September 28, 2011

By First Class Mail

Bo Mazzetti, Chairman
Rincon Band of Luiseno Indians
PO Box 68
Valley Center, CA 92028

Re: Approval of Rincon Band of Luiseno Indians revised ordinance

Dear Chairman Mazzetti:

This letter responds to your request for the National Indian Gaming Commission to review and approve an amended tribal gaming ordinance for the Rincon Band of Luiseno Indians. Rincon Gaming Ordinance #2011-809 was approved by Resolution #2011-42 on August 9, 2011.

This letter constitutes approval of the amended ordinance. The amended ordinance changes the number of gaming commissioners from three to five. Nothing in the ordinance conflicts with IGRA's ordinance requirements as set forth in 25 U.S.C. § 2710 or NIGC's implementing regulations.

If you have any questions, please feel free to contact Senior Attorney John Hay at (202) 632-7003.

Sincerely,

Tracie L. Stevens
Chairwoman

Rincon Band of Luiseño Indians

PO Box 68 · Valley Center · CA 92082 · (760) 749-1051 · Fax: (760) 749-8901

RINCON BAND OF LUISENO MISSION INDIANS
OF THE RINCON RESERVATION, CALIFORNIA

AUG 15 2011

RESOLUTION NO. 2011-42

A RESOLUTION APPROVING AND ADOPTING THE RINCON GAMING ORDINANCE #2011-809

WHEREAS, the Rincon Band of Luiseño Mission Indians of the Rincon Reservation, California ("Rincon Band") is a federally recognized Indian tribe organized pursuant to the Articles of Association adopted February 14, 1960 and approved by the Commissioner of Indian Affairs on March 15, 1960; and

WHEREAS, the Rincon Business Committee ("Tribal Council") is the duly elected governing body of the Rincon Band, empowered pursuant to the Articles of Association to represent the Rincon Band and act in all matters that concern the general welfare of the Band; and

WHEREAS, Tribal Council previously adopted the Rincon Band of Luiseño Indians Tribal Gaming Ordinance 2011-224 pursuant to Resolution 2011-18 to govern gaming activities taking place on the lands of the Rincon Band; and

WHEREAS, Tribal Council desires to make changes to the Rincon Gaming Ordinance #2011-224 with regard to the number of Gaming Commissioners and, as a result, wishes to adopt a new Rincon Gaming Ordinance which shall supersede Gaming Ordinance #2011-224, and all amendments thereto; and

WHEREAS, Tribal Council has reviewed the Rincon Gaming Ordinance #2011-809, attached as Exhibit A, and desires that it shall become effective upon approval by the Chairman of the National Indian Gaming Commission.

IT IS HEREBY RESOLVED, Tribal Council repeals the Rincon Gaming Ordinance #2011-224, such repeal being effective upon Gaming Ordinance #2011-809 becoming effective; and

BE IT FURTHER RESOLVED, Tribal Council adopts and approves Rincon Gaming Ordinance #2011-809, attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, Tribal Council hereby directs the Chairman to take steps to submit the Rincon Gaming Ordinance #2011-809, attached as Exhibit A, to the Chairman of the National Indian Gaming Commission for review and approval, and to take all such action that is necessary to make the Rincon Gaming Ordinance #2011-809, attached as Exhibit A, effective in accordance with federal law.

CERTIFICATION

We, the undersigned, as the governing body of the Rincon Band of Luiseño Mission Indians of the Rincon Reservation, California, do hereby certify that the Rincon Business Committee is composed of five (5) members, of whom 4 constituting a quorum were present, at a meeting duly held on August 9, 2011, by a vote of 4 for, 0 opposed, 0 absent and 0 abstaining.

Bo Mazzetti, Chairman

Stephanie Spencer, Vice Chairwoman

Charlie Kolb, Council Member

Steve Stallings, Council Member

Open Seat, Council Member

AUG 15 2011

RINCON BAND OF LUISEÑO INDIANS

RINCON GAMING ORDINANCE #2011-809

August 9, 2011

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RINCON BAND OF LUISEÑO INDIANS

RINCON GAMING ORDINANCE #2011-809

1. PURPOSE

The Rincon Band of Luiseño Indians ("Band"), acting through its Business Committee in the exercise of its inherent sovereign power to enact ordinances and otherwise safeguard and provide for the health, safety and welfare of the Band and the members of the Band, hereby enacts this Ordinance to set the terms and conditions under which Class II and Class III gaming may be conducted on the Reservation.

2. APPLICABILITY

Unless specifically indicated otherwise, all provisions of this Ordinance shall apply to both Class II Gaming and Class III Gaming including, but not limited to, all licensing and background investigation procedures.

3. DEFINITIONS

Unless a different meaning is clearly indicated, the terms used in this Ordinance shall have the same meaning as defined in the Indian Gaming Regulatory Act, Public Law 100-497, 25 U.S.C. § 2710, et seq. (the "Act").

3.01 Annual Commission Budget. The budget for the Commission which is annually approved by the Business Committee.

3.02 Application. An Application is an application for licensure submitted pursuant to this Ordinance.

3.03 Band. The Rincon Band of Luiseño Indians, a federally recognized Indian tribe.

3.04 Business Committee. The Rincon Business Committee, the governing body of the Band.

3.05 Calendar Year. The period beginning January 1 at 12:00:00 a.m. and ending the immediately following December 31 at 11:59:59 p.m.

3.06 Chairman. The Chairman of the Rincon Gaming Commission.

3.07 Class I Gaming. Playing of social games of chance solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as part of or in connection with Tribal ceremonies or celebrations.

3.08 Class II Gaming. Subject to the limitations of (d), below, Class II Gaming includes the playing or operation of:

(a) The game of chance commonly known as bingo whether or not electronic, computer or other technologic aids are used in connection therewith:

(i) Which is played for prizes, including monetary prizes, with cards bearing numbers or other designations;

(ii) In which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and

(iii) In which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including if played in the same location: Pull Tabs, Lotto Punch Boards, Tip Jars, Instant Bingo and other games similar to Bingo.

(b) Card games that are:

(i) Explicitly authorized by laws of the State of California; or

(ii) Are not explicitly prohibited by the laws of the State of California and are played at any location in the State of California, but only such card games; and

(c) Other games classified as Class II by the federal government.

(d) The term Class II Gaming does not include:

(i) Any card games banked by the house, including Baccarat, Chemin de Fer, Blackjack (21); or

(ii) Electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

3.09 Class III Gaming. Class III Gaming includes all forms of gambling that are not Class I or Class II Gaming.

3.10 Commission. The Rincon Gaming Commission.

3.11 Commissioner or Commission Member. One of the members of the Commission.

3.12 Commission Staff. Commission Staff includes all employees of the Commission, including the Executive Director, and does not include the individual Commissioners.

3.13 Day. The term "day" includes all days within a month, including weekends and holidays.

3.14 Gaming or Gaming Activity. The dealing in, operation of, or maintenance of any game played with: Cards, dice, equipment of any mechanical, electromechanical or electronic device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, Faro, Monte, Roulette, Keno, Bingo Fan-Tan, Bingo, Twenty-one (Blackjack), Seven-and-a-Half, Klondike, Craps, Poker, Chuck-a-Luck, Chinese Chuck-a-Luck (Dai-shu), Wheel of Fortune, Chemin de Far, Baccarat, Pai-Gow, Beat the Banker, Panguingue, Slot Machines, Video Poker Machines, Pull-tabs, any banking or percentage game, or any other game or device approved by the Business Committee. The term does not include gaming played in private homes or residences in which no Person makes or charges money for operating the game, except as a player, or other functions otherwise sanctioned by the Business Committee.

3.15 Gaming Equipment or Gaming Device. Any equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss. The term includes a system for processing information that may alter the normal criteria of random selection, which affects the operation of any game, or which determines the outcome of a game.

3.16 Gaming Facility. Any premises where Gaming Activities are operated or conducted, including any structures in which the records of such Gaming Activity are stored (but excluding offsite facilities primarily dedicated to storage of those records, and financial institutions, provided that records located offsite shall be provided to the Commission upon request). The Commission by Regulation shall demarcate the metes and bounds of the Gaming Facility in a diagram.

3.17 Gaming Operation. The business enterprise that the Band owns and which conducts Gaming Activity.

3.18 Gaming Resources. Any goods or services provided or used in connection with Gaming Activities, whether exclusively or otherwise, including, but not limited to, equipment, furniture, gambling devices and ancillary equipment, implements of gaming activities such as playing cards and dice, furniture designed primarily for Gaming Activities, maintenance or security equipment and services, and gaming consulting services. "Gaming Resources" does not include professional accounting and legal services.

3.19 Gaming Resource Supplier. Any person or entity who directly or indirectly manufactures, distributes, supplies, vends, leases, or otherwise purveys Gaming Resources to the Gaming Operation or Gaming Facility, provided that the Commission may exclude a purveyor of equipment or furniture that is not specifically designed for, and is distributed generally for use other than in connection with, Gaming Activities, if the purveyor is not otherwise a Gaming Resource Supplier, the compensation received by the purveyor is not grossly disproportionate to the value of the goods or services

provided, and the purveyor is not otherwise a person who exercises a significant influence over the Gaming Operation.

