



March 6, 2015

By First Class Mail

Carolyn Lubenau, Chairperson
Snoqualmie Indian Tribe
9571 Ethan Wade Way
Snoqualmie, WA 98065

**Re: Snoqualmie Indian Tribe Ordinance Amendments, Snoqualmie Indian
Tribe Resolution 12-2015.**

Dear Chairperson Lubenau:

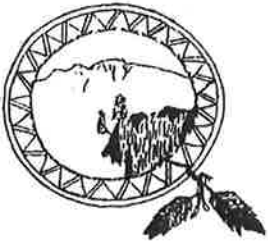
This letter responds to your request on behalf of the Snoqualmie Indian Tribe for the National Indian Gaming Commission (NIGC) to review and approve the Tribe's amendments to its gaming ordinance. The amendments were adopted by the Snoqualmie Tribal Council in Resolution 12-2015. The amendments execute a wholly revised Gaming Ordinance intended to more clearly align with the Tribe's compact.

Thank you for bringing these amendments to our attention and for providing us with a copy. These amendments are approved as they are consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions or require anything further, please contact Staff Attorney Rea Cisneros at 202-632-7003.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonodev Chaudhuri".

Jonodev Chaudhuri
NIGC Chairman (Acting)



SNOQUALMIE INDIAN TRIBE

RESOLUTION #12 -2015



Resolution Repealing the Snoqualmie Indian Tribe (2002) Gaming Act and Approving and Adopting the Snoqualmie Indian Tribe Tribal (2015) Gaming Act

WHEREAS, the Snoqualmie Indian Tribe is the sovereign entity recognized as a signatory Tribe to the Point Elliot Treaty of 1855; and

WHEREAS, the Snoqualmie Tribal Council is the governing body of the Snoqualmie Indian Tribe by authority of its Constitution; and

WHEREAS, the Snoqualmie Tribal Council is the duly elected council of the General Membership and is responsible for the protection of the health, safety, and welfare of the members of the Snoqualmie Indian Tribe; and

WHEREAS, the Snoqualmie Tribal Council previously adopted Tribal Council Act 3-02, Act Related to Gaming, Snoqualmie Gaming Act ("2002 Gaming Act") to govern gaming activities taking place on the Tribe's Indian lands; and

WHEREAS, the Snoqualmie Tribal Council desires to adopt a new Gaming Act which shall supersede the (2002) Gaming Act, and all amendments thereto; and

WHEREAS, the Snoqualmie Tribal Council has reviewed the Snoqualmie Gaming Act attached at Exhibit A and upon recommendation from the Snoqualmie Gaming Commission desires that it shall become effective upon approval by the Chairman of the National Indian Gaming Commission; and

NOW, THEREFORE BE IT RESOLVED, the Snoqualmie Tribal Council repeals the (2002) Gaming Act and all tribal gaming ordinances and amendments thereto currently in effect, such repeal being effective only upon receipt of the approval of the attached Snoqualmie (2015) Gaming Act by the Chairman of the National Indian Gaming Commission; and

NOW, THEREFORE BE IT FURTHER RESOLVED, the Snoqualmie Tribal Council adopts and approves the Snoqualmie (2015) Gaming Act attached hereto as Exhibit A, to be effective only upon receipt of the approval of the Snoqualmie (2015) Gaming Act by the Chairman of the National Indian Gaming Commission; and

NOW, THEREFORE BE IT FINALLY RESOLVED, that the Snoqualmie Tribal Council hereby directs the Chairperson to submit the Snoqualmie (2015) Gaming Act 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 Snoqualmie Gaming Act attached at Exhibit A effective pursuant to federal law and directs the Tribal Secretary to codify the same upon receipt of the approval of the Snoqualmie (2015) Gaming Act by the Chairman of the National Indian Gaming Commission.



SNOQUALMIE INDIAN TRIBE

RESOLUTION #12 -2015



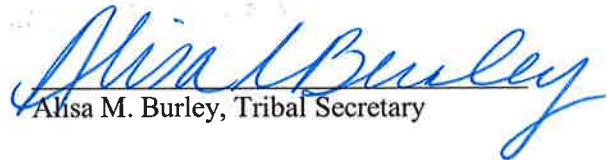
Resolution Repealing the Snoqualmie Indian Tribe (2002) Gaming Act and Approving and Adopting the Snoqualmie Indian Tribe Tribal (2015) Gaming Act

CERTIFICATION

Voted on this 22nd day of January, 2015 in Snoqualmie, WA at a duly called meeting of the Snoqualmie Tribal Council with a quorum present and voting:

For 8, Against 0, Abstaining 0.


Carolyn Lubenau, Chairwoman


Ahsa M. Burley, Tribal Secretary

SNOQUALMIE TRIBE
TRIBAL GAMING ACT

TABLE OF CONTENTS

1.	Purpose.....	1
2.	Gaming Authorized.....	1
3.	Definitions.....	1
3.01	Applicable Law.....	1
3.02	Applicant.....	1
3.03	CEO.....	1
3.04	Class I Gaming.....	1
3.05	Class II Gaming.....	1
3.06	Class III Gaming.....	2
3.07	Close Relative.....	2
3.08	Compact.....	2
3.09	Commission.....	3
3.10	Commissioner.....	3
3.11	Facility License.....	3
3.12	Gaming Activity.....	3
3.13	Gaming Employee.....	3
3.14	Gaming Facility.....	3
3.15	Gaming Financier.....	3
3.16	Gaming Operation.....	3
3.17	Gaming Services.....	3
3.18	Gaming Vendor.....	3
3.19	Indian Lands.....	4

3.20	Key Employee.....	4
3.21	Licensee.	4
3.22	Management Contract.....	4
3.23	Net Revenues.	4
3.24	Patron.	4
3.25	Person.....	4
3.26	Primary Management Official.	4
3.27	Regulation.	5
3.28	Snoqualmie Tribal Court.....	5
3.29	Tribal.....	5
3.30	Tribal Lottery System.	5
3.31	Tribe.....	5
4.	Compact.....	5
5.	Ownership of Gaming.....	5
6.	Use of Net Revenues.....	5
6.01	Permitted Uses.	5
6.02	Per Capita Payments Require Federal Approval.	5
7.	Snoqualmie Gaming Commission	5
7.01	Establishment of the Commission.	5
7.02	Governmental Attributes of the Commission.	5
7.03	Regulatory Authority.	6
7.04	Importance of Independence of Commission.	6
7.05	Commission Budget.....	6
7.06	Composition of Commission.	6
7.07	Commissioner Qualifications and Eligibility Determinations.....	7

