT-31-08-VIa approved amendments to the Acoma Gaming Ordinance; and

Section No. 6 The National Indian Gaming Commission approved the 2008 amended Acoma Gaming Ordinance by letter dated December 18, 2008; and

Section No. 7 At the direction of the Tribal Council, the Tribal Administration recommends additional changes to the Gaming Ordinance generally concerning the scope of licensing required, the procedures for enacting Acoma gaming regulation, clarifying audit and reporting procedures, regulating small bingo games, limiting the powers and duties of the Acoma Gaming Commission to Gaming regulation and licensing, prohibiting the Acoma Gaming Commission from summarily suspending a license and to otherwise provide licensees with due process before any action is taken on a license, and providing a process to appeal final decisions of the Acoma Gaming Commission to the Tribal Court; and

NOW THEREFORE BE IT RESOLVED THAT:

Section No. 1 The Pueblo of Acoma Tribal Council has approved the said revisions to the 2010 Gaming Ordinance, a copy of which is attached hereto and made a part hereof, and that the same be enacted by Pueblo of Acoma, to become effective when approved by the chairman of the National Indian Gaming Commission; and

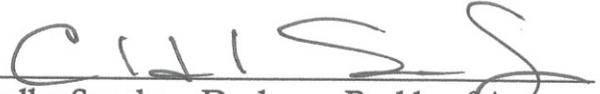
BE IT THEREFORE FURTHER RESOLVED THAT:

Section No. 2 The Governor of the Pueblo is authorized and directed to forward this resolution, together with the 2010 Acoma Gaming Ordinance and documents deemed appropriate, to the National Indian Gaming Commission, for review and approval; and

Section No. 3 That when the 2010 Acoma Gaming Ordinance becomes effective, the current Acoma Gaming Regulations shall continue in effect, unless contrary to this law; and

Section No. 4 That the Acoma Gaming Commission is hereby directed to develop revised Acoma Gaming Regulations, which will comply with the 2010 Acoma Gaming Ordinance, by August 1, 2011; and

Section No. 5 The Pueblo of Acoma Tribal Council hereby authorizes the Governor or his designee of the Pueblo of Acoma to execute all documents required to implement the intent of this resolution.



Chandler Sanchez, Daabupu, Pueblo of Acoma



Mark Thompson, Tinyenti



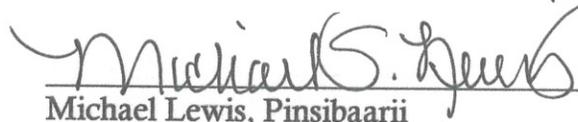
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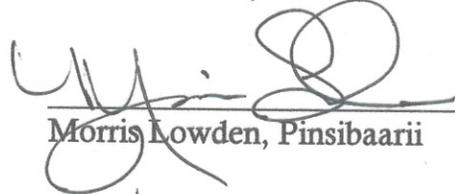
David L. Vallo, My'yu Pinsibaarii



Charles P. Riley, Pinsibaarii



Michael Lewis, Pinsibaarii



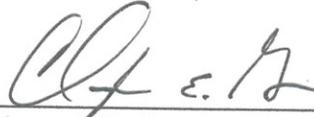
Morris Lowden, Pinsibaarii



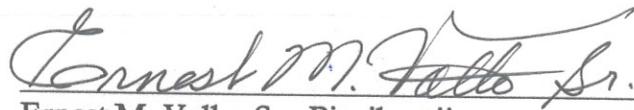
Harold M. Chino, Pinsibaarii



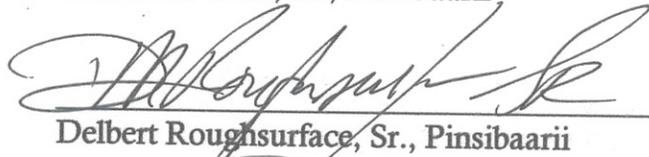
Derek C. Valdo, Pinsibaarii



Clayton E. Garcia, Pinsibaarii



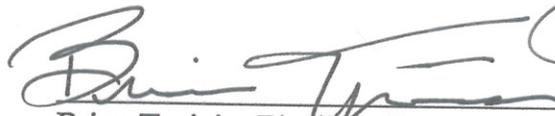
Ernest M. Vallo, Sr., Pinsibaarii



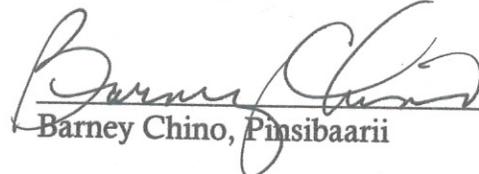
Delbert Roughsurface, Sr., Pinsibaarii



Timothy J. Chavez, Pinsibaarii



Brian Torivio, Pinsibaarii



Barney Chino, Pinsibaarii



ATTEST:


Kudyaat'ita, Pueblo of Acoma



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CERTIFICATION

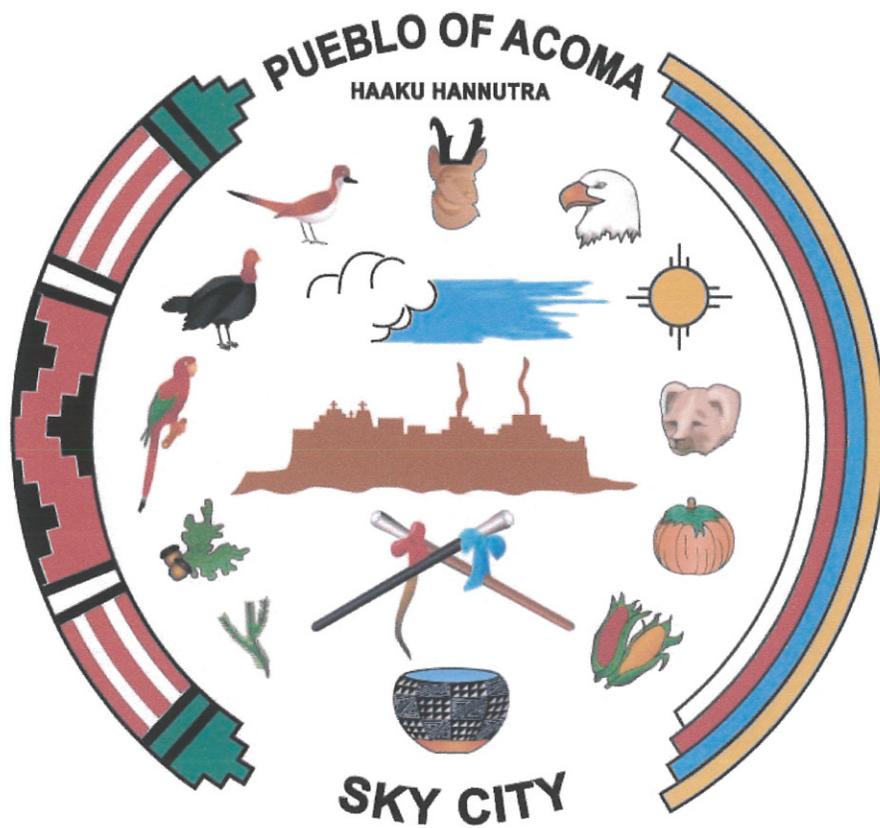
I, the undersigned as Governor of the Pueblo of Acoma, "Sky City", hereby certify that the Pueblo of Acoma Tribal Council, at a duly called meeting, held on the 21st day of October, 2010, at the Pueblo of Acoma, New Mexico, approved this resolution, a quorum being present, that 12 voted for, 0 opposed, and 0 abstained, with 0 absent.

Daabupu, Pueblo of Acoma

ATTEST:



Kudyaat'ita, Pueblo of Acoma



NOV -1 2010

Pueblo Of Acoma Gaming Ordinance

(Revised Version)

October 21, 2010

PUEBLO OF ACOMA LAWS 2003 (2010 Replacement)

**TITLE 11
GAMING**

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**TITLE 11
GAMING**

Chapter 1. ACOMA GAMING ORDINANCE

11-1-1 Short Title. This Ordinance may be cited as the Gaming Ordinance of the PUEBLO OF ACOMA.

STATEMENT OF PURPOSE

The purpose of this Ordinance is to regulate the operation, conduct and playing of games of chance including Bingo on the Pueblo of Acoma, and to produce revenue for (1) supporting programs which promote the health, education and welfare of the Acoma people; (2) promoting tribal economic development, self-sufficiency and strong tribal government. This Ordinance has the further purpose of: (3) assuring that gaming at Acoma is licensed, controlled and assisted to protect the public health, safety, morals, good order and general welfare of the ACOMA people and the players; (4) conducting games honestly, competitively and free of criminal and corruptive elements.

11-1-2 Interpretation, No Waiver of Sovereign Immunity.

- A. Interpretation. This Ordinance shall be deemed as an exercise of the police power of the Pueblo of Acoma for the protection of the public welfare, health, peace and morals of the people of the Pueblo of Acoma and all provisions of this Ordinance shall be liberally construed for the accomplishment of this purpose.
- B. No Waiver of Sovereign Immunity. Nothing in this Ordinance shall be construed so as to enable, empower or otherwise allow the Gaming Commission, the Business Board or any other entity or person to grant a Waiver of Sovereign Immunity either expressed or implied on behalf of the Pueblo of Acoma.

11-1-3 Definitions. In this Ordinance, unless the context otherwise requires, the following definitions shall apply:

- A. "Acoma Gaming Enterprise" means the Gaming Operation of Acoma Business Enterprises, which is wholly-owned by the Pueblo.
- B. "Business Board" means the Acoma Business Board as defined under Title 1 of the Pueblo of Acoma Laws. The Business Board does business as Acoma Business Enterprises, and oversees the Acoma Business Enterprises, including the Pueblo's Gaming Enterprise.