3.20 IGRA. The term "IGRA" shall mean the Indian Gaming Regulatory Act of 1988.

3.21 Key Employee.

(a) 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; or

(10) Custodian of gambling devices; including persons with access to cash and accounting records within such devices;

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

(c) If not otherwise included, the four most highly compensated persons in the Gaming Operation; or

(d) Any other Person required to be licensed pursuant to Regulation promulgated by the Commission.

3.22 Licensee. Any Person who has been issued a valid and current Gaming license pursuant to the provisions of this Ordinance.

3.23 Management Contract or Contract. Any contract, agreement or other document establishing a relationship between the Tribal government and any Person in which such a Person has managerial responsibilities for a Tribal-owned Class II or III Gaming Activity, and which requires approval by the National Indian Gaming

Commission. The term Management Contract shall include all collateral agreements, but does not include an employment contract between the Band and any natural person.

3.24 Net Revenues. Net revenues means gross gaming revenues of the Gaming Operation less - (a) amounts paid out as, or paid for, prizes; and (b) total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.

3.25 Patron. Any person or group of persons who participates as players in Gaming Activity as defined in this Ordinance on the Reservation, or who are physically present at Gaming Facilities other than employees of the Gaming Operation.

3.26 Person. Any association, partnership, corporation, firm, trust or other form of business association as well as a natural person.

3.27 Primary Management Official.

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

(b) Any person who has authority:

(1) To hire and fire employees; or

(2) To set up working policy for the Gaming Operation; or

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

3.28 Principal. With respect to any Person:

(a) Each of its officers and directors;

(b) Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer or general manager;

(c) Each of its owners or partners, if an unincorporated business;

(d) Each of its shareholders who own ten (10) percent or more of the shares of the corporation, if a corporation;

(e) Each Person other than a banking institution who has provided financing for the entity constituting ten (10) percent or more of the total financing of the entity; and

(f) Each of the beneficiaries or trustees of a trust.

3.29 Regulations. The regulations of the Commission promulgated under or in furtherance of this Ordinance.

3.30 Reservation. Any land meeting the definition of "Indian lands" as defined in the IGRA.

3.31 Tribal-State Compact or Compact. A written document, either negotiated and agreed to by the Band and an official or agency of the State of California or prescribed by the Secretary pursuant to 25 U.S.C. § 2710(d)(7)(B)(vii), governing the conduct of Class III Gaming Activity on the Reservation.

3.32 Words and Terms. In construing the provisions of this Ordinance, except when otherwise plainly declared or clearly apparent from the context:

(a) Words in the present tense shall include the future tense;

(b) Words in the masculine, feminine and neuter genders shall include all genders; and

(c) Words in the singular shall include the plural, and in the plural shall include the singular.

4. GAMING AUTHORIZED

4.01 Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100447, 25 U.S.C. § 2703 (7) (A) ("IGRA") and to the extent such regulations are lawful, by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized provided such gaming is consistent with this Ordinance.

4.02 Class III gaming as defined in the Indian Gaming Regulatory Act and to the extent such regulations are lawful, by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502.4 is hereby authorized, provided such gaming is also authorized by and consistent with this Ordinance and a Tribal-State Compact that has been approved by the Secretary of the Interior and is in effect, or otherwise has been authorized by the Secretary of the Interior or federal law.

4.03 All Class II and Class III gaming activities must first be authorized by this Section and approved by the Business Committee before such Gaming Activity lawfully can occur on the Reservation.

4.04 Unauthorized or Unapproved Gaming. No person shall conduct any Gaming Activity within the Reservation without the authority of the Band. Any Indian who commits any act of unauthorized or unapproved Gaming within the Reservation shall be guilty of a civil infraction and may be prosecuted in the Tribal Court of the Band.

Pending establishment of a Tribal Court, the Business Committee may exercise the jurisdiction of the Tribal Court or otherwise as provided pursuant to Tribal law. Prosecution for such a civil infraction in Tribal Court is not meant to be exclusive. Class II and Class III Gaming by any person on the Reservation except as authorized pursuant to this Ordinance is prohibited, and any person determined to have engaged in unauthorized or unapproved gaming is subject to a civil fine not to exceed $5,000 per violation.

5. OWNERSHIP OF GAMING OPERATION

The Band shall have the sole proprietary interest in and responsibility for the conduct of any Gaming Operation authorized by this Ordinance, provided, however, that the Band may, in accordance with IGRA, enter into a management contract for management of the Gaming Operation. Further, the Band may contract with and license a Person to engage in any Gaming Activity pursuant to the provisions of the IGRA and the regulations promulgated thereunder, or as otherwise permitted by law.

6. USE OF GAMING REVENUE

Net revenues from Class II and Class III gaming on the Reservation shall be used only for the following purposes: a) To fund Tribal government operation and programs; b) To provide for the general welfare of the Band and its members; c) To promote Tribal economic development; d) To donate to charitable organization; or e) To help fund operations of local government agencies.

7. TRIBAL GAMING COMMISSION.

7.01 Establishment of Commission. The Rincon Gaming Commission is hereby established. The Commission shall consist of five (5) Commissioners appointed by a majority vote of the Business Committee. At least three (3) of the Commissioners shall be enrolled members of the Rincon Band. All five (5) Members of the Commission shall be at will employees and will serve at the discretion of the Business Committee. The Business Committee shall fill vacancies on the Commission within 30 days of a vacancy.

(a) Appointments of the Commissioners shall be for a period of four (4) years, except that, of the terms of the initial members, two for two (2) years, and three for four (4) years, respectively, which shall result in staggered appointments and provide continuity within the Commission. The Commissioners may be reappointed for one or more successive terms. New Commissioners will serve a twelve (12) month probationary period provided such probationary period will not affect their right to benefits under the Tribal employee personnel policies then in effect.

(b) Each Commission member in office upon the effective date of this Ordinance shall complete their current terms and shall be eligible for reappointment.

(c) Members of the Commission must satisfy the suitability standards set forth for Key Employees in this Ordinance. Members of the Commission may not participate in matters relating to their background investigation. Such background investigations shall be performed under the direction of the Business Committee or its designee.

7.02 Restrictions on Commissioners. Commissioners may hold other Tribal positions and engage in business; provided, however, that Commissioners shall not engage in any business that is subject to the provisions of this Ordinance. Commissioners may not gamble in the Gaming Facility nor have any personal financial interest in any gambling by any Person. No member of the Business Committee shall serve as a member of the Commission during that person's term on the Business Committee. A Commissioner shall immediately resign from the Commission upon the Commissioner's conviction in a Federal, State Court, or other court of competent jurisdiction for any felony or for any misdemeanor or civil infraction related to illegal gambling or bribery or of any charge that the Business Committee finds relates to the Commissioner's honesty or ability to fulfill his duties. If a Commissioner is found by a court of competent jurisdiction to have violated any part of this Ordinance, he shall immediately resign from the Commission.

7.03 Code of Ethics. The Commission may adopt and revise from time to time a Code of Ethics regulating the conduct of each Commissioner and the Commission Staff. Such Code of Ethics may only be adopted pursuant to Commission Regulation.

7.04 Compensation of Commissioners. Commissioners shall be compensated at the rate to be established annually by the Business Committee. Commissioners shall be reimbursed for actual expenses incurred on Commission business, including necessary travel expenses.

7.05 Selection of Chairperson. The Chairperson of the Commission shall be appointed by the Business Committee.

7.06 Meetings Open to the Public. General meetings of the Commission may be open to the public. Closed sessions may be held for good cause, including, but not limited to, protecting the privacy of Persons, considering personnel matters, considering licensing determinations, reviewing background investigations, hearing complaints against individuals, and considering whether to include Persons on the list of excluded individuals. All meetings shall be governed by Roberts Rules of Order or such other procedures as the Commission may adopt. Nothing herein shall preclude a vote from being taken by the Commission by telephone poll in an emergency when circumstances do not allow a meeting of the full board in one location in a timely manner.

7.07 Quorum Required. A quorum shall consist of three (3) members of the Commission. A quorum shall be required for any vote or decision by the Commission. All decisions shall be made by a majority vote of those present, unless indicated otherwise in this Ordinance.

7.08 Quarterly Reports. The Commission shall make quarterly reports to the Business Committee within 30 days after the close of the quarter for which the information is being required. The reports shall include a full and complete statement of all financial transactions of the Commission and a summary of all licensing and enforcement actions. Such reports may be in the form of minutes of the Commission meetings supplemented by any additional documents as may be appropriate. Unless prevented by emergencies or other obligations, the Commission and the Business Committee shall meet on a quarterly basis for presentation of the quarterly reports.

7.09 Powers. The Commission shall exercise all powers necessary to effectuate the purposes of the Gaming Ordinance. The Commission may exercise any proper power and authority necessary or convenient to perform its responsibilities under this Ordinance. The Commission shall meet not less than once each month to make recommendations and set policy, to approve or reject reports of the Gaming Operation management, if any, and transact other business that may be properly brought before it. The ultimate power to interpret the Compact is specifically reserved by the Business Committee.