7.08	Removal for Cause.....	8
7.09	Removal of a Commissioner.....	8
7.10	Temporary Commissioner Appointments.....	9
7.11	Powers and Duties of the Commission.....	9
8.	Executive Director	14
8.01	Executive Director Appointment and Eligibility.....	14
8.02	Powers and Duties of Executive Director.....	14
8.03	Files and Records of the Commission; Confidentiality of Information.....	14
8.04	Background Investigations of the Executive Director and Commission Staff.	16
9.	Additional License Categories.....	17
9.01	Gaming Employee License.....	17
9.02	Gaming Vendor License.....	17
9.03	Gaming Financiers.....	17
9.04	Nongaming Vendors.....	17
9.05	Vendor Licensing Exemptions.....	17
9.06	Registration and Exemptions.....	17
10.	Facility License.....	18
10.01	Requirement of Licensure.....	18
10.02	License Not Guaranteed.....	18
11.	Licenses for Key Employees and Primary Management Officials.....	18
11.01	Application Forms.....	18
11.02	Background Investigations.....	19
11.03	Eligibility Determination.....	21
11.04	Temporary Licensure.....	21
11.05	Investigative Reports.....	21

11.06	Notice of Background Investigation Results.	22
11.07	Granting a Gaming License.	22
11.08	Denying a Gaming License.....	23
11.09	License Suspensions and Revocations.....	23
11.10	Retention of Records.....	24
11.11	Additional Licensee and Applicant Provisions.....	24
11.12	Standards.....	25
11.13	Effect of Compact.	25
12.	Patron Disputes.....	25
12.01	Raising Disputes.	25
12.02	Patron Rights Regarding Disputes.....	25
12.03	Raising Disputes.	25
12.04	Impact On Game Play.....	26
12.05	Commission Decisions.....	26
12.06	Appeal To Snoqualmie Tribal Court.....	26
13.	Agent for Service of Process.....	27
14.	Limitations on Gaming.....	27
15.	Sovereign Immunity Preserved.....	27
16.	Consent to Jurisdiction.....	27
17.	Compliance with Federal Law.....	27
18.	Repeal.....	27
19.	Effective Date.....	28

SNOQUALMIE TRIBE **TRIBAL GAMING ACT**

1. Purpose

The Tribal Council of the Snoqualmie Tribe (the "Tribal Council"), empowered by the Tribe's Constitution to enact laws, hereby enacts this Tribal Gaming Act (this "Act") in order to govern and regulate the operation of Class II and Class III Gaming on the Tribe's Indian Lands.

2. Gaming Authorized

All Gaming Activities on the Tribe's Indian Lands are prohibited, except as expressly permitted under this Act and the Regulations. All forms of Class II and Class III Gaming, as defined in the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. § 2701 *et seq.*, are hereby authorized. Unless specifically indicated otherwise, all provisions of this Act shall apply to gaming on the Tribe's Indian Lands.

3. Definitions

Defined terms in this Section 3 shall have the same meanings and effects as their counterpart terms in IGRA and the National Indian Gaming Commission ("NIGC") regulations, 25 C.F.R. § 500 *et seq.*, to the extent such terms are defined in IGRA and the NIGC regulations.

3.01 Applicable Law. "Applicable Law" means IGRA and regulations promulgated thereunder, the Compact, this Act, the Regulations, and all other applicable laws or regulations promulgated under state, federal, or tribal law.

3.02 Applicant. "Applicant" means an individual or entity that applies for the issuance or renewal of a Tribal gaming license.

3.03 CEO. "CEO" means that person or entity designated by the Snoqualmie Entertainment Authority as the Chief Executive Officer of the Gaming Operation.

3.04 Class I Gaming. "Class I Gaming" means: (1) social games played solely for prizes of minimal value or (2) traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.

3.05 Class II Gaming. "Class II Gaming" means:

A. Bingo or lotto (whether or not electronic, computer or other technologic aids are used) when players:

(1) Play for prizes with cards bearing numbers or other designations;

(2) Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and

- (3) Win the game by being the first person to cover a designated pattern on such cards;
- B. If played in the same location as bingo or lotto, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo;
- C. Non-banking card games that:
 - (1) State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the State of Washington (the "State"); and
 - (2) Players play in conformity with State laws and regulations (if any) concerning hours, periods of operation, and limitations on wagers and pot sizes; and
- D. Card games played in the State, if:
 - (1) An Indian tribe actually operates the same card games as played on or before May 1, 1988, as determined by the NIGC Chair; and
 - (2) The pot and wager limits remain the same as on or before May 1, 1988, as determined by the NIGC Chair.

3.06 Class III Gaming. "Class III Gaming" means all forms of gaming that are not Class I or Class II Gaming, including, but not limited to:

- A. Any house banking game, including but not limited to:
 - (1) Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house-banking games); and
 - (2) Casino games such as roulette, craps, and keno;
- B. Any slot machines, as defined in 15 U.S.C. § 1171(a)(1), and electronic or electromechanical facsimiles of any game of chance;
- C. Any sports betting and pari-mutuel wagering, including, but not limited to, wagering on horse racing, dog racing or jai alai; and
- D. Lotteries.

3.07 Close Relative means a spouse, parent, step-parent, sibling, step-sibling, child, step-child, grand-parent, and grand-child. The term "Close Relative" includes spouses of the foregoing and persons sharing a household with the foregoing.

3.08 Compact. "Compact" means the tribal-state gaming compact for Class III Gaming between the Tribe and the State, and all approved appendices and attachments thereto, each as may be amended from time to time.