- C. "Bylaws" means the operating document of the Commission.
- D. "Chairman" means the Chairman of the Commission, unless otherwise specifically stated to be the Chairman of National Indian Gaming Commission.
- E. "Class I Gaming" means the initial games played solely for prizes of minimal value or traditional forms of Indian Gaming played by individuals in connection with Pueblo ceremonies or celebrations.
- F. "Class II Gaming" means the conduct of gaming as defined in 25 CFR Sect. 502.3, specifically:
 - 1. Bingo or lotto (whether or not electronic computer or technological aids are used).
 - (a) When players play for prizes with cards bearing numbers or other designations.
 - (b) Cover numbers or designations when objects, similarly numbered or designated are drawn or electronically determined.
 - (c) Win the game by being the first person to cover a designated pattern on such card.
 - 2. If played in the same location as bingo or lotto, pull tabs, punch boards, tip jars, instant bingo or other games similar to bingo.
 - 3. Non Banking card games that State law explicitly authorizes or does not explicitly prohibit and are played legally in the state; players play in conformity with state laws and regulations concerning hours, periods of operation and limitations on wagers and cash awards.
- G. "Class II Gaming Operation" means any Non-Profit Organization authorized to conduct or operate a Small Bingo Game in compliance with federal requirements of 25 C.F.R Section 522.10.
- H. "Class III Gaming" means all forms of gaming not classified Class I or Class II and are permitted under the Pueblo of Acoma/State of New Mexico Gaming Compact, including but not limited to, any house banking game including but not limited to, card games such as Baccarat, Blackjack, Pai Gow (if played as house banking game); casino games such as Roulette, Craps and Keno; Slot machines as

defined in 15 USC 1171 (a)(1) and electronic or electromechanical facsimiles of any game of chance; any sports betting and pari-mutuel wagering, including but not limited to wagering on horse racing, dog racing, Jai Alai; or the lotteries.

- I. "Commission" means The Acoma Gaming Commission.
- J. "Compact, Tribal/State Compact" or "Gaming Compact" means that compact negotiated and executed by the Pueblo of Acoma and the State of New Mexico and deemed or otherwise approved by the Secretary of the Interior pursuant to 25 USC 2710 (7)(B)(vii), governing the conduct of Class III Gaming on Indian Lands.
- K. "Days" means calendar days.
- L. "Drugs" means a chemical substance, such as a narcotic or hallucinogen that affects the central nervous system, causing changes in behavior and often addiction.
- M. "Firearms" means any handgun, rifle or device that can be used as a weapon that discharges a single or multiple projectiles propelled at high velocity.
- N. "Gaming" means any Class II or Class III gaming as defined herein and any other form of gaming defined in Section 11-1-5 of this Ordinance entitled Scope of Gaming.
- O. "Gaming Employee" means a person connected directly with the conduct of Class II and Class III gaming, or handling the proceeds thereof or handling any Gaming Machine, but "Gaming Employee" does not include:
 - 1. Bartenders, cocktail servers or other persons engaged solely in preparing or serving food or beverages;
 - 2. Secretarial or janitorial personnel;
 - 3. Stage, sound and light technicians; or
 - 4. Any other non-gaming personnel, including but not limited to Restaurant, Hotel, Facilities, Administrative Assistants, Information Systems staff, and Marketing staff.

Key Employees and Primary Management Officials are a subset of Gaming Employees.

- P. "Gaming Facility" means each place, facility or location on Indian Lands where the Pueblo elects to allow Class II or Class III gaming.
- Q. "Gaming Facility License" means a separate license issued to each facility, on Indian lands where the tribe elects to allow Class II or Class III gaming.
- R. "Gaming Manager" means the General Manager of the Gaming Operation.
- S. "Gaming Operation" means each economic entity licensed by the tribe, which operates games, receives the revenues, issues the prizes and pays the expenses.
- T. "Gaming Premises" means any room, hall, enclosure, or gaming floor within a Gaming Facility where Class II or Class III Gaming is operated or conducted.
- U. "Gaming Vendor" means a person that provides Gaming Equipment, Gaming Devices, and Gaming Supplies to the Acoma Gaming Enterprise.
- V. "IGRA" means the Indian Gaming Regulatory Act.
- W. "Key Employee" means 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;
 8. Croupier;
 9. Approver of Credit;
 10. Surveillance Supervisor;
 11. Custodian of Gambling Devices, including persons with access to cash and accounting records within such devices;
 12. If not otherwise included, any other Gaming Employee whose total cash compensation is in excess of \$50,000.00 per year or the four most highly compensated Gaming Employees in the gaming operation.

- X. "Licensee" means any person who holds a valid license pursuant to the provisions of this Gaming Ordinance.
- Y. "Management Contract" means any contract, subcontract or collateral agreement between the Pueblo and a contractor or between a contractor and a sub contractor, if such contract or agreement provides for the management of all or part of the gaming operation.
- Z. "Management Fee" means any amount paid from gaming revenue to any person or entity contracted and/or licensed to operate a gaming facility. In no event shall the management fee include amounts for operating expenses.
- AA. "Net Revenues" means gross gaming revenues of the gaming operation less a.) amounts paid out as or paid for prizes; b.) total gaming related operating expenses excluding management fees.
- BB. "NIGC" means the National Indian Gaming Commission.
- CC. "Non-Profit Organization" means an organization recognized by the Pueblo whose objective is to support or engage in charitable activities of benefit to the Pueblo of Acoma or its members.
- DD. "Occasion" means a gathering at which bingo games are played.
- EE. "Person" means a natural person, firm association, corporation or other legal entity except the Pueblo of Acoma.
- FF. "Primary Management Official" means:
1. A person having management responsibilities for the gaming operation or a management contract;
 2. The general manager of the Acoma Gaming Enterprise, or any other licensed Gaming Facility;
 3. The chief executive officer of the Acoma Business Enterprise;
 4. The chief operations officer of the Acoma Business Enterprise;
 5. The chief financial officer of the Acoma Business Enterprise;
 6. If not otherwise included, any other Gaming Employee who has the authority:
 - a. To hire and fire employees or
 - b. To set up working policy for the gaming operation.
- GG. "Pueblo/Tribe" means Pueblo of Acoma.

- HH. "Premises License" means a separate license issued by a tribe to each Gaming Premises where the tribe elects to allow Class II or Class III gaming.
- II. "Small Bingo Game" means a bingo game or games conducted or operated by a Non-Profit Organization in accordance with the provisions of Sections 11-1-5 and 11-1-6 of this Ordinance and which is expressly permitted by the Commission.
- JJ. "Tribal Bingo Game" means a bingo game or games conducted or operated by the ACOMA Tribe in accordance with the regulatory procedures and all applicable sections of this Ordinance.
- KK. "Tribal Council" means the Acoma Tribal Council.
- LL. "Video gaming" or "video games of chance" means electronic or electromechanical video devices that stimulate games of chance commonly referred to as poker, blackjack, craps, roulette, line-up symbols and/or numbers, or other common gambling forms which are activated by the insertion of a coin, token, or currency, and which award game credits, cash, tokens, or replays, and contain meters or devices to record credits received and paid out, and unplayed credits or replays.
- MM. "Weapons" means any object(s) that can be used to inflict bodily harm or injury but not limited to knives, tasers, mace, pepper spray and firearms.

11-1-4 Gaming Limited. No person may hold, operate or conduct any Class II or Class III gaming within the boundaries of the Pueblo of Acoma (1) except a small bingo game conducted or operated by a non-profit organization in accordance with the provisions of this Ordinance, or (2) unless such gaming is owned, conducted or operated by the Pueblo of Acoma in accordance with the provisions of this Ordinance.

11-1-5 Scope of Gaming. The Pueblo of Acoma permits the following kinds of public gaming:

- A. Bingo, Pull Tabs, etc. The Pueblo of Acoma hereby allows bingo or lotto, pull tabs, punch boards, tip jars, instant bingo and games similar to bingo, and nonbanking card games considered as Class II under federal law, as regulated by this Ordinance and applicable regulations.
- B. Video Gaming. Video gaming machines are hereby authorized at

gaming facilities as regulated by this Ordinance and applicable regulations.

- C. Casino Gaming. Casino gaming, in any and all forms, includes, but is not limited to, slot machines and other forms of electronic gaming devices; all forms of poker, blackjack and other card games, both banked and unbanked; roulette; craps; keno; wheel of fortune, pai gow; simulcasting, and other games played in casino settings; and any form of a lottery.
- D. Gaming Compact. The scope of Gaming permitted under this Ordinance shall be restricted by the gaming compact signed by the Pueblo of Acoma and signed, deemed or otherwise approved by the Secretary of the Interior, pursuant to the Indian Gaming Regulatory Act (IGRA). Class III gaming, as defined in the federal IGRA, is authorized only to the extent that a gaming compact is signed by the Pueblo and signed, deemed or otherwise approved by the Secretary of the Interior.

11-1-6

Small Bingo Games. A Non-Profit Organization may conduct or operate a small bingo game within the boundaries of the Pueblo of Acoma in accordance with the provisions of this Ordinance, subject to the following restrictions:

- A. Each Class II Gaming Operator must be licensed and regulated under this Ordinance.
- B. Income to the Pueblo from any Small Bingo Game may be used only for the purposes listed in 25 C.F.R. ' 522.4(b)(2).
- C. Not less than sixty percent of the net revenues from such activity must be paid as income to the Pueblo. However, a licensed Non-Profit Organization providing charitable goods or services to the Pueblo of Acoma or its members is hereby authorized to use the Pueblo's share of net gaming revenues from its Small Bingo Games for charitable purposes, provided the Pueblo receives an annual report by February 15 of the following year showing dates of operation, net win, net revenues, including a calculation of the Pueblo's 60% share, for each date with annual totals and a description of the charitable activities which benefitted the Pueblo or its members during the previous year.
- D. The owner of any such operation must pay an assessment to the NIGC pursuant to 25 C.F.R. ' 514.1.