7.10 Issuance of Regulations. The Commission shall from time to time promulgate and issue Regulations governing any aspect of its or the Commission Staff's responsibilities under this Ordinance, which, so long as they are in furtherance of and not in conflict with any provision of this Ordinance, shall have the force of law. In adopting, amending and repealing Regulations, the Commission shall give prior notice of the proposed action to the Business Committee, all Licensees and other Persons whom the Commission has reason to believe have a legitimate interest in such proposed action. Said notice shall inform such Persons as to the general nature of the proposed action and advise them as to the manner in which comments on said proposed action shall be received by the Commission. Notice may be given by posting for at least one week at a place designated by the Commission within the Gaming Facility office complex. In emergencies, the Commission may summarily adopt, amend or repeal any Regulation if at the time, the Commission determines such action is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare, together with a statement of facts constituting the emergency; provided, however, that the Commission shall schedule such emergency action for a regular hearing within 60 days, provided further, that as soon as is reasonably possible the Commission shall inform the Business Committee of any such action, and that the Business Committee may veto any such emergency action. In adopting, amending or repealing Regulations, the Commission shall provide notice of the proposed action to the general manager(s) of the Band's Gaming Operations and to the Chairman of the Business Committee at least 20 days prior to the Commission meeting at which the Commission is to consider the proposed action. The notice shall describe the general nature of the proposed action and advise how comments on the proposed action shall be received by the Commission. The Business Committee may ratify, revise or veto any Regulation.

7.11 Request for Commission Action. Any Person who is determined by the Commission to be a real party in interest may file a petition in a manner and form approved by the Commission requesting the adoption, amendment or repeal of a

Regulation. Upon receipt of the petition, the Commission shall within 30 days deny the request in writing or schedule the matter for action pursuant to this Ordinance and any rules and Regulations of the Commission.

7.12 Duties of the Commission. The Commission shall perform all duties, exercise all powers, promulgate all regulations, assume and discharge all responsibilities and carry out and affect all purposes of the Gaming Ordinance relating to the establishment of all Gaming Activity and regulation of the Gaming Operation. In all decisions, the Commission shall act to promote and ensure the integrity, security, honesty and fairness of the Gaming Operation and administration of all Gaming Activity. The Commission's duties and powers shall include, but not be limited to, the following:

(a) Ensuring that all gaming fees for all Gaming Activities and any other fees assessed by the National Indian Gaming Commission are sent to the National Indian Gaming Commission on a timely basis;

(b) Corresponding with the National Indian Gaming Commission regarding compliance with the rules and regulations of that agency. Commission shall coordinate with the Business Committee regarding correspondence with the National Indian Gaming Commission on any policy matter;

(c) Assuring that all Gaming Activity is conducted honestly and fairly and that the Gaming Facility is constructed in a manner that adequately protects the environment and the public health and safety;

(d) Establishing an adequate system to include fingerprint clearances with the California Department of Justice and/or with the National Indian Gaming Commission, which ensures that background investigations are conducted on all Primary Management Officials and Key Employees of any Gaming Activity and that oversight of such officials and their management is conducted on an ongoing basis. The Commission will have final authority regarding the granting of Tribal licenses for Primary Management Officials and Key Employees and other persons. The Commission shall immediately notify the National Indian Gaming Commission of the issuance of such licenses. The Commission will review all Applications and background investigations to ensure that no Person shall be eligible for employment in or with any part of the Gaming Operation if that Person's prior activities, criminal record or reputation, habits or associations pose a threat to the public interest or to the effective regulation of Gaming, or create or enhance the dangers of unsuitable, unfair or illegal practice, methods and activities in to conduct the Gaming. The Commission shall notify the National Indian Gaming Commission of the results of such background checks before the issuance of such licenses;

(e) Reviewing all records, documents and anything else necessary and pertinent to enforcement of any provisions of this Gaming Ordinance;

(f) The Commission shall have full power and authority to issue subpoenas and compel the attendance of witnesses for hearings at any place within the Reservation, to administer oaths and to require testimony under oath. Any process or notice may be served in the manner provided for service of the process and notices in civil actions. The Commission may pay such transportation and other expenses of witnesses, as it may deem reasonable and proper;

(g) In connection with the Commission's power to hear appeals, the Commission may determine whether sanctions should be imposed on, or conditions should be placed on the license of any Person subject to the jurisdiction of the Gaming Ordinance;

(h) Impose fines, up to $5,000 for each violation of this Ordinance; and

(i) With the exception of conducting hearings pursuant to subparagraphs (f) and (g) above, and the promulgation of rules and regulations in the manner provided in Section 7.10, the Commission may delegate any of its duties and authorities to the Executive Director.

7.13 Right of Inspection. The Commission shall have the authority to:

(a) Inspect and examine all Gaming Facilities and premises where gambling devices or equipment are manufactured, sold or distributed;

(b) Inspect all equipment and supplies in, upon or about a Gaming Facility, or inspect any equipment or supplies, wherever located, which may have or have been used in the Gaming Facility;

(c) Summarily seize and remove from a Gaming Facility, wherever located, and impound such equipment and supplies for the purpose of examination, inspection, evidence or forfeiture;

(d) Demand access to and inspect, examine and audit all papers, books and records of applicants and Licensees respecting any income produced by any Gaming Activity and require verification of income and all other matters affecting the enforcement of the policy of, or any of the provisions of, this Ordinance; and

(e) Seize and impound any Patron's winnings which the Commission has reason to believe may have been won or obtained in violation of this Ordinance pending a civil forfeiture of such seizure.

7.14 Powers of Delegation; Budgeting Matters. The Commission may organize itself into functional divisions as it may deem necessary and may from time to time modify such plan of organization. The Commission shall establish its own budget for operations and acquire such furnishings, equipment, supplies, stationery, books, motor

vehicles and other things as it may deem necessary in carrying out its functions and incur such other expenses, within the limit of funds available to it, as it may deem necessary. Within the limits of a Business Committee approved budget, the Commission shall employ and fix the salaries of or contract for services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Commission may require. At the Business Committee's discretion, said budget may be reviewed and modified by the Business Committee. Upon the end of the budget year any surplus, which exists, shall be refunded to the Business Committee at its discretion.

7.15 Record-Keeping. The Commission shall keep and maintain a file of all Applications for licenses under this chapter, together with a record of all action taken with respect to such Applications in the matter detailed in Section 8.03.

7.16 Processing Employee and Patron Complaints. The Commission may receive any complaint from an employee of the Gaming Operation or any member of the public who is or claims to be adversely affected by an act or omission related to any Gaming Activity which is asserted to violate the Compact, this Ordinance, or Regulation, and may upon consideration of such complaint order such remedial action as it deems appropriate to bring the Gaming Activity into compliance with such provisions. The Commission may for this purpose, in its sole discretion, direct the Executive Director to conduct a hearing and receive evidence with regard to such complaint if the Commission deems an evidentiary proceeding useful in the resolution of such complaint.

7.17 Violations of Gaming Ordinance – Civil Infraction. Any violation of this Ordinance is a civil infraction and any person found to have committed such an infraction is subject to imposition of a fine of no more than $5,000 for each violation.

Any money, other representative of value or real or personal property used in or derived from participation in any activity conducted in violation of this Ordinance shall be subject to seizure by Tribal Law Enforcement Officers, and forfeited to the Band's treasury upon a finding by the Tribal Court that such money or other representation of value was used in or derived from participation in an activity conducted in violation of this Ordinance. Tribal Law Enforcement Officers shall coordinate and cooperate with the Executive Director in the issuance of citations and seizure of property used in the commission of a violation of this Ordinance. A Tribal Law Enforcement Officer shall accompany the Executive Director during the issuance of any such citation or seizure of property.

Winnings found to have been received in violation of this Ordinance shall be forfeited and become the property of the Band.

The general manager of the Gaming Operation and the head of security for the Gaming Operation (as designated by the general manager), the Executive Director and the Commission's compliance manager shall each have the power to temporarily detain Persons suspected of violating this Ordinance and seize evidence if any of the foregoing

persons determine that such action is necessary to preserve the same for Tribal Law Enforcement Officers or other law enforcement officials.

The Band intends that the general manager of the Gaming Operation and the head of security for the Gaming Operation (as designated by the general manager) shall be the primary persons who may detain persons and seize evidence within the Gaming Facility. The Executive Director and the Commission's compliance manager may take such action within the Gaming Facility if the general manager or head of security for the Gaming Operation are not available or in the event no action is taken and the Executive Director or the Commission's compliance manager determine it is necessary to take action. The Executive Director and the Commission's compliance manager shall be the primary persons who shall detain persons and seize evidence outside of the Gaming Facility. Detention and seizure actions taken by the Executive Director or Commission compliance manager shall be completed in coordination with Tribal Law Enforcement and pursuant to a Regulation adopted pursuant to Section 7.10 of this Ordinance.

Such detention shall be for a temporary period and for the sole purpose of identifying such Persons, and for purposes of notifying and summoning appropriate law enforcement authorities and detaining such persons as long as is necessary to transfer them to the appropriate law enforcement officers. Detention of such persons shall not unduly interfere with the business of the Gaming Operation. Persons shall be transferred to appropriate law enforcement officers as soon as reasonably possible. Any area within which a Person is detained pursuant to this Ordinance shall be equipped with both video and audio recording capabilities. Any Person detained in such an area shall be kept under both video and audio observation during such temporary detention.

Violations of this Ordinance may result in: Persons being prohibited from being present within the Gaming Facility; license suspensions, revocations or limitations; and, establishments being closed through the issuance by the Commission of a cease and desist order. All such action shall be taken at the discretion of the Commission, subject to the right to appeal the civil fine or forfeiture of property to the Tribal Court. A violator of this Ordinance may also be required to pay court costs, storage fees and auction or sales fees.