- 3.09 Commission.** "Commission" means the Snoqualmie Gaming Commission established pursuant to this Act to perform regulatory oversight and to monitor compliance with Applicable Law.
- 3.10 Commissioner.** "Commissioner" means a Snoqualmie Gaming Commissioner.
- 3.11 Facility License.** "Facility License" means the separate license issued by the Commission to each place, facility or location on Indian Lands where the Tribe elects to allow Class II or Class III Gaming.
- 3.12 Gaming Activity.** "Gaming Activity" or "Gaming Activities" means any Class I, Class II, or Class III Gaming activity authorized by this Act.
- 3.13 Gaming Employee.** "Gaming Employee" means any individual employed in connection with the Gaming Operation or Gaming Facility, whether employed or contracted by the Tribe or by any person or enterprise providing gaming operation and management services to the Tribe, including, but not limited to, Gaming Operation managers and assistant managers; accounting personnel; surveillance and security personnel; cashiers; dealers or croupiers; box men; floormen; pit bosses; shift bosses; cage personnel; collection personnel; gaming consultants; pari-mutuel clerks, management companies and their principals; and any other person whose employment duties require or authorize access to restricted areas of the Gaming Facility not otherwise opened to the public, or to areas designated by the Commission and Washington State Gambling Commission.
- 3.14 Gaming Facility.** "Gaming Facility" or "Facility" means the building or buildings or portions thereof in which Class II or Class III Gaming activities or Gaming Operations occur. The Gaming Facility shall be licensed by the Commission.
- 3.15 Gaming Financier.** "Gaming Financier" means any who extends financing, directly or indirectly to the Gaming Facility or Gaming Operation.
- 3.16 Gaming Operation.** "Gaming Operation" means each economic entity that is licensed by the Tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses. A Gaming Operation may be operated by the Tribe directly, a management contractor or, under certain conditions, another Person.
- 3.17 Gaming Services.** "Gaming Services" means the providing of any goods or services to the Tribe, whether on or off site, directly or indirectly, in connection with the operation of Class II or III Gaming activities in a Gaming Facility, including equipment, maintenance or security services. Gaming Services shall not include professional legal and accounting services.
- 3.18 Gaming Vendor.** "Gaming Vendor" means a manufacturer or supplier of Gaming Services.

- 3.19 Indian Lands.** "Indian Lands" means land within the limits of the Tribe's Indian reservation and land over which the Tribe exercises governmental power that is either: (a) held in trust by the United States for the benefit of any Indian tribe or individual; or (b) held by the Tribe or an individual and subject to restriction by the United States against alienation.
- 3.20 Key Employee.** "Key Employee" means a person who performs one or more of the following functions: bingo caller; counting room supervisor; chief of security; custodian of gaming supplies or cash; floor manager; pit boss; dealer; croupier; approver of credit; or custodian of gambling devices, including persons with access to cash and accounting records within such devices; if not otherwise included, any other Gaming Operation employee whose total cash compensation is in excess of \$50,000 per year, the four most highly compensated persons in the Gaming Operation, and any other person designated by the Commission as a Key Employee.
- 3.21 Licensee.** "Licensee" means a tribally owned Class II or Class III Gaming Operation, a person licensed by the Commission as a Primary Management Official or Key Employee under the provisions of this Act, and any other Person licensed as required by the Compact or otherwise pursuant to the Commission regulation.
- 3.22 Management Contract.** "Management Contract" means any contract, subcontract or collateral agreement between the Tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of the Gaming Operation.
- 3.23 Net Revenues.** "Net Revenues" means gross gaming revenues of the Gaming Operation less: amounts paid out as, or paid for, prizes; and, 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.
- 3.24 Patron.** "Patron" means any individual who participates as a player in a Gaming Activity within a Gaming Facility.
- 3.25 Person.** "Person" means any corporation, limited liability corporation, partnership, firm, association, society or natural person.
- 3.26 Primary Management Official.** "Primary Management Official" means: (1) the person(s) having management responsibility for a Management Contract; (2) any person who has authority: (a) to hire and fire employees of the Gaming Operation; or (b) to set up working policy for the Gaming Operation; or (c) the chief financial officer or other person who has financial management responsibility; and (3) any other person designated by the Commission as a primary management official.

3.27 Regulation. "Regulation" means a regulation of the Commission promulgated pursuant to this Act.

3.28 Snoqualmie Tribal Court. "Snoqualmie Tribal Court" means the court designated by the Tribe as the Snoqualmie Tribal Court.

3.29 Tribal. "Tribal" means of or pertaining to the Tribe.

3.30 Tribal Lottery System. "Tribal Lottery System" means the lottery system operated by the Tribe pursuant to the Compact.

3.31 Tribe. "Tribe" means the Snoqualmie Tribe.

4. Compact.

The Compact shall be deemed to be incorporated herein, and in the event of any conflict between a provision of this Act and a provision of the Compact, the provision set forth in the Compact shall be controlling, except in the event that the provision set forth herein or in any Regulation is more stringent. The adoption of the Compact and incorporation herein shall under no circumstances be deemed to affect the operation by the Tribe of any Class II Gaming, or to confer upon the State any jurisdiction over Class II Gaming conducted by the Tribe.

5. Ownership of Gaming

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any Gaming Operation authorized by this Act.

6. Use of Net Revenues

6.01 Permitted Uses. Net Revenues from Tribal Gaming Activities shall be used only for the following purposes: (i) to fund Tribal government operations and programs, (ii) to provide for general welfare of the Tribe and its members, (iii) to promote Tribal economic development, (iv) to donate to charitable organizations, or (v) to help fund operations of local government agencies.

6.02 Per Capita Payments Require Federal Approval. If the Tribe elects to make per capita payments, it shall authorize such payments only pursuant to a revenue allocation plan approved by the Secretary of the Interior under § 2710(b)(3) of IGRA.

7. Snoqualmie Gaming Commission

7.01 Establishment of the Commission. The Tribe hereby establishes the Commission as an independent governmental subdivision of the Tribe.

7.02 Governmental Attributes of the Commission. The Commission, as a political subdivision of the Tribe, possesses all the rights, privileges and immunities of the Tribe, including, without limitation, sovereign immunity from suit absent express

consent from the Tribal Council. The individual members of the Commission are officers of the Tribal government and shall be immune from suit when acting within their official capacity to the fullest extent permitted by law.