- E. Such operation must meet or exceed licensing standards that are at least as restrictive as those established by New Mexico State law governing similar gaming.
- F. Any Person that would not be eligible to receive a New Mexico State license to conduct the same activity within its jurisdiction, shall be denied a license. State law standards shall apply with respect to purpose, entity, pot limits, and hours of operation.
- G. No Pecuniary Benefit. Each Non-Profit Organization shall maintain such status and no member, director, officer, employee or agent of the non-profit organization may receive any direct or indirect pecuniary benefit other than being able to participate in the game on a basis equal to all other participants.
- H. Conduct of Game. No person except a bona fide local member of the sponsoring Non-Profit Organization may participate directly or indirectly in the conduct or operation of the game. All persons who hold, operate, conduct or assist in holding or conducting a small bingo game shall be bona fide local members of the sponsoring organization.

11-1-7

Tribal Gaming.

- A. Authorization. The Pueblo of Acoma is authorized to hold, operate and conduct 1) Class II gaming, subject to any restrictions specifically set forth in this Ordinance and applicable federal law; and 2) Class III gaming as set forth in the Gaming Compact, provided that the Pueblo of Acoma find suitable sites for gaming operations and that the conduct of such games will not reduce, endanger, interfere with, or harm tribal revenues, land use, or the public welfare of Pueblo of Acoma.
- B. Gifts Prohibited. Members of the Council, Administration, Commission, Business Board, and employees of each, including their immediate families, shall receive no personal compensation reimbursement or payment from any person doing or wishing to do business with the Pueblo of Acoma relating to gaming or from any person wishing to obtain an unfair advantage in any authorized wager on gaming. This prohibition of gifts does not include the acceptance of meals. Any property received in violation of this provision, including cash payments, shall be immediately forfeited to the Pueblo of Acoma and the offending person shall be prosecuted to the fullest extent possible, under all applicable laws for accepting a bribe. The Commission shall cooperate to the fullest extent with any tribal, state or federal law enforcement agencies to pursue prosecution under

applicable tribal, state or federal law.

- C. Gaming Manager. The Gaming Manager shall supervise the administration of this section pursuant to rules and regulations governing the holding, operating and conducting of gaming developed by the Commission and approved by Tribal Council which shall be in accordance with, and shall not violate the provisions of this Ordinance. The Gaming Manager or his designee, shall insure that all gaming activity shall be held, operated and conducted in conformity with the provisions of this Ordinance, any management contract as approved by the Council of the Pueblo of Acoma, the Compact, and the Indian Gaming Regulatory Act ("IGRA") (25 U.S.C. 2701-2721) [Public Law 100-497, 102 Stat. 2467-2488].
- D. Management Requirements. The Gaming Manager shall manage the Acoma Gaming Enterprise on Pueblo of Acoma Land pursuant to the employment policies of the Acoma Business Board dba Acoma Business Enterprises in compliance with the Compact and the Indian Gaming Regulatory Act (IGRA). Tribal employees assigned to work at the Gaming Operation shall be subject to the laws of this Ordinance and the Compact.
- E. Roles and Responsibilities. The Gaming Manager shall have the following roles and responsibilities:
1. To furnish, equip and maintain the Gaming Premises as shall be required for the operation under this Ordinance. The acquisition of all gaming devices is subject to Acoma Business Enterprise's Procurement Policies and Procedures.
 2. To employ, direct, supervise, manage, control, promote, demote, discharge, fix the compensation and define the roles and responsibilities of Gaming Employees in accordance with this Ordinance.
 3. To hold, operate and conduct Gaming in accordance with the provisions of this Ordinance, Tribal-State Gaming Compact, IGRA and other applicable federal law.
 4. To train and educate each Gaming Employee in the applicable tribal, state, and federal laws and policies, including this Ordinance, Tribal-State Gaming Compact and IGRA.
 5. To train and educate Acoma employees to promote their ability for advancement in their respective department and in all levels of upper management in the Casino and to develop a

training guide for such advancement.

F. Environmental, Public Health, Safety and Welfare.

1. Safety Training. The Gaming Manager shall assure that a committee or department is assigned the responsibility to protect the environmental, public health, safety and welfare of its patrons and employees.
2. Weapons/Firearms Prohibited. Prohibition of weapons/ firearms with the exception of federal, state, county, municipal or Tribal law enforcement agents or officers, authorized as such, no person shall possess firearms, and/or other concealable weapons, within the Gaming Facility or its premises.
3. Public Health, Safety, and Welfare Standards. The Gaming Operation shall assure that the Acoma gaming facilities are operated, built and maintained in a way that adequately protects the environment, public health, safety and welfare of the public. Such measures and assurance includes compliance with the following.
 - a. Emergency Preparedness
 - b. Construction and Maintenance
 - c. Hazardous Materials
 - d. Food and Water
 - e. Sanitation
 - f. Traffic Control Plan

G. Net Revenues derived from all Class II and Class III gaming activity shall be deposited in a segregated account which shall contain only such money.

H. Use of Net Revenues. Net Revenues derived from all Class II and Class III gaming activity, after payment of operating costs and expenses, and after provisions for reserves, investment in and improvement of gaming operations in accordance with the yearly Gaming Business Plan and Budget have been made, which is sent to the Governor and Council for final approval. Use of such funds shall be consistent with Section 11-1-13(B) of this Ordinance.

I. Polygraph Testing. All Gaming Employees may be subject to polygraph testing at any time and without notice concerning the handling, collection and/or disbursement of money.

Operation of Games.A. Inspections.

1. By Pueblo: The Gaming Facility and Gaming Operation where any gaming is being held, operated and conducted shall at all times be open to inspection by the Commission and its staff. Upon reasonable notification to the Commission, the following groups may inspect the Gaming Facility and Gaming Operation: the Pueblo of Acoma Tribal Council, Tribal Administration, the external auditors, the Acoma Fire Chief, Chief of Police, and the Indian Health Service Environmental Health representatives.
2. By Federal: National Indian Gaming Commission (NIGC) representatives upon presentation of proper identification, shall have access to and allow for photocopying, all papers, books, and records (including computer records) concerning Class II gaming or any other matters for which the NIGC requires such access to carry out its duties.

If such papers, books, and records are not available at the location of the gaming operation, the Gaming Operation shall make them available at a time and place convenient to the NIGC's authorized representative.

3. By State: Upon reasonable notification to the Commission, the State Gaming Representative shall have access to inspect those areas of the gaming operations as provided by the Compact.
- B. Compliance. The operation of all Class II or Class III games shall be conducted in strict accord with this Ordinance and regulations developed by the Commission, and approved by Tribal Council, to implement this Ordinance.
- C. Wager and Prize Limit. There shall be no limit on the wager (bet) or on the size of the prize offered or given in any single Class II or Class III game, except as may otherwise be required by this Ordinance, federal law or regulations, or the Compact.
- D. Identification. Each person who holds, operates or conducts, or assists in holding or conducting of any Class II or Class III gaming activity shall wear, in plain view, a legible gaming license showing at a

minimum the person's name and status as Gaming Employee.

- E. Employee Gambling. Any person who holds, operates or conducts, or assists in holding, operating or conducting, any Class II or Class III game, or any other employee of the gaming operation shall be prohibited from gambling in the department which such person is working.
- F. Age of Patrons. No person under the age of twenty-one (21) shall be allowed to participate in any Class III gaming activity. No person under the age of eighteen (18) shall be allowed on the gaming floor either as a spectator or for any other reason. Any person age eighteen (18) or older may participate in Class II gaming activity. Any person under the age of eighteen (18) may be present and play at small bingo games if accompanied by a parent or legal guardian.
- G. Security. All security requirements shall be maintained in strict accord with the requirements and standards set forth in this Ordinance, the regulations developed by the Commission, and approved by Tribal Council, to implement this Ordinance. The security plan for the gaming operation shall be reviewed with the Commission at least once each year.

11-1-9

Violations; Jurisdiction.

- A. Criminal Penalties. Any person(s) who violate any provision of this Ordinance, or any rule or regulation authorized thereunder, shall be guilty of a criminal offense punishable by a fine of not more than Five Thousand Dollars (\$5,000.00) per offense, or by imprisonment for not more than one (1) year, or both. No penalty set forth herein shall conflict with federal law regarding the criminal jurisdiction applicable to non-Indians.
- B. Civil Penalties. Any person(s) who violate any provision of this Ordinance, or any rule or regulation authorized thereunder, may be subject to a civil penalty not to exceed Five Thousand Dollars (\$5,000.00), plus costs, for each violation.
- C. Jurisdiction. The Commission shall have jurisdiction over all civil violations of this Ordinance and over all persons who are parties to a management contract entered pursuant thereto, and may, in addition to the penalties prescribed in Subsections (A) and (B) above, grant such other relief as is necessary and proper for the enforcement of this Ordinance and of the provisions of any management contract entered pursuant thereto, including, but not limited to, injunctive relief against acts in violation thereof. Nothing, however, in this Ordinance

shall be construed to authorize or require the criminal trial and punishment of non-Indians except to the extent allowed by the Gaming Compact, any applicable present or future Act of Congress or any applicable federal court decision.

- D. Disciplinary Proceedings. All disciplinary proceedings involving licensees shall be administered consistent with this Ordinance under the Disciplinary Proceedings Regulations.

11-1-10 Agents for Service of Process.

- A. Agents. The Agents for Service of Process shall be the Executive Director and the Chairperson of the Acoma Gaming Commission, with a copy to the Acoma Gaming Enterprise and Gaming Manager.
- B. Addresses for Service of Process. The service of process shall be sent to:

Pueblo of Acoma Gaming Commission
Interstate 40, Exit 102
San Fidel, NM 87049

Or at the mailing address of:
P.O. Box 454
Pueblo of Acoma, NM 87034
(505) 552-7411

Acoma Gaming Enterprise and Gaming Manager
Interstate 40, Exit 102
San Fidel, NM 87049

Or at the mailing address of:
P.O. Box 310
Pueblo of Acoma, NM 87034
(505) 552-6017

11-1-11 Acoma Gaming Commission (AGC).

- A. Establishment of the Commission, Appointment and Terms, Ex-Officio Members.
1. Establishment, Appointment and Terms. There is hereby established the Commission. The Commission shall consist of a minimum of three (3) and a maximum of five (5) members that shall be recommended by the Governor. Each candidate shall be approved by a majority vote of the Tribal Council.