7.18 Limitations Period. No fine shall be assessed, nor any action taken for any violation of this Ordinance unless a notice of such action is filed with the Commission or the Tribal Court within two (2) years of the infraction.

7.19 Limitation on Gifts and Compensation. Commissioners, Commission staff, and their immediate families shall receive no personal compensation, gift, reimbursement or payment of any kind from any Person doing or wishing to do business with the Band relating to Gaming, nor with any Person wishing to obtain an unfair advantage in any authorized wager on Gaming, except as may be authorized in a duly adopted Code of Ethics. Any Person suspected of violating this provision may be prosecuted to the fullest extent possible under Tribal Law for accepting a bribe, and any property received in violation of this provision shall be forfeited to the Band. Payments made pursuant to the

Band's Revenue Allocation Plan do not violate this provision. The Commission shall cooperate to the fullest extent possible with any federal or state law enforcement agency to pursue prosecution under applicable federal or state law.

8. EXECUTIVE DIRECTOR

8.01 Qualifications of Executive Director; Salary.

(a) The position of Executive Director of the Commission is hereby created. The Commissioners shall appoint the Executive Director, subject to the confirmation by the Business Committee. Selection and employment of the Executive Director shall also be conducted in accordance with the Band's employment policies and procedures.

(b) No member of the Business Committee, no person holding any elective office, nor any officer or official of any political party is eligible for the appointment of Executive Director.

(c) The Executive Director must have at least five (5) years of administrative experience in public or business administration and possess broad management skills and have as a minimum a degree in Business Administration, Law, Accounting, Criminal Justice or like degree from an accredited college or university.

(d) The Executive Director shall devote his or her entire time and attention to the duties imposed under this Ordinance and the business of the Commission and shall not pursue any other business or occupation or hold any other office of profit unless approved by the Commission.

(e) The Executive Director shall not have any pecuniary interest in any business or company holding a license under this Ordinance or doing business with any person licensed under this Ordinance.

(f) The Executive Director is entitled to an annual salary as set by the Annual Commission Budget.

8.02 Authority of Executive Director.

(a) The Executive Director shall furnish to the Commission such administrative and clerical services and such furnishings, equipment, supplies, stationery, books and all other things that the Commission may deem necessary or desirable in carrying out its functions;

(b) The Executive Director shall employ division directors that possess at least two (2) years of training and experience in the fields of accounting, investigation, law enforcement, law or gaming;

(c) The Executive Director shall have authority to hire such professional, clerical, technical and administrative personnel as may be necessary to carry out the provisions of the Gaming Ordinance;

(d) The Executive Director shall have the authority to make decisions regarding licensure and compliance with this Ordinance, subject to appeal as provided herein; and,

(e) The Executive Director in pursuit of the attainment of the objectives and the purposes of this Ordinance may:

(i) Direct and supervise all administrative actions of the Commission.

(ii) Sue on behalf of the Commission, after consultation with the Commission.

(iii) Make, execute and effectuate any and all agreements or contracts, including contracts for the purchase of goods and services as are necessary. Such engagement shall be conducted in accordance with the procurement policies and procedures of the Band.

(iv) Employ the services of such person as are considered necessary for the purposes of consultation or investigation and fix the salaries of or contract for the services of such legal, professional, technical and operational personnel and consultants within the annual budget as approved by the Commission. Selection and employment of such persons shall be conducted in accordance with the employment policies and procedures of the Band.

(v) Appoint such staff as he determines appropriate, consistent with the budget approved by the Business Committee.

(vi) Conduct all investigations, including required background investigations, and suspend, revoke, issue or deny any licenses.

(vii) Perform such other duties as the Executive Director deems necessary to effectuate the purposes of this Chapter or from time to time as assigned by the Commission.

8.03 Files and Records to be Maintained by the Executive Director and the Commission; Confidentiality of Information.

(a) The Executive Director shall maintain a file of all Applications for licenses under this Ordinance, together with a record of all actions taken with respect to those Applications.

(b) The Commission and Executive Director may maintain such other files or records as they deem desirable.

(c) All information and data:

(i) Included within any Application for license or supporting materials;

(ii) Required by the Commission or the Executive Director to be furnished to them under this Ordinance or which may otherwise be obtained relative to the finances, earnings or revenue of any applicant or Licensee;

(iii) Pertaining to an applicant's criminal record, antecedents or background which have been furnished to or obtained by the Commission or the Executive Director from any source;

(iv) Provided to the members of the Commission or the Executive Director or his employees by a governmental agency or an informant or on the assurances that the information will be held in confidence and treated as confidential;

(v) Pertaining to the identity of any informant;

(vi) Obtained by the Executive Director or the Commission from a supplier relating to the manufacturing of gaming devices or gaming goods;

(vii) The signed Conflict of Interest policies of the Executive Director, all Commissioners and employees;

are confidential and may be revealed in whole or in part only in the course of the necessary administration of this Ordinance or upon the lawful order of a court of competent jurisdiction or at the direction of the Commission pursuant to its duties and obligations under this Ordinance. All records retained by the Executive Director or the Commission shall be retained for a period of five (5) years, after which such records may be disposed of in the discretion of the Commission. Notwithstanding this provision, the Annual Commission Budget shall be made available to any adult, enrolled member of the Band upon written request. It is a violation of this Ordinance for a Person to falsify, destroy, erase or alter any records of any kind or other information relating to the Gaming Operation in a manner other than provided in this Ordinance, Regulation or Commission policy.

9. LICENSING

9.01 License Requirements. Any Person seeking to conduct, operate or manage any Gaming Activity on the Reservation shall apply for and receive all the required licenses from the Commission prior to engaging in such Gaming Activities. All Gaming Resource Suppliers who directly or indirectly, provide, have provided, or are deemed likely to provide at least twenty-five thousand dollars ($25,000) in Gaming Resources in any 12- month period, shall apply for and receive all the required licenses from the Commission prior to providing Gaming Resources. All Gaming Employees shall apply for and receive all the required licenses from the Commission prior to employment. Any person seeking to conduct, operate, or manage Gaming Activities without first obtaining the required licenses shall be deemed in violation of this Ordinance and shall be subject to fines and penalties as set forth herein. Nothing in this Section shall prohibit a Person from being temporarily employed in a Gaming Activity or as a Gaming Employee after being hired for a short period of time, not to exceed thirty days, pending the grant of a temporary license in conformance with background investigation and licensing procedures adopted by the Commission.

9.02 Nature of Gaming License. A Tribal Gaming License is a revocable privilege, and the issuance of a license shall not create any vested right. A Tribal Gaming License is personal to the Licensee or specific to the Gaming Facility, and may not be re-assigned or transferred.

9.03 Licensing, Regulations and Procedures. The Tribal Gaming Commission shall promulgate licensing regulations governing the issuance, renewal, denial, suspension and revocation of licenses.

9.04 Licenses. The Commission shall require licenses for all persons, entities, and facilities for which a Tribal Gaming License is required under IGRA and the Compact, including:

(a) Class II and Class III Gaming Facilities;

(b) Key Employees;

(c) Primary Management Officials;

(d) Gaming Employees; and

(e) Gaming Resource Suppliers.

9.04.01 Gaming Employee Licensing.

(a) Every Gaming Employee shall obtain, and thereafter maintain current, a valid Tribal gaming license, which shall be subject to biennial renewal; provided those persons may be employed

on a temporary or conditional basis pending completion of the licensing process.

(b) Except as provided in subdivisions (c) and (d), any person whose application to the State Gaming Agency for a determination of suitability, or for a renewal of such a determination, has been denied or has expired without renewal is not eligible for licensure.

(c) Notwithstanding subdivision (a), a person whose application for a determination of suitability from the State Gaming Agency, or for a renewal of such a determination, has been denied by the State Gaming Agency may continue to be employed, if: (i) the person holds a valid and current license issued by the Commission that is renewed at least biennially; (ii) the denial of the application by the State Gaming Agency is based solely on activities, conduct, or associations arising prior to the filing of the person's initial application to the State Gaming Agency for a determination of suitability; (iii) the person is not an employee or agent of any other Gaming Operation; and (iv) the person has been in the continuous employ of the Tribe for at least three years prior to the effective date of the 1999 Compact.

(d) Notwithstanding subdivision (a), a person whose application for a determination of suitability from the State Gaming Agency, or for a renewal of such a determination, has been denied by the State Gaming Agency, is not prohibited from obtaining a license from the Commission, provided that the person is otherwise found suitable, if the person is an enrolled member of the Band, as defined in this subdivision, and if (i) the person holds a valid and current license issued by the Commission that is renewed at least biennially; (ii) the denial of the application by the State Gaming Agency is based solely on activities, conduct, or associations that arose prior the filing of the person's initial application to the State Gaming Agency for a determination of suitability; and (iii) the person is not an employee or agent of any other Gaming Operation.

9.05 Facility Licenses. A separate license shall be required for each place, facility, or location on Indian lands where Class II and/or Class III gaming is to be conducted under this Ordinance, subject to renewal at least every two years. Prior to issuance of a Facility License, the Commission must determine that there is substantial compliance with all requirements of this Ordinance have been met regarding the facility.