7.03 Regulatory Authority. The Commission shall have the authority and responsibility to regulate Gaming Activities within the Tribe's Indian Lands. This authority includes the power to regulate the Gaming Operations, Gaming Facility, and to license all persons subject to the Commission's licensing authority under this Act and Regulations. The Commission shall ensure that all Gaming Activities conducted within the Tribe's Indian Lands are conducted in accordance with Applicable Law.

7.04 Importance of Independence of Commission. The Tribe recognizes the importance of an independent gaming commission in maintaining a well-regulated Gaming Operation. The Commission shall be independent of the Tribal Council in all matters within the Commission's purview.

7.05 Commission Budget. Commission funding shall be in an amount adequate for the Commission to properly fulfill all of its regulatory responsibilities under this Act.

A. Annual Budget. Annually the Commission shall prepare a requested budget for approval of the Tribal Council. Funding for all reasonable and necessary costs and expenses of the Commission shall be the obligation of the Tribe.

B. Commission Expenditures. Within the limits of an approved budget, the Commission shall employ and fix the salaries of or contract for services of such employees and professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Commission may require. The Commission may expend its 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. The Commission shall have the authority to expend funds within the approved budget without the requirement of further authorization, subject to generally applicable tribal accounting and procurement policies.

7.06 Composition of Commission. The Commission shall be composed of at least three persons (each a "Commissioner," and collectively "Commissioners"), a majority of whom shall be enrolled members of the Tribe. A majority of Commissioners shall not be Close Relatives. Commissioner positions shall be filled by appointment by the Tribal Council. Commissioners shall serve staggered three (3) year terms. To achieve such staggered terms, the initial Chair appointee shall serve an initial term of three (3) years. The second initial appointee shall serve an initial term of two (2) years, and the third initial appointee shall serve for

an initial term of one year. All subsequent appointments shall be for three (3) years. Commissioners may serve successive terms of office without limitation. Notwithstanding the foregoing, and at the discretion of the Tribal Council, a Commissioner may continue to serve as Commissioner, with full authority, after completion of a term until such time as a replacement is appointed by the Tribal Council.

7.07 Commissioner Qualifications and Eligibility Determinations.

- A. Experience and Training. The experience and training of a Commissioner must be of sufficient scope, depth and relevancy to enable him or her to fulfill his or her duties under this Act.
- B. Ineligible Individuals. The following persons are not eligible to serve as a Commissioner:
- (1) Tribal Council members,
 - (2) Employees of a Gaming Operation,
 - (3) Individuals sharing a household with a Primary Management Official or Key Employee,
 - (4) Any person who is employed or otherwise serves in a position with responsibilities that create a conflict of interest or appearance of a conflict of interest with the duties and responsibilities of the Commission, and
 - (5) Individuals previously convicted of any felony, gaming offense or misdemeanor offense of embezzlement, theft or any other money-related or honesty-related misdemeanor offense, such as fraud.
- C. Background Investigations of Commissioner Candidates. The Tribal Council shall cause a criminal history check to be conducted by the Tribe's law enforcement agency or other third party investigative entity (hereinafter, an "Investigator") as it may choose for each Commissioner candidate. All Commissioner candidates shall consent to, and fully cooperate with the background investigation. The background investigation shall include a criminal history check. The Investigator shall prepare a written investigative report and a recommended eligibility determination as to whether a Commissioner candidate is eligible to hold office.
- D. Eligibility Determination. The Tribal Council shall review the Investigator's report and recommendation and shall make an eligibility determination before appointing an individual to the position of Commissioner. A person is not eligible to hold office as a Commissioner if such person:

- (1) Is ineligible pursuant to Section 7.07(B);
- (2) Has knowingly and willfully provided materially important false statements or information or omitted materially important information on his or her background questionnaire; or
- (3) Has been determined to be a person whose prior activities, criminal record, if any, 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, or activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto.

7.08 Removal for Cause. A Commissioner may be removed from the position of Commissioner for the following reasons:

- A. Gross Neglect of Duty. This includes substantial or repeated failure to exercise authority or discharge responsibilities as required by Applicable Law.
- B. Misconduct. This includes (i) a conviction or a plea of guilty or no contest to any felony, or to a misdemeanor involving dishonesty, (ii) a substantial violation of a Regulation; (iii) a knowing violation of applicable Tribal law that expressly assigns duties or responsibilities to the Commission; or (iv) misconduct in office that threatens the integrity of the Commission or creates an appearance of impropriety of a Commissioner.
- C. Failure to Attend Commission Meetings. Failure to attend four (4) consecutive regularly scheduled meetings of the Commission, or failure to attend six (6) regularly scheduled meetings in a twelve (12) month period.
- D. Ineligibility. The Commissioner becomes ineligible pursuant to Section 7.07(B) or 7.07(D).

7.09 Removal of a Commissioner. If the Tribal Council has reason to believe that cause for removal of a Commissioner exists, the Tribal Council shall cause an investigation to be conducted. If, in the Tribal Council's determination, the investigation confirms the existence of cause for removal, the Tribal Council shall notify the Commissioner of the time and place for a hearing before Tribal Council, which describes the purpose of the hearing and all claims and allegations to be addressed in the hearing. The Commissioner shall be afforded reasonable notice of the hearing and given the right to be heard at the hearing. The Tribal Council may only remove a Commissioner upon a finding of clear and convincing evidence that cause for removal of the Commissioner exists.

7.10 Temporary Commissioner Appointments.

- A. Temporary Appointment Due to Recusal. The Tribal Council may provide for temporary appointments of Commissioners in the event that a majority of all appointed Commissioners are otherwise required to recuse themselves in the manner provided within the Regulations. In such event the appointment of one or more temporary Commissioners shall only be for the limited purpose of participating in the matter within which a Commissioner has been recused and only for the time period necessary to act upon such matter.
- B. Temporary Appointment Due to Departure of Commissioner. The Tribal Council may appoint a temporary Commissioner in the event that a Commissioner resigns, is removed, or otherwise departs the Commission. The replacement Commissioner shall serve for the remainder of the prior Commissioner's term of appointment.
- C. Requirements. A temporarily appointed Commissioner must otherwise satisfy the requirements of this Act.