Members of the Commission shall be chosen for a term of four (4) years or the remainder of the term being filled. Each member of the Commission shall hold office from the date of appointment and qualification until the successor shall have been duly appointed by the Tribal Council and qualified, unless earlier removal, resignation, death or incapacity shall occur. An individual may serve more than one (1) consecutive term on the Commission.

2. Ex-Officio Members. The Governor may recommend an ex-officio member for the Commission to the Tribal Council. When approved by Tribal Council, the ex-officio shall participate as a Commissioner without authority to vote.
- B. Vacancies. The Tribal Council shall select a new commissioner to fill any vacancy on the Commission in the same way and subject to the same restrictions as applied to the appointment of a Commissioner whose removal, resignation, or death created the vacancy.
- C. Removal. Any Commissioner's seat shall be immediately vacated upon conviction of any misdemeanor or felony related to illegal gambling or bribery or having three (3) consecutive unexcused absences from Commission meetings. Cause for removal of a commissioner shall include, but not limited to, use of alcohol or drugs, which impairs performance of his/her duties, use of tribal position for personal gain, failure to perform commission duties according to this Ordinance and violation of any law of the Pueblo of Acoma of such nature as to bring discredit or disgrace to the Commission or the Pueblo.
- D. Qualification of Commissioners. No individual shall be eligible for any appointment to, or continued service on, the Commission, who
1. Has been convicted of a misdemeanor or felony, gaming related offense or bribery;
 2. Has any financial interest in, or management responsibility for, any gaming activity; or
 3. Has serious credit or other problems revealed by a credit check or background investigation.

Each Commissioner shall complete a Gaming License Application form, Confidentiality Agreement and Ethical Principles form and provide all requested background information as may be required by this Ordinance, the council or any other proper authority of the Pueblo

of Acoma. All commissioners shall be subject to a background investigation and standards as primary management officials. Suitability determinations may be made upon appointment and reappointment.

- E. Compensation. All members of the Commission shall be reimbursed for all reasonable costs of travel, and other necessary expenses incurred by them in the performance of their duties. Members of the Commission may be granted stipends at rates approved by the Tribal Council. Only the Tribal Council may reduce or modify the stipend of any or all of the members of the Commission.

- F. Conduct of Business. The Commission shall adopt Bylaws for the conduct of business, which shall include the following provisions:
 - 1. The election of officers including a chairperson, a vice-chairperson and executive secretary; as well as the powers and duties delegated to each;
 - 2. Conduct of meeting;
 - 3. The Commission may go into executive session but may not take official action while in executive session;
 - 4. A quorum shall consist of the Chairman or Vice-Chairman and any 2 members of the Commission. All decisions shall be made by a majority vote with a quorum present, unless indicated otherwise in this Ordinance or Bylaws.
 - 5. The Commission shall issue monthly and quarterly written reports as required by the Tribal Administration and Council within 10 days at the end of each month and quarter, respectively, regarding the status of licensing, enforcement activity, and other matters handled by the Commission.

- G. Powers and Duties of the Commission. The Commission is established for the limited purpose of regulating Gaming. To accomplish this purpose, the Commission shall only exercise those powers and duties specified herein and all other powers and duties not so specified shall be deemed prohibited, beyond the scope of Commission's authority, or otherwise contrary to Acoma law. The Pueblo of Acoma delegates to the Commission the following specified powers and duties:
 - 1. Oversight of Gaming Activities. The Commission shall have primary responsibility for overseeing the Gaming Operation,

and all gaming activity to assure the integrity of gaming at Acoma and shall for that purpose employ an executive director and additional staff as needed to implement the licensing and compliance duties of the Commission. Any duly appointed inspector, auditor, executive director or other authorized agent of the Commission shall have access to all areas of the Gaming Facility and Gaming Operation. Such authorized personnel shall report to the Commission and the Gaming Manager regarding any failure by the Acoma Gaming Enterprise to comply with the provisions of this Ordinance and any other applicable laws, rules or regulations. All authorized personnel shall be licensed by the Commission and subject to background investigations.

2. Inspect and Copy. The Commission and its staff have the right to:
 - a. Inspect and examine all premises where gaming is conducted or gaming devices or equipment is manufactured, sold or distributed.
 - b. Inspect all gaming equipment and supplies in, upon or about such premises.
 - c. Seize and remove from such premises and impound any gaming equipment, supplies, documents or records for the purpose of examination and inspection.
 - d. Access and inspect, examine, photocopy and audit all papers, books, and records of any applicant or licensee, on his premises, or elsewhere, and in the presence of the applicant or licensee, or his agent, respecting the gross income produced by any gaming device or business, and require verification of income, and all other matters affecting the enforcement of any of the provisions of this Gaming Ordinance.
 - e. Access and inspect, examine, photocopy and audit all papers, books and records of any entity whom the Gaming Commission knows or reasonably suspects is involved in the financing, operation or management of gaming at Acoma.
3. Witness Testimony. The Commission has full power and authority to compel the attendance of witnesses at any place within the Pueblo of Acoma, to administer oaths and to require

testimony under oath. The Commission may pay the transportation and other expenses of witnesses as it may deem reasonable and proper. Any person making a false statement under oath in any matter before the Commission is guilty of perjury.

4. Education.

- a. The Commission shall review the Acoma gaming operations and regulate as necessary to assure the Pueblo of Acoma is committed to educating its people and preserving its traditions.
- b. The Commission shall budget time and money as necessary for training and education of the Gaming Commissioners and all Commission staff as may be necessary to provide for the competent regulation of gaming and maintain an awareness of applicable law and good practices of the gaming industry.

5. Review of Plans. The Commission shall review and approve floor plans, surveillance systems, and other plans needed for each Gaming Facility, shall confer with the Acoma Planning and Engineering Department regarding the adequacy of such plan(s), and may confer with other organizations regarding the adequacy of such plans and systems. The Commission shall ensure that the Acoma Gaming Enterprise or Management Contractor shall prepare and submit for review and approval by the Commission a satisfactory plan for the protection of the public in any Gaming Facility that satisfies the NIGC's Facility Licensing Standards.

6. Regulations. The Commission shall have the authority to develop regulations consistent with its purpose as stated in this Gaming Ordinance. The Commission does not have the power to develop regulations where the Gaming Ordinance does not grant express power and authority to the Commission or where the regulation is otherwise outside the Commission's purpose as written in this Gaming Ordinance.

- a. Procedure. The following procedure shall govern the development of regulations authorized by this Gaming Ordinance:
 - i. Informal Meeting. The Commission shall first hold an informal meeting with the Acoma

Gaming Enterprise and Pueblo Administration to discuss the purpose and substantive content of the proposed regulation. The Acoma Gaming Enterprise and Pueblo Administration shall be given an opportunity at that meeting to advise the Commission of any concerns.

- ii. Comment Period. After the meeting with the Acoma Gaming Enterprise and Pueblo Administration, and taking into consideration any concerns of the Acoma Gaming Enterprise and Pueblo Administration, the Commission shall publish the proposed regulation for public comment. The Commission shall send the published proposed regulation to the tribal administration, gaming manager, business board, and any person known to be directly affected by the proposed regulation, and shall make copies available to the public upon request. A reasonable copy fee may be assigned for copies requested by the public. The comment period shall be 45 days beginning with date of mailing or hand-delivery to tribal administration and Gaming Manager.
 - iii. Final Action. After the comment period, the Commission may take final action after considering comments received.
 - iv. Publication of Final Regulation. The Commission shall mail the final draft of the proposed regulation to the Acoma Gaming Enterprise and Pueblo Administration and to any Person known by the Commission to be directly affected by the proposed regulation. The Commission shall post a copy of the proposed regulation at the tribal administration office and the Acoma Gaming Enterprise office.
 - v. Tribal Council Approval. Tribal Council approval is necessary for any regulation to take effect.
- b. Regulations in effect at the time NIGC approves this Ordinance shall remain in effect to the extent they are consistent with the terms of this Ordinance.

7. Acoma Gaming License Classification. The Gaming Commission shall have the authority to license the following classes of gaming licenses:
 - a. Gaming Employees, which may identify subclasses for Key Employees and Primary Management Officials;
 - b. Gaming Vendors;
 - c. Gaming Facility;
 - d. Gaming Facility Operators;
 - e. Gaming Premises;
 - f. Small Bingo Games;
 - g. Gaming Commissioners and staff; and
 - h. Acoma Business Board of Directors.

8. Licensing Due Diligence. The Gaming Commission is authorized to issue, suspend, revoke and/or place conditions upon any licenses in accordance with this Ordinance, provided that the Commission shall not have the power to summarily suspend or revoke a license. In performing its due diligence, the Commission may:
 - a. Process all gaming license applications, make determinations of the suitability of applicants for licensing, issue licenses to qualified persons and notify the NIGC of the issuance of such license, or denial of licenses to unqualified persons as required by the IGRA.
 - b. Place conditions or limitations on the initial granting of a license;
 - c. Revoke, or suspend any gaming license consistent with Section 11-1-20 of this Ordinance.
 - d. Conduct background investigations on all gaming employees, gaming vendors, Commissioners, Commission staff and Business Board members.
 - e. Print and make available all necessary license application forms and appropriate licenses.
 - f. Collect Gaming Employee and Gaming Vendor license application fees imposed pursuant to this Ordinance.

9. Standards. The Commission shall promulgate, review,

approve, and revise the technical standards, game rules and minimum internal control standards as needed. Any changes must be at least as stringent as those set forth by the NIGC. The Commission shall notify the Acoma Gaming Enterprise and Gaming Manager of such rules and any changes thereto.

10. Civil and Criminal Actions. The Commission is hereby authorized in the name of the Pueblo of Acoma to bring any civil action or criminal complaint in the courts of the Pueblo of Acoma, the State of New Mexico or the United States District Court to enforce the provisions of this Ordinance, the IGRA, the Compact or to enjoin or otherwise prevent any violation of this Ordinance, the Act, or an applicable law, on Pueblo lands.