9.06 Additional Licensing Authority. The Commission may require additional licenses for Persons, entities and facilities that the Commission determines are necessary to ensure the integrity of Gaming Activities, eliminate a threat to the public interest, and protect the assets of the Band, including individuals and entities that provide goods and services to the Gaming Operation. The circumstances under which such additional licenses shall be required shall be set forth by the Commission in one or more Regulations.

9.07 Prohibition Against Unlicensed Activities. Engaging in any unlicensed activity for which a license is required pursuant to this Ordinance and its implementing Regulations without obtaining the required license constitutes a violation of this Ordinance, and any Person who engages in such activity without a license shall be subject to enforcement actions and penalties set forth in this Ordinance.

9.08 Authorization of Class II Gaming Activity; Net Revenue Allocation; Audits; Contracts.

(a) A separate license issued by the Commission shall be required for each Gaming Facility located on the Reservation at which any Class II Gaming Activity is conducted.

(b) The Commission may regulate a Tribally-Owned Class II Gaming Activity if:

(i) Such Gaming Activity is located on the Reservation and the State of California permits such Gaming for any purpose by any Person, organization or entity and such Gaming is not otherwise specifically prohibited on Indian lands by federal laws; and

(ii) The Band will have the sole propriety interest and responsibility for the conduct of such Gaming Activity; and

(iii) Net Revenue from such Gaming Activity is used in accordance with this Ordinance, other applicable Band law and federal law; and

(iv) Such Gaming Activity is subject to annual outside audits, which may be encompassed within existing independent Tribal audit systems and provided to the Business Committee; and

(v) All contracts for supplies, services or concessions for an aggregate amount in excess of $25,000 annually relating to such Gaming Activity are also subject to independent audits; and

(vi) The construction and maintenance of the Gaming Facility and the operation of that Facility is conducted in a manner which

adequately protects the environment and the public health and safety; and

(vii) All Primary Management Officials and Key Employees of the Class II Gaming Activity have successfully passed a background investigation, which is approved, by the Commission or are in the process of being licensed in conformance with the procedures adopted by the Commission.

9.09 Issuance of Tribal Gaming Licenses - Objections. The Commission may consult with appropriate law enforcement officials concerning any Gaming licenses it may issue. If, after issuance of a Gaming license by the Commission, reliable information is received that a Licensee does not meet eligibility criteria set forth herein, the Executive Director shall suspend such license and, after notice and hearing, the Executive Director may revoke such license.

9.10 License & Regulation of Class III Gaming Activities - Tribal-State Compact Required. The Commission may license and regulate Class III Gaming Activity if:

(a) Such Gaming meets the requirements of Section 4 of this Ordinance; and

(b) Such Gaming is conducted in conformance with the terms and conditions of a valid Compact entered into by the Band and the State of California that is approved by the Secretary of the Interior and is in effect, or otherwise has been authorized by the Secretary of the Interior or federal law.

9.11 Notification of Change of Principals. After an entity is licensed pursuant to this Ordinance, it shall file a report of each change of its Principals with the Executive Director. The Executive Director may, at his discretion, request that a new Principal file with the Commission a complete Application within thirty (30) days after appointment or election. The entity's license shall remain valid unless the Executive Director disapproves the change or denies the Application.

9.12 Application Fee. The Commission may set a fee for Applications, background investigations and licenses. All money orders or checks for such fees shall be made payable to the Band and delivered to the Band's accounting office. Nothing herein shall prohibit the Commission from collecting fees for Applications, background investigations and licenses through payroll deduction.

9.13 Background Investigation. No license shall be granted to any Person who has been determined to be a Person whose prior activities, criminal record or reputation, habits and associations pose a threat to the public interest or to the effective regulation and control of Gaming, or create or enhance the dangers of unsuitable, unfair or illegal

practices, methods and activities in the conduct of Gaming or the carrying on of the business and financial matters incidental thereto.

9.14 Failure of Applicant to Disclose Material Information. An applicant for licensing shall make true and full disclosure of all information to the Commission as necessary to carry out the policies of this Ordinance. It shall constitute a violation of the Gaming Ordinance to fail to disclose, to mislead or to misstate any material information to the Commission or Commission Staff. It is the duty of the applicant to disclose all information material to whether his involvement with Gaming would jeopardize or compromise the Tribal interest, whether or not the applicant has been specifically requested to provide that information. Any failure to disclose, misstatement, or furnishing of misleading information shall be grounds for denial, suspension, or revocation of a license.

9.15 Temporary Gaming License. The Commission may issue a temporary Gaming license to any Person applying for a license to work in a licensed Gaming Facility, which shall be valid pending the background investigation of the applicant. In no event shall a temporary license be valid for greater than 180 days.

9.16 Parameters of Licenses. Violation by a Licensee of any provision of this Ordinance or of its implementing Regulations, shall be deemed grounds for refusing to grant or renew a license, suspension or revocation of a license or shall constitute grounds for the Commission to file charges in Tribal Court. Acceptance of a Gaming license or renewal thereof, or condition imposed thereof by a Licensee, constitutes an agreement on the part of the Licensee to be bound by all the Regulations and conditions of the Commission and by the provisions of this Ordinance as the same are now, or may hereafter be amended or promulgated, and to cooperate fully with the Commission and its staff. It is the responsibility of the Licensee to keep informed of the contents of the Gaming Ordinance and all such Regulations, amendments, provisions and conditions; ignorance thereof will not excuse violations.

9.17 Initial Licensing. The initial decision to approve, disapprove, revoke, suspend, limit or condition a license shall be made by the Executive Director.

9.18 Voting on Licensing; Notice Procedures and Review Hearings. Following a determination by the Executive Director, the applicant or Licensee shall be notified in writing of the approval, disapproval, limitation, condition, suspension or revocation of a license by either personal service or certified mail to the last known address provided to the Executive Director. The Executive Director is not responsible for undeliverable mail. Should an applicant or Licensee disagree with the determination of the Executive Director, the applicant or Licensee shall submit a written statement to the Executive Director within ten (10) days from the date of the postmark on the written notice of determination. The Executive Director shall hold a hearing to review its decision no less than twenty (20) days from the date the applicant or Licensee files his/her disagreement with the Executive Director. The applicant or Licensee shall be notified in writing of the date time and place for the review hearing. At the hearing, the burden shall be on the

applicant or Licensee to show cause why the Executive Director's determination was incorrect.

9.19 Executive Director Findings Following Review Hearing. Following such review hearing, the Executive Director shall within ten (10) days issue a final determination concerning:

(a) The accuracy of any preliminary certifications of facts; and

(b) Whether the license in question should be denied, granted, continued, suspended, revoked, conditioned or limited; and

(c) Whether any other action including, but not limited to, forfeitures, should be taken.

9.20 Notification of Executive Director Decision. Within five (5) working days following a final determination, the Executive Director shall inform the applicant or Licensee in writing of that final determination. Written notification may be delivered to the subject in person, by fax, or by mailing to the subject's last known address. If not appealed, such determination shall be the final decision of the Commission.

9.21 Right to Appeal; Scope of Review; Timing.

(a) The applicant or Licensee shall have a right to appeal the final determination of the Executive Director, other than a civil fine or forfeiture action, to the Commission. Appeal must be made to the Commission in written form on or before the tenth (10th) day following receipt of the written determination of the Executive Director.

(b) Review by the Commission shall be limited to the record of the proceedings.

(c) The decision of the Executive Director shall be affirmed unless the Commission determines that the decision is:

(1) Ultra vires;

(2) Arbitrary, capricious or an abuse of discretion;

(3) Contrary to law; or

(4) Unsupported by substantial evidence.

(d) Such appeals shall be heard within 90 days of the filing of the Notice of Appeal.

(e) Adjudication of such appeal by the Commission shall be final and no other appeal can be made.

9.22 Ability to Reapply for a License. After a review hearing, if an applicant's or Licensee's license has been denied, suspended, or revoked, the applicant or Licensee shall not be permitted to re-apply for a license for at least one year from the date of the denial, suspension, or revocation.

9.23 Right to Appeal Civil Fine and Forfeiture Action to Tribal Court.

(a) A Person who has been the subject of a forfeiture action or has been fined by the Commission shall have a right to appeal the issuance of the fine or order of seizure of property to the Tribal Court. Appeal must be made to the Tribal Court in written form on or before the tenth (10th) day following the issuance of the fine or forfeiture action.

(b) Review by the Tribal Court shall be limited to the record of the proceedings.

(c) The Commission's issuance of a fine or seizure and forfeiture of property shall be affirmed unless the Tribal Court determines that the decision is:

(1) Ultra vires;

(2) Arbitrary, capricious or an abuse of discretion;

(3) Contrary to law; or

(4) Unsupported by substantial evidence.

9.24 Registration of Persons Providing Goods and Services to the Gaming Operation. All Persons providing $50,000 or more in goods or services to the Gaming Operation in a calendar quarter shall register with the Commission. Registration shall be accomplished by completing and submitting the registration form provided by the Commission. Registration forms must be submitted to the Commission within ten (10) days of such Person providing $50,000 or more in goods or services to the Gaming Operation in a calendar quarter. The Commission shall promulgate a regulation adopting a form of registration form within 90 days of approval of this Ordinance. The Gaming Operation shall notify Persons providing goods or services to the Gaming Operation that they may be obligated to complete the registration form. It is the responsibility of the Person providing goods or services of $50,000 or more to the Gaming Operation in a calendar quarter to complete the registration form, and it is their responsibility to update the registration form in the event of any change in information.