7.11 Powers and Duties of the Commission.

- A. General. Subject to the provisions of this Act, the Commission shall have the power, duty, and primary responsibility necessary and proper to:
 - (i) carry out the Tribe's regulatory requirements under Applicable Law,
 - (ii) enforce such requirements, (iii) protect the integrity of Gaming Activities, and (iv) prevent the appearance of impropriety.
- B. Licensing. The Commission shall have the power to conduct investigations and determine the eligibility of any Applicant in accordance with this Act and the Regulations. The Commission shall also have the power to limit, revoke, terminate, condition, suspend, or restrict any license and to reprimand, warn or fine a Licensee for violations of this Act or the Regulations.
- C. Rulemaking Authority. The Commission shall have the power to promulgate Regulations implementing, interpreting and otherwise in furtherance of this Act and the purposes thereof, and shall have the power generally to promulgate Regulations relating to gaming on the Tribe's Indian Lands.
 - (1) Standard Regulations. In promulgating Regulations, the Commission shall provide notice of the proposed regulation ("Proposed Rule Notice") as set forth below.
 - (a) The Proposed Rule Notice shall describe the general nature of the proposed regulation and advise how comments on the proposed action will be received by the Commission.

(b) The Commission shall post the Proposed Rule Notice at a place designated by the Commission within a Tribal government building, or such other place as provided in the Regulations, at least twenty (20) calendar days prior to the Commission meeting at which the Commission is to consider the proposed regulation. On or before the date of posting, the Commission shall separately send the Proposed Rule Notice to the Tribal Council and the CEO of the Gaming Operation.

(c) Upon receipt of comments from the Tribal Council, a Gaming Operation or any other Person, the Commission shall consider such comments before taking action to adopt a proposed regulation or amend or repeal a Regulation.

(2) Emergency Action. In the event the Commission determines that an emergency is occurring, the Commission may summarily adopt, amend or repeal any Regulation (an "Emergency Action") in the manner provided in this section.

(a) To take Emergency Action, the Commission must:

- (i) Determine the immediate adoption, amendment or repeal of a Regulation is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare; and
- (ii) Explain in writing the facts and circumstances that caused the emergency.

(b) The Commission shall inform the Tribal Council as soon as reasonably possible about the Emergency Action and reasons for the Emergency Action.

(c) The Commission shall post notice of the Emergency Action at the Gaming Facility or Tribal administration complex within one day of adoption.

(d) Regulations adopted under this subsection shall be effective for a period not to exceed ninety (90) calendar days. Should the Commission desire the Emergency Action to be effective past that date, the Commission must post a Proposed Rule Notice and adopt, amend or repeal such Regulation in the manner provided in Section 7.11(C)(1) above.

D. General Powers of Commission.

- (1) Monitoring of Compliance and Inspection. The Commission shall have the power and duty to monitor all Gaming Operations for compliance with Applicable Law. The Commission shall have the power to require the Executive Director and Commission staff to undertake such investigations, audits and inspections as appropriate, review the results of inspections and take enforcement action.
- (2) Access to Records. The Commission shall have access to all areas of each Gaming Facility and Gaming Operation and to all of their records.
- (3) Audit. The Commission shall ensure that each Gaming Operation causes an independent audit of such Gaming Operation to be conducted annually.
 - (a) Annual audits shall conform to generally accepted auditing standards. All gaming-related contracts that result in the purchase of supplies, services or concessions for more than \$25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the annual audit. Copies of the annual audit of each licensed Gaming Operation, and each audit for supplies, services or concessions of each Gaming Operation, shall be furnished by the Commission to the NIGC within one hundred and twenty (120) calendar days after the end of each fiscal year of the Gaming Operation.
 - (b) The Commission may require additional financial audits of any Gaming Operation and regulatory audits of Gaming Activity. The Commission shall require such audits to occur when necessary to ensure integrity, security, honesty and fairness of a Gaming Operation and all Gaming Activity. The Commission shall take reasonable steps to coordinate the timing of any additional financial audits with the annual audit required above, provided that the Commission may require audits to occur at any other time if necessary to preserve the assets of the Tribe or ensure the integrity, security, honesty and fairness of a Gaming Operation or any Gaming Activity.
- (4) Enforcement Authority. When information received by the Commission through investigations, audit or otherwise indicates a violation of Applicable Law or the terms and conditions of any

license, the Commission may take enforcement action as it deems necessary and appropriate.

E. Additional Powers. The powers of the Commission include the following:

- (1) System for Investigations and Licensing. Implement and administer a system for investigating, licensing (including license issuance, renewal, denial, and revocation, or exemption therefrom), and monitoring Gaming Facilities, employees, vendors, investors, and others connected with Gaming Activities, including any other Person as required under Applicable Law.
- (2) On-site Regulation, Access to Information. Conduct on-site gaming regulation and control; inspect and test internal control systems; audit, examine, and monitor each Gaming Facility; prepare reports and monitor compliance, including the authority to demand access to and inspect, examine, photocopy and audit all papers, books and records related to any Gaming Facility or Gaming Activities.
- (3) Coordination with Other Governmental Entities. Develop necessary documentation and protocols, and establish joint cooperative working relationships with federal, state, and local jurisdictions as necessary and proper to ensure the effective regulation of the Tribe's Gaming Activities. Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of Tribal, federal or state statutes, ordinances, regulations, codes or resolutions.
- (4) Fingerprints. Obtain and process fingerprints, or designate a law enforcement agency to obtain and process fingerprints.
- (5) Patron Disputes. Resolve disputes between Patrons or players and the Gaming Operation and promulgate associated Regulations.
- (6) Hearings and Appeals. Promulgate Regulations regarding hearings and appeals from Commission actions.
- (7) Hiring of Staff. Hire staff and support services as deemed necessary, subject to an approved Commission budget.
- (8) Reporting. Comply with all applicable reporting requirements established under Applicable Law.
- (9) Fees, Sanctions and Conditions. Establish and impose application fees, license fees, investigative fees, sanctions, fines, and conditions as appropriate.