11. Operational Budget. The Commission shall develop its own budget for operations and acquire such furnishings, equipment, supplies, books and other items it may deem necessary or desirable in carrying out its functions and incur such other expenses within the limit of funds available to it as it may deem necessary. The Commission may, in accordance with the budget, employ a staff as it deems necessary to fulfill its responsibilities under this Ordinance. The Commission may retain legal counsel, consultants, and other professional services, including investigative services, to assist the Gaming Commission with its responsibilities under the Ordinance. The budget of the Commission requires approval and appropriations by the Tribal Council. Fines, civil penalties, and license fees collected by the Commission may not be used to supplement its budget, unless specifically authorized by the Tribal Council.

12. Orders. The Commission has the power to issue an order or decision, after written notice and an opportunity to be heard, to any licensed Gaming Enterprise, Gaming Employee, or to any other licensed person within the jurisdiction of the Pueblo of Acoma and to take any action, cease and desist from any action as may be required to maintain the public trust and protect the integrity of gaming. The Commission may seize and remove, without notice or hearing, any gaming device or supplies from the gaming operation and impound the same for the purpose of examination and inspection. The Commission shall not revoke or suspend any license until it provides prior written notice of factual allegations and alleged violations of the law, and provides the licensee an opportunity to respond to those allegations at a hearing before the Commission.

13. Hearings. The Commission may conduct hearings, investigations, inquiries, compel the production of any information or documents, or otherwise exercise the investigatory powers necessary to carry out its duties under this Ordinance and applicable procedural regulations.
14. Excluded Persons. The Commission shall compose a list containing all persons who are to be excluded from any association or patronage with any Gaming Operation in accordance with the regulations entitled "List of Excluded Persons".
15. Gaming Compact and Regulations.
 - a. The Commission, referred to as the tribal gaming agency in the Compact signed with the State of New Mexico, shall assure that the Pueblo of Acoma will:
 - (1) operate all Class III gaming pursuant to the Compact, this Ordinance, regulatory procedures and policies, the IGRA and other applicable tribal, state or federal law;
 - (2) provide for the physical safety of patrons in any gaming facility;
 - (3) provide for the physical safety of personnel employed by the gaming enterprise;
 - (4) provide for the physical safeguarding of assets transported to and from the gaming facility and cashiers cage department;
 - (5) provide for the protection of the property of the patrons in the gaming enterprise from illegal activities;
 - (6) participate in licensing of primary management officials and key employees of the Class III gaming enterprise;
 - (7) provide for detention of people who may be involved in illegal acts for the purpose of notifying law enforcement authorities; and

(8) record and investigate any and all unusual occurrences related to Class III gaming within the Pueblo of Acoma.

b. The Commission shall have responsibility for the enforcement of all regulatory requirements accepted by the Pueblo of Acoma by terms of the Compact signed by the Pueblo of Acoma and in effect under the terms of the IGRA.

H. Review of Commission Decisions.

1. Final Decisions. All final decisions of the Commission, except denial of an initial application for a license, shall be reviewable by the Acoma Tribal Court.

a. The Commission may, upon motion made within seven (7) days after a decision is served on all parties, order a rehearing upon such terms and conditions as it may deem just and proper.

b. A motion for rehearing must not be granted except upon a showing that:

(i) The Commission has misconstrued applicable law; or

(ii) There exists additional evidence that is material and reasonably calculated to change the decision, and sufficient reason existed for the party's failure to present such additional evidence at the hearing.

c. On rehearing under subsection (1)(b)(ii) above of this section, rebuttal evidence to the additional evidence may be admitted and considered by the Commission.

d. After rehearing, the Commission may modify the decision consistent with applicable law or any additional evidence and rebuttal evidence taken.

2. Mediation. Proposed Decisions of the Commission in non-licensing areas, including, but not limited to, the application of regulations to management decisions may be sent to mediation upon request of the Governor, Business Board or Gaming Manager. The request for mediation shall be written,

and state the decision made and the reason for requesting mediation. The Tribal Council shall select three mediators who shall be attorneys who are licensed members in good standing of the State Bar of New Mexico or of the bar of another state to consider the request and work with the parties to attempt to resolve the problem. All costs related to the mediation process shall be split equally between the requesting party and the aggrieved party. The final decision of the Mediators shall end the review process.

3. Appeal to the Pueblo of Acoma Tribal Court. Any person aggrieved by a final decision of the Commission, except for denial of an application for a gaming license or gaming vendor license may file an appeal to the Pueblo of Acoma Tribal Court within thirty (30) days from the date of the final decision. The Pueblo of Acoma Tribal Court shall not take new evidence, unless the party offering new evidence shows that such evidence is relevant and material to the issues on appeal and was unavailable to the party during the proceedings before the Commission. The Tribal Court shall base its decision on the whole record. The Pueblo of Acoma Tribal Court may send any appeal back to the Commission for further fact finding or reconsideration or both. An action of the Gaming Commission shall not be reversed unless it is arbitrary or capricious, an abuse of discretion, not supported by substantial evidence in the record, outside the scope of the Commission's authority, or otherwise contrary to law. The aggrieved person shall file a notice of appeal, stating the specific basis of the appeal and pay any court fees. A copy of the written Notice of Appeal shall also be delivered to the Commission who shall, upon receipt of a written Notice of Appeal, deliver the administrative record to the Tribal Court for review. Upon receipt of the written Notice of Appeal, the court clerk shall schedule a hearing before the Pueblo of Acoma Tribal Court. The final decision of the Pueblo of Acoma Tribal Court shall end the appeal process.

11-1-12 Executive Director.

- A. Appointment. The Commission shall appoint an executive director, hereinafter known as the Director, who shall be responsible for the day to day regulation of gaming activities and who shall administer and execute its duties and responsibilities specified hereunder. The Commission shall assure that the Director's qualifications meet the minimum of the job description. The Commission shall provide the Director with adequate training to fulfill the duties and obligations

regarding the enforcement of this Ordinance. The Director shall have no personal financial interest in any gambling or in any person or patron relating to the gaming establishment.

- B. Termination. The Director shall be terminated automatically and immediately upon the Director's conviction in a tribal, state, or federal court of competent jurisdiction of any misdemeanor or any felony related to illegal gambling or bribery. If the Director is convicted of violating any part of this Ordinance or of any crime the Commission finds to be related to the Director's honesty, integrity, and ability to fulfill his/her duties, the Director shall be immediately terminated.
- C. Duties. The Executive Director shall only exercise those powers and duties specified herein and all other powers and duties not so specified shall be deemed prohibited, beyond the scope of the Executive Director's authority, and contrary to Acoma law. The Pueblo of Acoma delegates to the Executive Director the following specified powers and duties:
1. Ensure that the Gaming Operation carries out all responsibilities as provided for in this Ordinance, regulatory procedures and management contract, if one exists;
 2. Conduct correspondence with the NIGC and do whatever is necessary to comply with the rules and regulations of that agency that are consistent with IGRA. This shall include assuring an annual independent audit of authorized gaming be performed as required by the IGRA and providing the same to the NIGC in a timely and appropriate manner.
 3. Assure there is an adequate process for background investigations of gaming employees and that oversight of such employees conducted on an ongoing basis. The Director will assure all applications and background investigations are complete so that the Commission will be able to make its suitability determinations based on the submitted application. No person shall be suitable for licensure if that person's prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or effect of regulation of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices, methods or activities in the conduct of gaming. The director shall assure that the NIGC is given results of such background checks, when required.
 4. Review all gaming records, documents or any other gaming materials necessary and pertinent to the enforcement of any

provision of this Ordinance.

5. Recommend to the Commission whether sanctions should be imposed on any person subject to the jurisdiction of this Ordinance.
6. Perform other duties as specifically authorized in the Acoma Gaming Ordinance, or as specifically delegated by the Commission.
7. Oversee the day to day operations of the Commission.

11-1-13

Ownership, Revenue Uses, Audit, and Reports.

- A. Ownership. The Pueblo of Acoma will have the sole proprietary interest and responsibility for the conduct of all Class II and Class III gaming operations authorized by this Ordinance, except small bingo games as described in Section 11-1-6 of this Ordinance.
- B. Revenue Uses. Net revenues from tribal gaming activity must be used for any of the following purposes:
 1. fund tribal governmental operations or programs;
 2. provide for the general welfare of the Pueblo of Acoma and its members;
 3. promote the economic development for the benefit of the Pueblo of Acoma;
 4. donate to charitable organizations; or
 5. help fund operations of local government agencies.
- C. Audits.
 1. External Audit – Class III Gaming Financial Statements. The Commission shall require all books and records relating to Class II and Class III Gaming to be maintained in accordance with generally accepted accounting principles. All such books and records shall be retained for a period of at least five (5) years from the date of creation, as required by 25 C.F.R. § 571.7(c). Not less than annually, the Gaming Enterprise shall select a firm acceptable to the Commission to perform an audit and prepare a certified financial statement covering all Class III Gaming financial activities of the Acoma Gaming Enterprise,

including written verification of the accuracy of the quarterly Net Win calculation, by an independent certified public accountant licensed by the State. The financial statement shall be prepared in accordance with generally accepted accounting principles and shall specify the total amount wagered in Class III Gaming on all Gaming Machines at the Tribe's Gaming Facility for purposes of calculating "Net Win" under Section 11 of the Compact using the format specified therein. The financial statement and audit report shall be submitted to the State Gaming Representative, and the State Treasurer, within one hundred twenty (120) days of the close of the Tribe's fiscal year. Such documents shall be subject to the provisions of §11-2-4(E)(3) of the Pueblo of Acoma Law. The Business Board on behalf of the Tribe will maintain the following records for not less than five (5) years:

- a. revenues, expenses, assets, liabilities and equity for each Gaming Enterprise;
- b. cash transactions for each Class III Gaming activity at each Gaming Facility, including but not limited to transaction relating to each gaming table bank, game dropbox and gaming room bank;
- c. individual and statistical game records, except for card games, to reflect statistical drop and statistical win; for electronic, computer or other technologically assisted games, analytic reports which show the total amount of cash wagered and the total amount of prizes won;
- d. contracts, correspondence and other transaction documents relating to all vendors and contractors;
- e. records of all tribal gaming enforcement activities affecting the Acoma Gaming Enterprise, Gaming Employees or Gaming Vendors;
- f. audits prepared by or on behalf of the Tribe; and
- g. personnel information on all Class III Gaming employees or agents, including rotation sheets, hours worked, employee profiles and background checks performed at the request of

Acoma Gaming Enterprise or Business Board.