To facilitate compliance with this Section, the Gaming Operation shall establish a tracking system to monitor the purchase of goods and services of $50,000 or more from

any Person in a calendar quarter. The Gaming Operation shall make this information available to the Commission upon request.

This registration obligation shall become effective sixty (60) days after the effective date of this Ordinance or promulgation of the regulation adopting a form of registration form, whichever is later.

9.25 Waiver of Licensing and Registration for Certain Entertainers. The Commission has determined that registration and licensing of certain entertainers is not necessary to protect the public interest, regardless of the value of services provided, subject to the requirements of this Section. In the event the Tribe or Gaming Operation contracts directly with an entertainer, the Commission will waive the certification and licensing requirements for an entertainer, employees of the entertainer, and Persons providing personal services to the entertainer who are paid by the entertainer so long as: (A) the entertainer does not perform within the Gaming Facility more than three days in a calendar year; and (B) the entertainer, employees of the entertainer, and Persons providing personal services to the entertainer who are paid by the entertainer are not allowed unescorted access to any secure area of the Gaming Facility. Performances ending after midnight that are part of a show or series of shows that started the previous evening will be considered part of the performance from the previous evening, and performances do not include setting up and tearing down the stage, props, or light and sound equipment, or warm-ups and sound checks. The Commission may rescind this waiver if it has a reasonable, good faith belief that the entertainer, employees of the entertainer, or Persons providing personal services to the entertainer who are paid by the entertainer would pose a threat to the public interest.

10. MANAGEMENT CONTRACTS

10.01 Commission Licensing of Management Contractor Required.

(a) Any Management Contract entered into by the Band for the operation and management of Class II and/or Class III Gaming Activity must provide that the parties in interest associated with the Management Contractor shall submit to a suitability determination by and licensing requirements of the Commission. The Commission may require and obtain the following information:

(i) The name, address and other additional pertinent background information on each Person including, in cases involving entities, each individual, partner, officer, shareholder, and director comprising such entity having direct financial interest in, or management responsibility for, such Contract; and in the case of a corporation, those individuals who serve on the board of directors of such corporation and each of its stockholders who hold, directly or indirectly, 10% or more of its issued and outstanding stock; and

(ii) A complete financial statement of each Person listed pursuant to subsection (i) above.

(b) Any Person listed pursuant to subsection (a)(i) above shall be required to respond to such written or oral questions that the Commission may propound in accordance with its responsibilities under this Ordinance.

(c) The Commission may require management contractors and potential management contractors to pay a fee as set from time to time to cover the cost of the investigation necessary to reach a suitability determination as required by this Ordinance.

10.02 Provisions of Management Contracts. Any Management contract entered into by the Band may include the following provisions:

(a) That accounting procedures are maintained and verifiable financial reports are prepared, by or for the Business Committee, on a monthly basis;

(b) For access to the daily operations of the Gaming Facility to appropriate Tribal officials and their accountants and assistants, who shall also have a right to verify the daily gross revenues of the Gaming Operation and income made from any Gaming Activity or other activities managed pursuant to the Management Contract;

(c) For a minimum guaranteed payment to the Band that has preference over the retirement of development and construction costs;

(d) For an agreed ceiling for the repayment of development and construction costs;

(e) For a Contract term not to exceed five (5) years, except that, upon the request of the Band, a Contact term that exceeds five (5) years but does not exceed seven (7) years;

(f) For grounds and mechanisms for terminating such Management Contract; and

(g) That preference will be given to Tribal members and non-member Indians in hiring of employees for the Gaming Activity.

10.03 Percentage of Net Revenue Fees. A Management Contract providing for a fee based upon a percentage of the Net Revenues of a Gaming Operation shall not exceed 30% of the Net Revenue unless the Business Committee is satisfied that the capital investment required, and the income projections for such Tribal Gaming Operation, justify an additional fee - in no event to exceed 40% of Net Revenue.

11. LICENSES FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS

11.01 Policies and Procedures. The Commission shall ensure that the policies and procedures set out in this Section are implemented with respect to Key Employees and Primary Management Officials employed at any Class II and/or Class III gaming enterprise operated on the Reservation.

11.02 Application Forms. The following notice shall be placed on the Application form of a Key Employee or a Primary Management Official before that form is filled out by an applicant:

> In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe 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 a tribe's being unable to license you for a primary management official or key employee position.
>
> The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your Application. Existing key employees and primary management officials shall be notified in writing that they shall either:
>
> (a) Complete a new application form that contains a Privacy Act Notice; or
>
> (b) Sign a statement that contains the Privacy Act Notice and consent to the uses described in that notice.

11.03 Application Notice. The following notice shall be placed on the application form for a Key Employee or a Primary Management Official before that form is filled out by an applicant:

> 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).

11.04 Updated Notice. The Executive Director shall notify in writing, existing Key Employees and Primary Management Officials that they shall either:

(a) Complete a new Application form that contains the notice set forth on Section 11.03; or

(c) Sign a statement that contains the notice set forth in Section 11.03.

11.05 Background Investigations. Each Primary management Official and each Key Employee shall provide the Commission the following information:

(a) Full name, other names used (oral or written), Social Security Number(s), birth date, place of birth, citizenship, gender, all languages spoken or written;

(b) Currently and for the previous five (5) years: all businesses in which the applicant holds an ownership interest, all employment positions held, all business and residential addresses, and drivers license numbers;

(c) The names and current addresses of at least three personal references, including one personal reference that was acquainted with the applicant during each period of residences listed under paragraph (b) of this Section,

(d) Current business and residence telephone numbers;

(e) A description of any existing and previous business relationships with any federally-recognized 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 every licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

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

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

(j) For any gaming-related criminal conviction, whether felony or misdemeanor;

(k) For each criminal charge (excluding minor traffic charges), within 10 years of the date of the application, whether or not there is a conviction, the name and address of the court involved and the date and disposition;

(l) The names and address of each 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 may deem relevant under the circumstances; and

(o) Fingerprints consistent with procedures adopted by the Commission in accordance with 25 C.F.R. §522.2 (h).

The Executive Director shall be responsible for the conduct an investigation sufficient to make a determination under Section 11.06 below. The Executive Director shall conduct a background investigation that meets or exceeds the requirements of 25 C.F.R. §§ 556 and 558. In conducting a background investigation, the Executive Director shall keep confidential the identity of each person interviewed in the course of the investigation. This confidentiality shall also be maintained by the Commission and any other person provided with such information.

11.06 Eligibility Determination. The Executive Director shall review an applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a determination, pursuant to this Ordinance, concerning the suitability for licensure of Key Employee and Primary Management Official applicants. No license shall be issued to an applicant, if it is determined that employment of an applicant would pose 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.

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

(a) When a Key Employee or Primary Management Official begins work at a Gaming Operation, the Executive Director shall forward to the National Indian Gaming Commission a completed Application for employment and conduct the background investigation and make the determination referred to in Section 11.06 of this Ordinance.

(b) The Executive Director shall forward the report referred to in Section 11.08 of this Ordinance to the National Indian Gaming Commission

within 60 days after an employee begins work or within 60 days of the approval of this Ordinance by the Chairman of the National Indian Gaming Commission.

(c) The Gaming Operation shall not employ as a Key Employee or Primary Management Official a person who does not have a license before 90 days after commencement of employment.

11.08 Report to the National Indian Gaming Commission. The Executive Director shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation prepared pursuant to Section 11.05 of this Ordinance. An investigative report shall include all of the following:

(a) Steps taken in conducting the background investigation;

(b) Results obtained;

(c) Conclusions reached;

(d) The bases for those conclusions.

11.09 Additional Eligibility Determination Requirements. The Executive Director shall submit to the National Indian Gaming Commission, with the report, a copy of the eligibility determination made pursuant to this Ordinance.

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

(i) Shall notify the National Indian Gaming Commission; and

(ii) May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Record System.

(b) With respect to Key Employees and Primary Management Officials, the Executive Director and Commission shall retain Applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination or denial of employment.

11.10 Granting a Gaming License.

(a) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission fails to respond or 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 Primary Management Official or for whom the Commission has provided an application and investigative report to the National Indian Gaming Commission pursuant to Section 11.08, the Commission may issue a license to such applicant.

(b) The Commission, through the Executive Director, shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a Key Employee or a Primary Management Official who is the subject of a report. Such a request shall suspend the thirty (30) day period under this Section until the Chairman of the National Indian Gaming Commission receives the additional information.

(c) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Commission with a statement itemizing it's objection(s) to the issuance of a license to a Key Employee or a Primary Management Official for whom the Commission has provided an Application and investigative report to the National Indian Gaming Commission, the Commission shall reconsider the Application, taking into account the objection(s) itemized by the National Indian Gaming Commission. The Commission shall make the final decision whether to issue a license to such applicant.

11.11 License Suspension or Revocation.

(a) If, after issuance of a gaming license, the Commission receives reliable information from the NIGC or other reliable source indicating that a Key Employee, Primary Management Official or other Licensee is not eligible for licensure under the eligibility criteria established herein, the Executive Director shall suspend the license and shall notify the Licensee in writing of the license suspension and proposed revocation.