- (10) Exclusion Policy. Develop an exclusion policy that includes the right to a hearing for an excluded person and requires maintenance of a list of persons barred from each Gaming Facility.
- (11) Game Rules. Approve all game rules and regulations.
- (12) Internal Controls, Security and Surveillance, Technical Standards. Approve Gaming Operation internal controls and surveillance measures, oversee Gaming Operation security, and promulgate technical standards for gaming device operations.
- (13) Licensing and Registration Authority. In addition to the licensing requirements expressly provided in Sections 9, 10 and 11, the Commission may require licensure or registration for any Persons, entities and facilities that the Commission determines is necessary to ensure the integrity of Gaming Activities, eliminate a threat to the public interest, or protect the gaming assets of the Tribe, including individuals and entities that provide goods and services to the Gaming Operation. The circumstances under which such registration or license shall be required shall be set forth by the Commission in one or more Regulations.
- (14) Other Duties. Carry out such other duties with respect to the regulation of Gaming Activities on the Tribe's Indian Lands as required or permitted under Applicable Law, and otherwise as the Tribal Council shall direct. This includes all action required or permitted to be taken by the "Tribal Gaming Agency" as defined in the Compact.

F. Delegation. The Commission may delegate duties and powers to the Executive Director and other staff members, as the Commission determines necessary and appropriate.

G. Commission Meetings and Reports.

- (1) The Commission shall meet in the manner determined by this Act and the Regulations. For purposes of conducting any business, a quorum of the Commission is a majority of all appointed Commissioners and shall be no less than two (2) Commissioners. All decisions of the Commission shall be made by a majority vote at a duly called meeting of the Commission at which a quorum is present.
- (2) The Commission and Tribal Council shall meet regularly to discuss matters of common interest. At least quarterly the Commission shall make reports to the Tribal Council. Such reports shall contain the following information:

- (a) Number and types of licenses issued in the previous quarter;
- (b) Number and types of licenses denied, suspended, restricted, or revoked during the previous quarter and commentary helpful to explain such actions where appropriate, provided that confidential information shall not be disclosed;
- (c) Reports of violations of this Act and the Regulations;
- (d) An overview of Commission expenditures for the prior quarter;
- (e) Any other reports required by the Regulations; and
- (f) All other information that the Commission deems relevant in order to keep Tribal Council adequately informed as to Commission regulatory matters.

8. Executive Director

8.01 Executive Director Appointment and Eligibility.

- A. Appointment by the Commission. The position of Executive Director of the Commission is hereby created. The Commissioners shall appoint the Executive Director, subject to confirmation by the Tribal Council. Appointment of the Executive Director shall be conducted in accordance with the Tribe's employment policies and procedures.
- B. Limitations on Eligibility. No member of the Tribal Council and no other person holding any tribal elective office is eligible for the appointment of Executive Director.

8.02 Powers and Duties of Executive Director. The Executive Director shall be responsible for the day-to-day operations of the Commission and shall have such powers as are delegated by the Commission from time to time.

8.03 Files and Records of the Commission; Confidentiality of Information.

- A. File Maintenance. The Executive Director shall maintain a file of all applications for licenses under this Act and the Regulations, together with a record of all actions taken with respect to those applications. The Commission and Executive Director may maintain such other files or records as they deem desirable.
- B. Confidentiality of Records. The Executive Director is responsible for and shall ensure that all records and information obtained as a result of a background investigation shall remain confidential and shall not be

disclosed to any persons who are not directly involved in the licensing and employment processes.

C. Confidential Information.

- (1) **Treatment of Confidential Information.** The confidential information and data listed in Section 8.03(C)(2) may be revealed in whole or in part only in the course of the necessary administration of this Act or the Regulations. This confidential information may only be disclosed to members of management, human resource personnel and/or others employed by the relevant Gaming Operation on a need-to-know basis, for actions taken in their official capacities. The confidentiality requirements of this Act do not apply to requests for such records or information from any Tribal, federal, or state law enforcement or regulatory agency, or pursuant to a lawful court order, or for the use of such records or information by the Commission and staff in the performance of their official duties.
- (2) **Information and Data that is Confidential.** The following information and data is confidential:
 - (a) Information and data included within any application for license or supporting materials;
 - (b) Information and data required by this Act or the Regulations to be furnished to the Commission or the Executive Director, or which may otherwise be obtained in connection with the review of finances, earnings or revenue of any Applicant or Licensee;
 - (c) Information and data pertaining to any Applicant's criminal record or background which have been furnished to or obtained by the Commission or the Executive Director from any source;
 - (d) Information and data provided to the Commission, Executive Director or any Commission employee by a governmental agency or an informant or otherwise provided on the assurances that the information will be held in confidence and treated as confidential;
 - (e) Information and data pertaining to the identity of any informant;
 - (f) The identity of each person interviewed in the course of a background investigation; and

- (g) Information and data obtained by the Executive Director or the Commission from a supplier relating to the manufacturing of gaming devices or Gaming Services.

D. Retention of Records. All records retained by the Executive Director or the Commission shall be retained for a period of at least three (3) years, after which such records may be disposed of in the discretion of the Commission. It is a violation of this Act 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 Act and the Regulations.

8.04 Background Investigations of the Executive Director and Commission Staff.

A. Background Investigation. The Commission shall ensure that a background investigation is conducted on all prospective Commission staff, including the Executive Director, upon receipt of a completed application for employment at the Commission. The Tribe's law enforcement agency, or such other third-party investigative entity with which the Commission may contract, shall assist the Commission in conducting background investigations. All prospective Commission staff shall consent to, and fully cooperate with the background investigation as provided hereunder and as required by the Commission. The Commission may permit a prospective employee to start work prior to the completion of a background investigation.

B. Applicable Standards. Individuals selected for appointment as Executive Director shall be subject to the same background investigation process and suitability standards that apply to Key Employees. Commission staff shall be subject to such standards as the Commission may determine and promulgate by Regulation.

C. Eligibility Determination. The Commission shall make the final eligibility determination for the Executive Director and Commission staff. A person is not eligible for employment by the Commission is a person who:

- (1) Has been convicted of any felony, gaming offense, or any misdemeanor offense of embezzlement, theft or any other money-related or honesty-related misdemeanor offense, such as fraud; or
- (2) Has knowingly and willfully provided materially important false statements, or information or omitted materially important information on his or her background questionnaire; or
- (3) Has been determined to be a person whose prior activities, criminal record, if any, 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, and methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto.