2. Agreed Upon Procedures – Minimum Internal Control Standards. The Commission shall promulgate Minimum Internal Control Standards. Each Gaming Operation is then required to develop and implement an internal control system that complies with the minimum internal control standards. The Gaming Operation shall have an independent certified public accounting firm selected by the Gaming Operation and approved by the Commission perform an Agreed Upon Procedures to verify that the Gaming Operation is in compliance with the minimum internal control standards, and submit a report annually to the Gaming Operation by April 1 of each year for the previous year. The Agreed Upon Procedures may be performed in conjunction with the annual external audit. The CPA shall report its findings to the Tribe, the Commission, and to the Gaming Operation. The CPA shall perform the Agreed Upon Procedures in accordance with NIGC regulations.

D. Audit Reports.

1. Copies of the independent audit reports for each year (including financial statements and management letter) shall be provided to the Acoma Tribal Council, Governor and Commission by April 15th of the following year. A copy of the year-end audit shall be provided to the National Indian Gaming Commission (NIGC), the State Gaming Representative, and State Treasurer, within 120 days after the end of each fiscal year.
2. The scope of each audit shall include but not be limited to all contracts resulting in the purchase of gaming equipment, gaming devices, and gaming supplied with any gaming vendor whose total annual contract amount with the Acoma gaming establishment exceeds \$25,000.00 annually. The requirements of this subsection shall not apply to contracts for professional, legal or accounting services relating to gaming at Pueblo of Acoma or to contracts with non-gaming vendors.

- E. Reports to Governor, Tribal Council, and the Pueblo of Acoma General Public. The Commission and Acoma Gaming Enterprise shall submit reports to the Governor monthly and to Tribal Council quarterly. Such reports shall be submitted within 10 days at the end of each calendar month and quarter. The Commission and Acoma Gaming Enterprise shall be available

to present the reports in person, as desired by the Governor and Tribal Council. The Acoma Gaming Enterprise and an independent auditor shall present a summary of the financial statement of the annual audit to the Pueblo of Acoma general public at a general meeting or public forum.

11-1-14

Gaming Licensing Authority and Policy.

- A. Authority. In accordance with Section 11-1-11(G) of this Gaming Ordinance, the Commission has the authority to make licensing, suitability, and approval determinations pertaining to license applications brought before the Commission for consideration. The Commission may approve, deny or place conditions or limitations upon its approval or denial of a specific application. The Commission is charged with a critical and sensitive task, and has the authority to seek, obtain and consider any and all information deemed relevant to the determinations made hereunder. Such information is recognized as sensitive, and the Commission may place restrictions on the release or disclosure of such information as it deems necessary. Decision of the Commission to approve or disapprove any application for a license shall not be reviewable, but shall be subject to reconsideration as provided in this Ordinance.
- B. Declaration of Policy.
1. It is declared policy of the Commission that all Gaming Premises where Class II or Class III games are conducted or operated, as defined in this Ordinance are regulated so as to better protect the public health, safety, morals, good order and welfare of the members of the Pueblo of Acoma and patrons of the Acoma gaming establishment.
 2. An applicant for a gaming license has the burden of proving the applicant's qualification to receive any license. An applicant is subject to and must accept any risk of adverse public notice, embarrassment, criticism, or other action or financial loss, which may result from action with respect to an application and expressly waive any claim for damages as a result thereof.
 3. An application for a license or determination of suitability, besides any other factor attached to such an application by virtue of this Ordinance and regulations thereunder, shall constitute a request to the Commission for a decision upon the

applicant's general suitability, character, integrity, and ability to participate or engage in, or be associated with, the gaming facility in the manner or position sought by the application, or the manner or position generally similar thereto; and, by filing such an application with the Commission, the applicant specifically consents to the making of such a decision by the Commission at their election when the application, after filing, becomes moot for any reason other than death.

4. Any person seeking to conduct, operate, or manage any gaming activity on Pueblo of Acoma lands prior to engaging in such gaming activities, whether as an employee, owner, operator, or within the scope of a contractual agreement, shall apply for all required licenses from the Commission. Engaging in such gaming activities without first obtaining licensure shall be deemed a violation of this Ordinance and shall be punishable in accordance with Section 11-1-9.

11-1-15 Applications for Gaming Licenses.

- A. A person applying for a Gaming Employee license shall provide all the information required by this section of the Ordinance and IGRA. At a minimum, the following information must be included on an application form adopted by the Commission for that purpose. The applicant shall pay any fees required by the Commission or the N.I.G.C.
 1. Required Information. Each person applying for a license as a Gaming Employee shall provide to the Commission the following information on an application form for that purpose:
 - 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 10 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
 - c. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (2) 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 misdemeanor for which there is an ongoing prosecution or a conviction; the charge, the name and address of the court involved and the date of disposition if any;
- i. 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 of disposition if any;
- j. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, and is not otherwise listed pursuant to paragraph (h) and (i) of this subsection;
- k. the name and address of the court involved and the date and disposition;
- l. 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;
- m. A current photograph;
- n. Any other information the Commission, deems relevant; and

- g. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - h. A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial, or management interests in non-gaming activities (list of up to 10 tribes with the ten biggest contracts);
 - i. Name, addresses, and phone numbers of three business references with whom the company had regularly done business for the last five years;
 - j. The name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 - k. If the business has ever had a license revoked for any reason, the circumstances involved;
 - l. A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition, if any;
 - m. List the businesses' funding sources and any liabilities of \$50,000 or more;
 - n. A list of the principals of the business, their social security numbers, addresses and telephone numbers, title, and percentage of ownership in the company; and
 - o. Any further information the Commission deems relevant.
- C. A person applying for a Gaming Facility license shall provide all the information required by this section of the Ordinance and IGRA. At a minimum, the following information must be included on an application form adopted by the Commission for that purpose. The applicant shall pay any fees required by the Commission or the

N.I.G.C.

1. Required information. Each applicant for a Gaming Facility license shall provide to the Commission the following information on an application form approved for that purpose:
 - a. The name and address of the property,
 - b. A legal description of the property,
 - c. The tract number for the property as assigned by the Bureau of Indian Affairs, Land Title and Records Offices,
 - d. If not maintained by the Bureau of Indians Affairs, a copy of the trust or other deed(s) to the property or an explanation as to why such documentation does not exist and a documentation of the property's ownership,
 - e. Statement explaining how the construction and maintenance of the gaming facility, and the operation of that gaming will be conducted in a manner which will adequately protect the environment and the public health and safety, and
 - f. Any further information the Commission deems relevant, including but not limited to that needed to show compliance with applicable environmental, public health and safety laws and regulations.

- D. The Commission shall require each applicant seeking a license pursuant to this law to sign and submit a Privacy Act notice on an application form as required by IGRA that consists of:

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 granted a gaming license. The information will be used by the Commission 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 the Pueblo of Acoma or the National Indian Gaming Commission in connection with the issuance, denial 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 the Commission being unable to license 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.

- E. The Commission shall require each applicant seeking employment with the Gaming Enterprise to sign and submit a notice regarding false statements on an application form as required by IGRA.

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

- F. The Commission shall require each applicant for a Gaming Vendor license to sign and submit a notice regarding false statements on an application form as required by IGRA:

Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the vendor license.

- G. Compliance with Privacy Act and False Statements Notice. The Commission shall notify in writing each Person who is required to be licensed pursuant to this Ordinance, but who has not signed and submitted an application form containing the Privacy Act Notice or the False Statements Notice, to either complete a new application form that contains a Privacy Act notice and the False Statements notice; or sign a statement that contains the Privacy Act notice and that the False Statements notice.

- H. Release Form. The Commission shall obtain from each applicant a release form signed by the applicant authorizing the Commission and N.I.G.C. to obtain any information related to the applicant's activities, including schools, property interests (real and personal), employment, criminal justice agencies, regulatory agencies, businesses, financial institutions, lending institutions, medical institutions, hospitals, and health care professionals.

11-1-16

Background Investigations and Background Investigation Procedures. The Acoma Gaming Commission is responsible for conducting the background investigations on all applications for an Acoma Gaming License. In considering whether to approve an application of an Acoma Gaming License for a primary management official, or any other gaming employee, the Commission shall conduct a background investigation on each applicant. The background investigation shall include taking and processing fingerprints to conduct criminal history checks with federal, state and tribal law

enforcement agencies including a check of criminal history records maintained by the Federal Bureau of Investigation.

A. Investigation Confidentiality. 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.

B. Procedure for Fingerprint Submissions.

1. The Commission is authorized to negotiate and enter into an agreement with the N.I.G.C. or a State or federal law enforcement agency for the purpose of processing fingerprint submissions to obtain criminal history record information ("CHRI") of Persons required to be licensed pursuant to Section 11-1-11(G) of this Ordinance and principals of vendor applicants required to be licensed under this Ordinance.
2. The Commission, or other person designated by the Commission in writing, is responsible for obtaining fingerprints of applicants for licenses, including principals of gaming vendor applicants. The Commission is also authorized to negotiate and enter into an agreement with a tribal, State or federal law enforcement agency to take such fingerprints. Such law enforcement agency shall designate an individual for the purpose of communicating with the Commission and the N.I.G.C. regarding the taking of fingerprints.
3. The Commission may impose a fee sufficient to cover the cost of the processing of the fingerprint submissions.