(b) An applicant or Licensee shall be notified in writing by either personal service, or certified mail to the last known address provided to the Commission. Notice shall be deemed complete on the tenth day after deposit of notice in the U.S. Mail. Should an applicant or Licensee disagree with the initial determination of the Executive Director, the applicant or Licensee shall submit a written statement and a separate request for hearing to the Commission within ten (10) days of the written notice.

(c) Summary Suspension. The Executive Director may summarily suspend any license if continued licensing of a Person constitutes an immediate threat to the public health, safety or welfare. A Licensee may appeal such suspension in the manner provided in Section 9.21.

(d) After a hearing, the Commission shall decide to revoke or reinstate a gaming license and shall notify the National Indian Gaming Commission of such decision.

11.12 No Property Interest in License. Nothing herein shall create a property interest in the issuance or retention of a license provided for this Ordinance. Failure of an employee or Primary Management Official to obtain or maintain a gaming license shall be grounds for immediate license revocation.

11.13 No Assignment or Transfer. No license issued under this Ordinance shall be assigned or transferred without the written approval of the Commission expressed formally in writing.

12. AUDITING AND INTERNAL CONTROL

12.01 Minimum Procedure for Control of Internal Fiscal Affairs. The Commission shall promulgate regulations for the control of internal fiscal affairs of the Gaming Operation. At a minimum, those regulations shall require:

(a) Minimum procedures for safeguarding the Gaming Operation's assets and revenues, including recording of cash, evidence of indebtedness and mandatory count procedures. Such procedures shall establish a control environment, accounting system and control procedures that safeguard the assets of the organization, assure that operation transactions are properly recorded, promote operational efficiency and encourage adherence to prescribed policies;

(b) Minimum requirements for reports from the Gaming Operation to the Commission of information that is required by this Ordinance or Regulation;

(c) The conducting, adoption, reporting and use of audits by internal auditors who are employees of the Commission;

(d) The formation of a uniform code of accounts and accounting classifications to assure consistency, comparability and effective disclosure of financial information. Such code shall require that records be maintained that reflect statistical drop (amount of cash wagered by Patrons), statistical win (amount of cash won by the Gaming Activity) and the percentage of statistical win to statistical drop, or provide similar information for each type of game or Gaming Device;

(e) The maintenance of documentation (i.e., checklists, programs, reports) to evidence all internal work performed as it relates to the requirements of this Section; and

(f) That all financial statements and documentation required by this Section be maintained for a minimum of five (5) years.

12.02 Minimum Internal Control Standards.

(a) Applicable Standards. The Commission shall adopt and make applicable to the Band's Gaming Operation minimum internal control standards that:

(1) Contain standards for currency transaction reporting that comply with 31 CFR Part 103; and

(2) Establish internal control standards for all Class II and Class III Gaming Activities consistent with the requirements of this Ordinance, IGRA, and the Tribal-State Compact that is approved by the Secretary of the Interior and is in effect, or otherwise has been authorized by the Secretary of the Interior or federal law.

(b) Compliance.

(1) The Commission shall require the Gaming Operation to adopt a system of internal controls which complies with the standards adopted by the Commission pursuant to Sections 12.01 and12.02; and

(2) The Commission shall monitor and enforce compliance with the internal control standards adopted pursuant to Sections 12.01 and 12.02.

12.03 Commission's Right to Conduct Audits. The Commission may require audits of the financial statements of the Gaming Operation and of any Gaming Activity. The Commission shall require such audits to occur when necessary to ensure the integrity, security, honesty and fairness of the Gaming Operation and all Gaming Activity. The Commission shall take reasonable steps to coordinate the timing of these audits with the annual audit required by Section 13, provided that the Commission may require audits to occur at other times if necessary to preserve the assets of the Band or ensure the integrity, security, honesty and fairness of the Gaming Operation or any Gaming Activity. Such audits may:

(a) Be made by independent Certified Public Accountants authorized to practice public accounting in the State of California;

(b) Include an opinion (qualified or unqualified), or if appropriate, disclaim an opinion on the financial statements taken as a whole in accordance with standards of the accounting profession established by rules and regulation of the California State Board of Accountancy and the American Institute of Certified Public Accountants;

(c) Disclose whether the accounts, records and control procedures maintained by the Gaming Operation are as required by the Regulation promulgated by the Commission pursuant to Sections 12.01 or12.02; and

(d) Provide for a review of the internal control structure, by the independent Certified Public Accountant, to disclose any deviation from prescribed rules, regulations, or industry practice and report such finding to the Commission and management.

12.04 Prohibition Against Embezzlement. Any maneuver or action of any kind which in the opinion of the Commission is effectuated by any Person to unlawfully divert Gaming proceeds or other proceeds properly belonging to the Band shall constitute grounds for taking disciplinary action against the Person. If the Commission finds an unlawful diversion was attempted, it may sanction the Person. Sanctions may include restitution, fining, revoking, suspending, limiting or refusing to renew such Person's License. The Commission or Business Committee may also seek prosecution of the offender under Tribal, State, and federal laws.

13. ANNUAL AUDIT

13.01 Requirement of Annual Audit. The Business Committee on behalf of the Band shall cause to be conducted at least annually an independent audit of all Gaming Operations pursuant to 25 U.S.C. § 2710(b)(2)(C) and shall submit the resulting audit reports to the National Indian Gaming Commission.

13.02 Contracts Included in Scope of Audit. All gaming-related contracts that result in the purchase of supplies, services, or concessions in excess of $25,000.00 annually, except contracts for professional, legal and accounting services, shall be specifically included within the scope of the audit that is described in Section 13.01.

14. REVIEW AND APPROVAL OF GAMING

14.01 Prohibition Against Gaming. No Person duly authorized by the Commission to conduct Gaming shall engage, conduct or condone any game unless and until such game is authorized and approved pursuant to Section 4 of this Ordinance, a valid license has been issued and all fees paid by the Licensee, and procedures governing such game have been duly approved by the Commission. Each request for approval of a new game shall be filed with the Commission. The Commission will consider the request and if not inconsistent with this Ordinance will recommend that the Business Committee approve of the game. The Business Committee may approve of any game not prohibited by this Ordinance or the Compact with the State of California.

14.02 Grace Period. The prohibition contained in Section 9.07 shall not apply to those games already being played as of the date of the enactment of this Ordinance; provided that the Licensee conforms to the then existing rules and any subsequent rules promulgated hereunder within five (5) days of such promulgation.

14.03 Authorization of Gaming. The Commission shall approve rules and procedures governing all authorized games, including rules governing Gaming Equipment, including without limitation chips, dice, cards and tiles. Any provision in a Compact with the State of California providing for notice to and comment from the State shall be complied with before the Commission authorizes any game.

14.04 Approval of Gaming Equipment. The Commission shall have the discretion to review, and to reject or approve, all Gaming Equipment and other devices used in the Gaming Activity as to quality, design, integrity, fairness, honesty and suitability.

(a) The Commission may require a prototype or sample of any model of Gaming Equipment or other device used in the Gaming Activity to be placed in the custody of the Commission and retained by it as a control for comparison purposes.

(b) Any evidence that Gaming Equipment or other devices used in the Gaming Facility have been tampered with or altered in any way, which would affect the integrity, fairness, honesty or suitability of the equipment or device, shall be immediately reported to the Commission.

14.05 Maintenance of Rules. The rules of each game offered at any duly licensed Gaming Facility shall be maintained in a location at the Gaming Facility and shall be clearly legible and available for public inspection upon request.

14.06 Gaming Rules and Procedures. The management of a Gaming Facility may adopt rules and procedures governing the operations of all Gaming Activity with the approval of the Commission. Such rules and procedures shall be complied with until such time as modified with the approval of the Commission. Management may adopt emergency changes to such rules and procedures if necessary to preserve the assets of the Band and the integrity of the Gaming Activity, however such changes shall be in writing and must be presented to the Commission Staff immediately and to the Commission within 24 hours, or the next day that the Commission offices are open for business, whichever is sooner, for approval or rejection.

15. EXCLUSION OR EJECTION OF INDIVIDUALS

15.01 Exclusion List. The Commission shall provide for the establishment of a list of persons who are to be excluded or ejected from any duly licensed Gaming Facility. The list shall include any person whose presence in the Gaming Facility is determined by the Commission to pose a threat to the integrity of Gaming Operation, a threat to the health, safety or welfare of employees or patrons, interests of the Band, or State of California. Race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, or sexual orientation must not be grounds for placing the name of a person on the list.

15.02 Notice and Opportunity to be Heard. The Commission shall promulgate regulations providing due process to any person whose name the Commission is considering placing on the Exclusion list.

15.03 Prohibition Against Listed Individuals. It shall be a violation of this Ordinance for any Licensee to knowingly fail to exclude or eject from a Gaming Facility any persons placed on the list referred to in 14.01. It shall be a violation of this Ordinance for any person whose name appears on the list referred to in 14.01 to enter into or engage in any game at a duly licensed Gaming Facility.

15.04 Ejection of Certain Individuals. It shall be a violation of this Ordinance for any Licensee to fail to eject from a Gaming Facility any individual who is engaged in Gaming Activity and:

(a) Is visibly under the influence of alcohol or any narcotic or such other substance; or

(b) Is under the age of twenty-one (21) years.