9. **Additional License Categories.**

- 9.01 Gaming Employee License.** Each Gaming Employee shall be subject to the licensing requirements of the Commission prior to commencement of employment. Gaming Employee licenses shall be renewed annually.
- 9.02 Gaming Vendor License.** Each Gaming Vendor shall be subject to the licensing requirements of the Commission prior to the sale of Gaming Services to the Tribe. Gaming Vendor licenses shall be renewed annually. The Tribe shall not enter into, or continue to make payments pursuant to, any contract or agreement that would require licensing of a Gaming Vendor if the Gaming Vendor has (a) not obtained a license, (b) been denied a license, (c) been deemed unsuitable by the Commission, or (d) allowed its license or suitability determination to expire without renewal.
- 9.03 Gaming Financiers.** Any person or entity that extends financing, directly or indirectly, to the Gaming Facility or Gaming Operation shall be subject to the licensing requirements of the Commission. Licensing requirements of the Commission do not apply to financing provided by a federally regulated commercial lending institution, the Tribe or the federal government. Federally regulated commercial lending institutions are those regulated by the Securities and Exchange Commission, the Office of the Comptroller of Currency, the Federal Deposit Insurance Corporation, the United States Federal Reserve System, the National Credit Union Administration, and/or the Washington State Department of Financial Institutions. Gaming Financier licenses shall be renewed annually. Gaming Financier licensing requirements and exemptions therefrom may be more fully set forth in the Regulations and the Compact.
- 9.04 Nongaming Vendors.** Persons that provide only nongaming goods and related services to the Gaming Operation and are deemed by the Commission not to be Gaming Vendors may be subject to licensure, registration or exempted therefrom in the manner provided by the Regulations.
- 9.05 Vendor Licensing Exemptions.** The following categories are exempt from Commission licensing requirements: (a) Gaming Vendors supplying less than \$25,000 in goods or services annually, and (b) persons and entities supplying only accounting or legal services.
- 9.06 Registration and Exemptions.** The Commission may develop processes for registration and exemption of persons who fall into the categories described in this section to the extent such processes are not inconsistent with Applicable Law

and are in the public interest. The processes for registration and exemption shall be more fully set forth in Regulations.

10. Facility License

10.01 Requirement of Licensure. The Commission is responsible for issuing Facility Licenses to each place, facility or location on the Tribe's Indian Lands where Class II or Class III Gaming is conducted. Each Gaming Facility must hold a license. A Gaming Facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public. The Commission shall identify the environmental, health and public safety standards with which the Gaming Facility must comply, and specify the form, conditions and content of a Facility License application.

10.02 License Not Guaranteed. The Commission shall issue a Facility License only if the application includes the required information and documentation, and sufficiently satisfies any additional conditions deemed necessary by the Commission.

11. Licenses for Key Employees and Primary Management Officials

11.01 Application Forms.

- A. Application Form. Every individual seeking employment as a Key Employee or Primary Management Official shall submit an application for licensure on such forms or in such manner as the Commission may require.
- B. Privacy Act Notice. The following notice shall be placed on the license application form for a Key Employee or a Primary Management Official before that form is filled out by any 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 by the Tribe or the NIGC 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 NIGC 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 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.

- C. False Statement Notice. The following additional notice shall be placed on the application form for a Key Employee or a Primary Management Official before that form is filled out by any 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).

11.02 Background Investigations.

- A. Scope of Background Investigation. The Commission shall conduct, or cause to be conducted, a background investigation on each Primary Management Official and Key Employee that meets or exceeds the requirements of 25 C.F.R. §§ 556 and 558. The investigation must be sufficient to allow the Commission to make a license eligibility determination under this Act. At a minimum, the applications for a Tribal gaming license shall contain the following information:

- (1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, and all languages spoken and/or written;
- (2) Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
- (3) The names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the Applicant during each period of residence listed under paragraph A(2) of this subsection;
- (4) Current business and residence telephone numbers, and all cell phone numbers;
- (5) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

- (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date of disposition, if any;
- (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved and the date of disposition, if any;
- (10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to paragraphs (A)(8) and (A)(9) of this subsection, the criminal charge, the name and address of the court involved and the date of disposition, if any;
- (11) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (12) A current photograph;
- (13) Any other information the Commission deems relevant; and
- (14) Fingerprints consistent with procedures adopted by the Commission pursuant to 25 C.F.R. § 522(h).

B. Application File Maintained. When a Primary Management Official or Key Employee is employed by the Tribe, a complete application file, containing all of the information listed in paragraph A of this subsection, shall be maintained by the Commission.

C. Fingerprinting. Fingerprints of Primary Management Officials and Key Employees shall be taken by the Commission. Fingerprints of Primary Management Officials and Key Employees will then be forwarded to the NIGC for processing through the Federal Bureau of Investigation ("FBI") and the National Criminal Information Center to determine the Applicant's criminal history, if any.

- D. Compliance with NIGC Standards. The Commission shall amend the application and investigation procedure for a Gaming License in the event that the Commission receives notice that the application and investigation procedure must be modified to conform to the standards of the NIGC.
- E. Additional Procedures. The Commission may promulgate such practices, procedures and Regulations as it determines are necessary and appropriate to satisfy its background investigation obligations.

11.03 Eligibility Determination.

- A. Before a license is issued to a Primary Management Official or Key Employee, the Commission shall make a finding concerning the eligibility of that person for receiving a gaming license by reviewing the Applicant's prior activities, criminal record, if any, and reputation, habits and associations.
- B. If the Commission, in applying the standards adopted in this Act, determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming, the Commission shall not license that person in a Key Employee or Primary Management Official position.
- C. Copies of the eligibility determination shall be included with the notice of results that must be submitted to the NIGC before a Primary Management Official or Key Employee may be licensed.

11.04 Temporary Licensure. All Key Employees and Primary Management Officials of the Gaming Operation must have a gaming license. An Applicant who has submitted an application as a Key Employee or Primary Management Official may be given a temporary license for a period of ninety (90) calendar days by the Executive Director. The Executive Director may issue a temporary license upon a determination that the application is complete and, if true, would allow the Applicant to receive a license. No Key Employee or Primary Management Official shall continue to be employed if that Key Employee or Primary Management Official does not have a license within ninety (90) calendar days from the start of employment.