C. Procedure for Processing Fingerprint Submissions.

1. Upon receipt of a completed application for a license and the payment arrangement of any required fees, the Commission or other designated entity, is authorized to obtain fingerprints. The Commission, or other designated entity, shall capture the applicant's fingerprints on an established live scan fingerprint processing machine. After obtaining the applicant's fingerprints, the Commission, or other designated entity, shall electronically submit the scans directly to the N.I.G.C. via Virtual Private Network for an FBI fingerprint check.

2. The Commission, or other designated entity, shall also send to the N.I.G.C. a check in an amount sufficient to cover the cost of processing each applicant's fingerprint submission.
- D. Criminal History Record Information. The Commission may use the CHRI for the purpose of making a Suitability Determination and any other lawful purpose permitted by an agreement with the N.I.G.C. or a State or federal law enforcement agency. The Commission shall abide by all conditions or limitations imposed by such agreement on the release, dissemination or use of the CHRI. The Commission shall further ensure that the CHRI is restricted to the personnel directly involved in the licensing deliberations. The Commission shall maintain records of the identities of all personnel receiving access to the CHRI and shall furnish such records to the N.I.G.C. upon request.
- E. Background Investigative Report. The Commission shall receive or prepare a background investigation report on each Gaming Employee and forward to the National Indian Gaming Commission the background investigative report on each key or primary management official. An investigative report shall include all of the following:
1. Steps taken in conducting a background investigation;
 2. Results obtained;
 3. Conclusions reached; and
 4. Basis for those conclusions.
- F. Scope of Investigation. The background investigation shall be sufficient to allow the Commission to make a suitability determination and shall investigate the following:
1. For Gaming Employees and Principals of a Gaming Vendor.
 - a. The Commission or its designee, shall obtain copies of the applicant's birth certificate, social security card, driver's license, passport and other documents deemed necessary by the Commission, or its designee, to conduct a background investigation of the applicant.

- b. The Commission, or its designee, shall confirm, verify, and investigate the information provided by the applicant and obtain any additional information pursuant to the signed release form. In conducting a background investigation, the Commission's, or its designee, or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.
- c. Once the Commission, or its designee, has satisfied itself of the accuracy of the information provided by the applicant and other information obtained pursuant to a signed release form, the Commission shall issue a background investigative report to the Commission. The investigative report shall include, at a minimum, all of the following: a) steps taken in conducting a background investigation, b) results obtained, c) conclusions reached, and d) the bases for those conclusions. The Commission shall analyze such information to make the Suitability Determination. The Commission may conduct or cause to be conducted any further background investigation should the circumstances warrant.

2. For Gaming Vendors.

- a. The Commission or its designee shall verify the business' incorporation or organization status and qualification to do business in the State;
- b. The Commission or its designee shall obtain a business credit report, if available, and conduct a Better Business Bureau check on the vendor;
- c. The Commission or its designee shall conduct a check of the business' credit history;
- d. The Commission or its designee shall call each of the references listed in the vendor application; and
- e. The Commission or its designee shall conduct an investigation of the principals of the business, including

a criminal history check, a credit report, and interviews with the personal references listed.

- f. Once the Commission, or its designee, has satisfied itself of the accuracy of the information provided by the applicant and other information obtained pursuant to a signed release form, the Commission, or its designee, shall issue a background investigative report to the Commission. The investigative report shall include, at a minimum, all of the following: a) steps taken in conducting a background investigation, b) results obtained, c) conclusions reached, and d) the bases for those conclusions. The Commission shall analyze such information to make the Suitability Determination. The Commission may conduct, or cause to be conducted, any further background investigation should the circumstances warrant.

3. For Gaming Facility License Applicants.

- a. The Commission, or its designee, shall identify the environmental and public health and safety laws, regulations, polices, and procedures applicable to the gaming facility license.
- b. The Commission, or its designee, shall verify whether the applicant is in compliance with those laws, regulations, policies, and procedures.
- c. Once the Commission, or its designee, has satisfied itself of the accuracy of the information provided by the applicant and other information obtained pursuant to a signed release form, the Commission, or its designee, shall issue a background investigative report to the Commission. The investigative report shall include, at a minimum, all of the following: a) steps taken in conducting a background investigation, b) results obtained, c) conclusions reached, and d) the bases for those conclusions. The Commission shall analyze such information to make the Suitability Determination. The Commission may conduct, or cause to be conducted, any further background investigation should the circumstances warrant.

11-1-17

Suitability Determinations - Gaming Facility Operator's License. In determining suitability of an applicant for a gaming facility operator's license, the Commission shall consider the following:

- A. The applicant's business competence and gaming experience.
- B. Adequacy of proposed funding for the entire operation and suitability of the funding source.
- C. Any other factors it deems necessary to determine the suitability or appropriateness of the application being considered.
- D. Performance Assurance. The Commission may require the holder of a Gaming Facility Operator's license to provide security for the payment of future wages, salaries, or other obligations, either as a condition precedent to issuance or renewal of any license or at any time the Commission may determine that such requirement would be in the best interest of the public. The security required shall be in such a form and amount as the Commission may, from time to time, determine.
- E. Review. The Class II or Class III Gaming Facility operator's license shall be reviewed every third anniversary date from original licensure. An update investigation will be performed by the Director and an investigative report rendered which will address, at a minimum, the following issues:
 - i. The licensee's compliance with the Gaming Regulations and Minimum Internal Control Standards;
 - ii. The licensee's compliance with all applicable tribal, state and federal regulations and statutes;
 - iii. An analysis of the licensee's financial position; and
 - iv. Any other issues which may reflect on the suitability of the gaming enterprise to remain licensed.
- F. Issuance. A Gaming Facility Operator's license shall be issued within ten (10) days of licensure or license renewal and such license shall be conspicuously displayed and be available for public inspection. Said

license shall identify the licensee, the authority by which the Commission has to issue such license and the license expiration date.

11-1-18

Suitability Determinations – Gaming Employees.

A. Determination of Suitability. Upon receipt of the background investigative report and CHRI information, the Commission shall make a determination of suitability. In making a determination of suitability, the Commission shall review a person's prior activities, criminal record, if any, reputation, habits and associations to determine whether the applicant poses a threat to the public interest or to the effective regulation of Gaming. The following criteria may aid in determining suitability for an Acoma Gaming License:

1. Any associations in a direct business relationship, whether as a partner, joint venture or employer, with any other person who has committed a felony other than a traffic offense, or a crime involving unlawful gambling, under the law of any tribal, state or federal jurisdiction;
2. Was employed by any other person who has committed a felony other than a traffic offense, or a crime involving unlawful gambling, under the law of any tribal, state or federal jurisdiction, if the prospective employee or official was in any way involved in the criminal activity as it occurred;
3. Any associations with persons or businesses of known criminal background, or persons of disreputable character, that may adversely affect the honesty, security, integrity, ability, and fairness or reputation of the Pueblo of Acoma;
4. Any material aspect of the applicant's past conduct that the Commission determines would adversely affect the honesty, security, integrity, ability, and fairness of gaming.

B. Suitability. No finding of suitability shall be made unless and until the applicant has satisfied the Commission that the applicant:

1. Is a person of good character, honesty and integrity;
2. Is a person whose background, reputation and associations will not result in adverse publicity for the Pueblo of Acoma and its gaming enterprise;
3. Is a person whose background, reputation and associations will not result in adverse performance and/or misconduct

and/or misbehavior, the result of which would be adverse publicity for the Pueblo of Acoma and its gaming enterprise.

C. Denial of License. If the Commission determines that either the licensure of the applicant or engaging in business with the applicant poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Commission shall not license that person, and the Commission shall proceed with denying the application. If the Commission denies the application, the Commission shall give written notice to the applicant and to the Gaming Enterprise informing them of the action, setting forth the grounds for the action, and revoking any temporary license. The initial decision to deny a license is not reviewable. The denial of an application to renew a license is reviewable by Tribal Court.

1. Considerations before Denial. In evaluating whether to deny a license to an applicant, the Commission may consider the following factors:

- a. The nature and severity of the conduct that constituted the offense or crime;
- b. The time that has passed since satisfactory completion of the sentence, probation, or payment of the fine imposed;
- c. The number of offenses or crimes; and
- d. Any extenuating circumstances that enhance or reduce the impact of the offense or crime on the security, integrity, honesty, and fairness of the gaming enterprise;
- e. A failure to disclose any material fact to the Commission, or other authorized agencies during initial or subsequent background or security investigations;
- f. A misstatement or untrue statement of material fact as determined by the Commission;
- g. In undertaking consideration of the above factors, the Commission may seek and obtain information on the condition that the source of such information remain confidential and not be disclosed to the applicant or any

other parties. The Commission may rely on such information in making its determination.

2. Any person whose initial gaming license application has been denied may request for a reconsideration within 30 days from the date of the Commission's decision. If the applicant does not request a timely reconsideration or if the reconsideration is otherwise denied, the applicant shall not be eligible to apply again for licensing until after the expiration of one year the date of such denial, unless the Commission advises that the denial is without prejudice as to the delay in reapplication. If the application was denied with prejudice, the applicant may not reapply until expiration of said one-year period.

D. Grant of License.

1. Generally except for Key Employees and Primary Management Officials, if the Commission determines that licensure of the applicant does not pose a threat to the public interest or to the effective regulation of gaming, or does not create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Commission may license that person. The commission shall issue a regular license to the applicant within 5 business days after approval by the Commission, at which time the temporary license (if any) shall expire, and the licensee must immediately surrender the temporary license to the Commission.
2. Grant of Temporary License. For Key Employees and Primary Management Officials only, if the Commission determines that the licensure of the applicant does not pose a threat to the public interest or to the effective regulation of gaming, or does not create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Commission shall issue a temporary license. The Commission may issue or maintain a temporary license for a stated period of time, not to exceed 90 days from the date of application, within 5 business days after approval by the Commission. The Commission shall issue a Temporary License within 15 days of receiving an application from any person which has been licensed by another gaming jurisdiction, and the license has not been revoked or suspended.

- E. Time Requirements. The investigation, suitability determination, and notice of results shall be completed on all license applicants within sixty (60) days of the submission of a completed license application form.