16. UNLAWFUL ACTS

16.01 Additional Unlawful Acts. It shall be a violation of this Ordinance for any Person to:

(a) Alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure, but before it is revealed to the players;

(b) Place, increase or decrease a bet, or to determine the course of play, after acquiring knowledge not available to all players, of the outcome of the game or knowledge that is the subject of the bet or wager, including past-posting and pressing bets;

(c) Aid anyone in acquiring such knowledge as set forth in subsection (b) above, for the purpose of increasing or decreasing a bet or wager, or for the purpose of determining the course of play contingent upon that event or outcome;

(d) Claim, collect or attempt to claim or take money or anything of value in or from an approved game with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won;

(e) Knowingly entice or induce another to go to any place where a Gaming Activity is being conducted or operated in violation of the provisions of this Section, with the intent that the other person play or participate in that Gaming Activity;

(f) To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet or wager, including pinching bets;

(g) To manipulate, with intent to cheat, any component of Gaming Equipment in a manner contrary to the designed and normal operational purpose for the component, with knowledge that the manipulation affects or may affect the outcome of the game or with knowledge of any event that affects the outcome of the game;

(h) To defraud the Band, or any Person in any Gaming Activity;

(i) To offer or attempt to offer anything of value to a Licensee in an attempt to induce the Licensee to act or refrain from acting in a manner contrary to the duties of the Licensee under applicable law;

(j) To take any action which interferes with or prevents the Commission or the Business Committee from fulfilling its duties and responsibilities under this Ordinance or other applicable law or regulation.

16.02 Prohibition Against Electronic Aids. Except as specifically permitted by the Commission, it shall be a violation of this Ordinance for any person to possess with the intent to use, or actually use, at any table game, either by himself, or in concert with others, any calculator, computer or other electronic, electrical or mechanical device to assist in projecting an outcome at the table game, to keep track or analyze the cards having been dealt, or to change the probabilities of the game or the playing strategies to be utilized.

17. NATIONAL INDIAN GAMING COMMISSION & TRIBAL-STATE COMPACT

17.01 National Indian Gaming Commission - Regulations. Notwithstanding any provision in this Ordinance or any regulation promulgated thereunder, the Commission is fully empowered to comply with all applicable regulations promulgated by the National Indian Gaming Commission, including but not limited to all requirements to report ordinances, contracts, license applications, background checks and other information to the National Indian Gaming Commission.

17.02 National Indian Gaming Commission - Assessment. Notwithstanding any provision in this Ordinance or any Regulation, the Commission is fully empowered to comply with all assessments authorized by the National Indian Gaming Commission. ~~Such assessments shall be paid by the Band.~~

17.03 Compact with the State of California. Notwithstanding any provision in this Ordinance or any Regulation, the Commission is fully empowered to enforce the provisions of any Compact properly executed between the Band and the State of California; provided, however, that if any provision of a Compact provides for action by

the Band, the Commission is not authorized to, and shall not, contact the State's appointed agencies (or its agents) without the prior approval of the Business Committee.

18. PROTECTION OF THE ENVIRONMENT AND PUBLIC HEALTH AND SAFETY

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

18.02 The Commission shall ensure compliance with this Section 18.01 and applicable NIGC regulations.

19. MISCELLANEOUS

19.01 Security. Each licensed Gaming Activity must provide for reasonable security. All security officers and personnel must be licensed by the Commission. Such licensing may or may not entail full background investigations required for Primary Management Officials and Key Employees.

19.02 Maintenance of Ordinance and Regulations. Each licensed Gaming Facility shall obtain, maintain and keep current a copy of this Ordinance and the Regulations. Management of the Gaming Operation shall make a complete copy of this Ordinance and the Regulations available for review by any Patron. That a Licensee does not have a current copy of the Gaming Ordinance, Regulations, or any of the rules of the Commission, shall not in any way diminish the Licensee's obligation to abide by the Ordinance and Regulations. Regulations and amendments to this Ordinance shall be provided to the Gaming Operation within a reasonable time period after adoption.

19.03 Compliance with Other Laws. The construction, maintenance and operation of any Gaming Facility shall be in a manner, which adequately protects the environment and the public health and safety and shall comply with any otherwise applicable Tribal and federal laws, including the Compact with the State of California relating to environmental protection and health and safety.

19.04 Amendment of Commission Regulations. All Regulations promulgated herein by the Commission are subject to proper revision, repeal or amendment by the Commission. The Business Committee shall ratify, revise or veto any amendment in the manner provided in Section 25.

19.05 Severability. If any provision of this Ordinance, or its application to any purpose or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the provision, or the application of the provision through another Person or circumstance, shall not be affected.

19.06 Captions. The captions and heading of this Ordinance are included for the convenience only and shall in no way limit or affect the text thereunder.

20. SOVEREIGN IMMUNITY

Except as provided herein, nothing in this Ordinance shall be construed as a waiver of the sovereign immunity of the Band or any of its officers, employees, or entities.

21. CONSENT TO JURISDICTION

Any person who applies for a License under this Ordinance, applies for employment in any Gaming Operation, enters into any contract or agreement with the Gaming Operation, or participates in any Gaming Activity on the Reservation, shall be deemed to consent to the civil jurisdiction of the Band, the Commission and the Tribal Court. Nothing in this Section shall limit the jurisdiction of the Band, the Commission or the Tribal Court under any circumstances not explicitly contemplated in this Ordinance.

22. LAW ENFORCEMENT; FINGERPRINTING AND CRIMINAL BACKGROUND CHECKS

Each applicant for a Key Employee or Primary Management Official shall be required to have fingerprints taken as part of the license application procedure. Fingerprints shall be taken by the Commission. Fingerprints will then be forwarded to the NIGC for processing through the FBI and NCIC to determine the applicant's criminal history, if any. Nothing herein shall prohibit the Commission from accessing CLETS as provided by the Compact.

23. AGENT FOR SERVICE

The Chairperson of the Business Committee is hereby appointed as the agent for service of process. The Chairperson's address is 1 West Tribal Road, Valley Center, California 92082.

24. PATRON DISPUTES

24.01 Patron Gaming Disputes. Any Patron who has any dispute, disagreement or other grievance (herein "gaming dispute") with the Gaming Operation that involves the play of any Class II or Class III game shall have their dispute resolved as provided in Sections 24.02 and 24.03. The manager of the Gaming Operation shall provide notice to any Patron of the Gaming Operation of this dispute resolution procedure. In addition, the manager shall also make forms for filing a claim available to Patrons of the Gaming Operation.

24.02 Patron Rights Regarding Gaming Disputes. Any Patron with a gaming dispute shall file a written statement of the facts or circumstances of the gaming dispute with the manager of the Gaming Operation within five (5) days of the dispute. The manager of the Gaming Operation shall have five (5) days to prepare its written response to the Patron. If a Patron is unable to resolve his dispute with the Gaming Operation, the Patron has the right to contact the Commission to resolve the issue. The manager shall provide copies of the Patron's statement and management's response to the Commission.

24.03 Commission Action on Patron Gaming Disputes. In the event any Patron is dissatisfied with the response from the manager of the Gaming Operation such Patron may request a hearing before the Commission. This request must be submitted to the Commission within seven (7) days of the response from the manager of the Gaming Operation. The Commission shall notify such Patron and the manager of the Gaming Operation of the time and place set for the hearing in writing at least five days before any hearing on the matter. The Commission shall hold a hearing within 20 days of its receipt of a request for a hearing. The Patron shall be authorized to submit written and oral evidence in support of his/her claim. The manager of the Gaming Operation or his designee shall also attend the hearing to respond to the claim(s) made by such Patron. The decision of the Commission shall be final.

25. AMENDMENTS

All provisions of this Ordinance are subject to amendment by the Business Committee. All regulations and rules promulgated by the Commission are subject to proper revision, repeal, or amendment by the Commission. All amendments to this Ordinance shall be effective upon the date of passage by the Business Committee and approval by the Chairman of the National Indian Gaming Commission. The Commission shall monitor changes to the Indian Gaming Regulatory Act and regulations of the National Indian Gaming Commission. The Commission may make recommendations for changes to this Ordinance to the Business Committee from time to time to ensure compliance with applicable law.

26. REPEAL

Rincon San Luiseño Band of Mission Indians Tribal Gaming Ordinance #2011-18 and all amendments thereto are hereby repealed. To the extent that any determinations, rules or regulations of the Commission concerning gaming are inconsistent with this Ordinance, they are hereby repealed. Conversely, any determination made or rules or regulations promulgated by the current or a previous Commission acting under any Rincon San Luiseño Band of Mission Indians Tribal Gaming Ordinance, which are consistent with this Ordinance are valid and remain in effect.

27. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its approval by the Chairman of the National Indian Gaming Commission.

CERTIFICATION

We, the undersigned, as the governing body of the Rincon Band of Luiseño Mission Indians of the Rincon Reservation, California, do hereby certify that the foregoing Rincon Gaming Ordinance #2011-809 was adopted by the Rincon Band of Luiseño Indians on August 9, 2011 and certify that the Rincon Business Committee is composed of five (5) members of whom 4 constituting a quorum were present at a meeting duly held on August 9, 2011 by a vote of 4 in favor, 0 against, 0 absent, and 0 abstaining.

Bo Mazzetti, Chairman

Stephanie Spencer, Vice Chairwoman

Charles Kolb, Council Member

Steve Stallings, Council Member

Open Seat, Council Member