11-1-19

Post Licensing Procedures: Forwarding Certain Information to the National Indian Gaming Commission.

A. If Key Employee and Primary Management Official's Temporary License is Granted.

1. Unless otherwise directed by NIGC, when a Key Employee or Primary Management Official begins work at a Gaming Enterprise as authorized by this Ordinance, the Commission shall forward to the NIGC a completed license application, a background investigative report on the background investigation, and a suitability determination referred to in this Ordinance.
2. The Commission shall forward the background investigative report referred to in this Ordinance to the National Indian Gaming Commission within sixty (60) days after a key employee or primary management official begins employment with the gaming operation.
3. The Gaming Operation shall not employ as a key employee or primary management official, a person who does not have a regular gaming license within ninety (90) days of application for an Acoma Gaming License.
4. If, within a thirty (30) day period after the National Indian Gaming Commission receives a background investigative report, the National Indian Gaming Commission 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, the Commission may issue a regular license to such applicant.
5. The Commission 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 background investigative report. Such a request shall suspend the thirty (30) day period under paragraph (4) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

6. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Commission with a statement itemizing objections to the issuance of a license to a Key Employee or to a Primary Management Official, the Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Commission shall make the final decision whether to issue a regular license to such applicant.

B. If Key Employee and Primary Management Official's Temporary License is Denied.

1. If a temporary license is not issued to an applicant, the Commission:
 - a. Shall notify the National Indian Gaming Commission; and
 - b. May forward copies of its suitability determination and background investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
2. With respect to Key Employees and Primary Management Officials, the Commission shall retain applications for licensure 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.

C. If Gaming Facility License is Approved.

1. If a gaming facility license is issued to an applicant, the Commission shall submit to the Chairman of NIGC the following:
 - a. A copy of the gaming facility license,
 - b. An attestation certifying that by issuing the facility license:

- i. The Pueblo has identified the environmental and public health and safety laws applicable to its gaming operation,
 - ii. The Pueblo is in compliance with those laws, and
 - iii. The Pueblo has ensured and is ensuring that the construction and maintenance of the gaming facility and the operation of that gaming is conducted in a manner which adequately protects the environment and the public health and safety.
- c. Except as provided in paragraph (d) below, A document listing all laws, resolution, codes, policies or procedures identified by the applicant as applicable to its gaming operations, other than Federal laws, in the following areas:
- i. Emergency preparedness, including but not limited to fire suppression, law enforcement, and security,
 - ii. Food and potable water,
 - iii. Construction and maintenance,
 - iv. Hazardous materials,
 - v. Sanitation (both solid waste and wastewater), and
 - vi. Other environmental or public health and safety standards adopted by the Pueblo in light of climate, geography, and other local conditions and applicable to its gaming facilities, places or locations.
- d. For renewal licenses, upon reissuing a license to an existing gaming place, facility, or location, and in lieu of complying with the above paragraph, the Commission may certify to the Chairman of the NIGC that the Pueblo has not substantially modified its laws protecting the environment and public health and safety.

D. If Gaming Facility License is Denied.

1. The Commission shall notify the Chairman of NIGC within 30 days if a facility license is terminated or not renewed or if a gaming place, facility, or location closes or reopens.

11-1-20 License Suspension and Revocation.

A. Grounds for Suspension or Revocation. If, after the issuance of a license, the Commission obtains reliable information from the N.I.G.C. or other source indicating that a licensee is not suitable for a license under the standard set forth in this Ordinance or otherwise fails to comply with any conditions imposed on licensing, the Commission shall reopen the background investigation and notify the licensee of the investigation and provide an opportunity for the licensee to address the information received. The background investigation shall be limited to the information received with the intent of verifying the truthfulness of the information received. The Commission may develop regulations for reopening background investigations, subject to Tribal Council approval. If after the investigation, the Commission finds sufficient evidence that a licensee is no longer suitable for licensure based on the licensing standards and conditions imposed on the license, the Commission shall notify the licensee and Gaming Manager of the factual allegations, alleged violations to the Gaming Ordinance with citations to the law as codified in the Pueblo of Acoma Laws, and provide the licensee with a prompt hearing all as further described below.

1. Notice of Proposed Suspension and Revocation: The notice of proposed suspension and revocation shall identify the information received or basis for suspension and explain why the Commission believes that the licensee is no longer suitable for licensure based on the license standards and/or conditions imposed on licensing. The notice of proposed suspension and revocation shall contain sufficient factual allegations with a citation to the alleged violations of the law.
2. Notice of Hearing: Administrative Hearing Procedures: The Commission shall notify the licensee of a time and a place for a hearing on the proposed suspension and revocation of a license. The hearing shall occur within 30 days of issuing the notice, unless the licensee requests an extension. The Commission shall develop procedural regulations to govern the procedures to be followed in administrative hearings pursuant to this section. At a minimum, the regulations shall provide:

- i. For the hearings to be public;
- ii. Procedures for discovery;
- iii. Assurance that procedural due process requirements are satisfied;
- iv. For the maintenance of a record of the hearing proceedings and assessment of costs of any transcription of testimony that is required for judicial review purposes; and
- v. For the hearing to be held on Pueblo Lands.

Such regulations may also govern notices, delegation of authority to hear a matter, hearing procedures, and any other conduct or activities reasonably related to meet the intent of the Ordinance.

3. Written Decision of the Commission. After a hearing, the Commission shall issue a final written decision supported with findings of fact and conclusions of law. The Commission shall decide whether the licensee's license shall be suspended for a period of time not to exceed 30 days or be revoked. The written decision shall be issued not more than fifteen (15) days after the hearing and shall be mailed by certified mail, return receipt requested, to the licensee, Gaming Enterprise, and all persons who have made a written request for notification of the action taken. The effective date of the decision of the Commission made under this section is the date the decision is received by the aggrieved party as reflected on the return receipt ("Effective Date"). The Commission shall notify the N.I.G.C. of its decision concerning each key employee or primary management official.
4. Suspension or Revocation for Cause Only. A license may only be suspended or revoked for cause as described in the license standards and conditions imposed on licensing, and supported by substantial evidence in the whole record.

11-1-21

Effective Date, Fees, Withdrawal, Temporary License, Issuance.

- A. Effective Date. A license is valid after the date of signature by the Commission.

- B. License Fees. The Commission shall set a schedule of reasonable fees, subject to Tribal Council approval, for processing each license application. A current license fee schedule shall be available from the Commission upon request, and shall be supplied to each applicant as part of the license application papers.
- C. Withdrawal of License Application.
1. A Licensee may request a withdrawal of its license application at any time prior to a final decision by the Commission on the license by filing a written request to withdraw with the Director.
 2. The Commission, in its discretion, may deny the request, or grant the request with or without prejudice.
 3. If the request for withdrawal is granted with prejudice, the applicant is not eligible to apply again for licensing or approval after expiration of one year from the date of such withdrawal.
 4. All licensing fees are non-refundable.
- D. Temporary Licenses. The Commission through its Chairman or Executive Director may issue a temporary gaming license to individuals who have completed a notarized Acoma Gaming license application and a notarized Release of Information form except where grounds sufficient to disqualify the applicant are apparent on the application. For primary management employees, a preliminary background check shall be conducted by the Commission before issuing a temporary gaming license. A valid gaming license issued by another tribe or state which permits Class III gaming, and which is in good standing with that jurisdiction, shall be used to satisfy this requirement. The Commission shall issue a temporary license within 15 days of receiving an application from any person which has been licensed by another gaming jurisdiction, and the license has not been revoked or suspended. Any temporary license shall be valid for ninety (90) days. A temporary license may be revoked or suspended by the Commission at any time, for cause.
- E. License Issuance by Commission. Each Acoma Gaming License shall be issued by the Commission in accordance with this Gaming Ordinance.

11-1-22

Gaming Vendors - Licensing Providers of Gaming Equipment, Devices, or Supplies.

- A. Required. The Commission shall have responsibility for licensing Gaming Vendors. The Commission shall obtain sufficient information and identification from the applicant seller or lessor and all persons holding any direct and indirect financial interest in the lessor or the lease/purchase agreement concerning gaming equipment, devices or supplies as described in this Ordinance. The Commission reserves the right to exempt any gaming vendor from these licensing requirements if the exemption serves the best interests of the Pueblo of Acoma.
- B. Licensing Standards. The Gaming Commission will apply the standards for the licensing of gaming vendors as are applicable under this Ordinance.
- C. License Suspension and Revocation. The provisions of this Ordinance applicable to gaming employee license, suspension and revocation shall apply to the suspension and revocation of any gaming vendor's license issued under this subsection.
- D. License Fees. The Commission shall set a schedule of reasonable fees, subject to Tribal Council approval, for processing each license application. A current license fee schedule shall be available from the Commission upon request, and shall be supplied to each applicant as part of the license application papers.

11-1-23

Gaming Facility License and Gaming Premises License.

- A. Issuance. The Commission shall issue an Acoma Gaming Facility License for each building and building or structure where Class II or Class III Gaming will be conducted, after approval by Tribal Council. Each gaming facility license shall describe specifically the scope and extent of gaming allowed at that facility, including but not limited to the maximum number of gaming machines allowed at the facility. Each gaming facility license must be reissued or renewed at least once every three (3) years upon certification by the Commission that the gaming facility is in compliance with applicable environment, public health and safety laws.
- B. Required. Gaming regulated by this Ordinance may take place only at a Gaming Facility which has a Gaming Facility License for Gaming at Acoma. A Gaming Facility license for a gaming facility can be issued where the Gaming Facility Operator desires and segregates a Gaming Facility into gaming and non-gaming areas. Each Gaming Premises within a Gaming Facility must have a separate license.

11-1-24 Severability and Amendment. If any part of this Gaming Ordinance is determined to be unlawful by a court of competent jurisdiction, the remainder of the Gaming Ordinance shall remain in full force and effect. This Gaming Ordinance may be changed from time to time by the Pueblo of Acoma Tribal Council.

11-1-25 Surveillance [RESERVED].

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