11.05 Investigative Reports. Pursuant to the procedures set forth herein, the Commission shall create and maintain an investigative report for each background investigation of a Key Employee or Primary Management Official. An investigative report shall include all of the following information:

- A. Steps taken in conducting the background investigation;
- B. The results obtained from the background investigation;

- C. The conclusions reached as a result of the background investigation; and
- D. The basis for those conclusions.

11.06 Notice of Background Investigation Results.

- A. Before issuing a license to a Primary Management Official or Key Employee, the Commission shall prepare a notice of results of the Applicant's background investigation to submit to the NIGC. The notice of results must be submitted to the NIGC no later than sixty (60) calendar days after the Applicant begins working for the Tribe.
- B. The notice of results shall include the following:
 - (1) The Applicant's name, date of birth, and social security number;
 - (2) The date on which Applicant began or will begin work as a Key Employee or Primary Management Official;
 - (3) A summary of the information presented in the investigative report, which shall, at a minimum, include: (i) licenses that have previously been denied; (ii) gaming licenses that have been revoked, even if subsequently reinstated; (iii) every known criminal charge brought against the Applicant within the last ten (10) years of the date of the application; and (iv) every felony of which the Applicant has been convicted or any ongoing prosecution of Applicant for a felony; and
 - (4) A copy of the Commission's eligibility determination.

11.07 Granting a Gaming License.

- A. All Primary Management Officials and Key Employees of the Gaming Operation must have a gaming license issued by the Commission, which is responsible for granting and issuing such gaming licenses.
- B. The Commission may license a Primary Management Official or Key Employee Applicant after submitting a notice of results of the Applicant's background investigation to the NIGC.
- C. The Commission shall notify the NIGC of the issuance of a license to a Primary Management Official or Key Employee within thirty (30) calendar days of issuance.
- D. The Tribe shall not employ an individual in a Primary Management Official or Key Employee position who does not have a license after ninety (90) calendar days of beginning work at the Gaming Operation.

- E. The Commission must reconsider a license application for a Primary Management Official or Key Employee if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within thirty (30) days of the NIGC receiving a notice of results of the Applicant's background investigation. The Commission shall take the NIGC's objections into account when reconsidering a license application.
- F. The Commission will make the final decision whether to issue a license to an Applicant for a Primary Management Official or Key Employee position.
- G. If the Commission has issued a license to a Primary Management Official or Key Employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the Licensee as provided in Section 11.09 below.

11.08 Denying a Gaming License.

- A. The Commission shall not license a Primary Management Official or Key Employee if the Commission determines, in applying the standards herein for making a license eligibility determination, that licensing the person:
 - (1) Poses a threat to the public interest;
 - (2) Poses a threat to the effective regulation of gaming; or
 - (3) Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming.
- B. When the Commission does not issue a license to an Applicant for a Primary Management Official or Key Employee position, or revokes a previously issued license after reconsideration, it shall:
 - (1) Notify the NIGC; and
 - (2) Forward copies of its eligibility determination and notice of results of the Applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

11.09 License Suspensions and Revocations.

- A. If, after the issuance of a gaming license, the Tribe or Commission receives notice that the NIGC has reliable information indicating that a Key Employee or a Primary Management Official is not eligible for employment, the Commission shall:
 - (1) Immediately suspend such license;

- (2) Provide the suspended licensee with written notice of the suspension and the proposed revocation; and
 - (3) Provide the suspended licensee with notice of a time and a place for a hearing on the proposed revocation of a license.
- B. After a revocation hearing, the Commission shall decide to revoke or reinstate the suspended gaming license. The Commission shall notify the NIGC of its decision within forty-five (45) calendar days of receiving notification from the NIGC that the Key Employee or Primary Management Official is not eligible for employment.
 - C. Nothing herein shall prohibit the Commission from taking immediate action in emergency situations to protect the health and safety of patrons and employees or assets of the Tribe. Such actions shall immediately be followed by the hearing process.

11.10 Retention of Records. The Commission may promulgate Regulations regarding the retention of records for Applicants and Licensees. With respect to Key Employees and Primary Management Officials, the Commission shall retain applications for licensing, investigative reports, and eligibility determinations for no less than three (3) years from the date of termination of employment.

11.11 Additional Licensee and Applicant Provisions.

- A. Licensing Procedure. The Tribe's Gaming licensing procedure shall be administered through the Commission. The program shall be an investigative licensing process under which all Applicants for gaming licenses are evaluated against the standards set forth in, and subject to, Applicable Law.
- B. Licensing Policy and Requirements. It is the policy of the Tribe that all Gaming Activities be licensed and controlled so as to protect the morals, good order and welfare of Tribal members and other persons on the Tribe's Indian Lands, and to preserve the honesty, fairness and integrity of such Gaming Activities.
- C. Gaming License is a Privilege. Any gaming license issued by the Commission shall be deemed a privilege and is subject to suspension or revocation at any time. No license or license renewal shall be issued that would place the Tribe in violation of Applicable Law. A gaming license or finding of suitability is subject to renewal at least every year. Nothing herein shall create a property interest in the issuance or retention of a license provided for by this Act.
- D. Burden on Applicant. The burden of proving an Applicant's qualifications to receive a license hereunder is at all times on the Applicant. Applicants must accept any risk of adverse public notice, embarrassment or other

action that may result from the application process and expressly waive any claim for damages as a result thereof.

- E. Applicant Claim of Privilege. An Applicant may claim any privilege afforded by law in connection with a gaming license application or investigation, but a claim of privilege with respect to any testimony or evidence pertaining thereto may constitute sufficient grounds for denial, suspension or revocation.
- F. Release of Information. Persons applying for a license shall agree to release all information necessary in order for the Commission and any applicable federal or state entity to complete their suitability determination. Applicants must update all such information promptly on an on-going basis and furnish such information as may be required by law.

11.12 Standards. All persons engaged by or associated with any Gaming Activity on the Tribe's Indian Lands shall conduct themselves with honesty, integrity, and such decorum and manners as necessary to reflect positively on the Tribe, its members and the Gaming Activities. Any failure to abide by such standards, or any violation of a rule, regulation, law, custom or tradition of the Tribe, the Commission, or the Gaming Operation, or with the terms or conditions of the license, may be grounds for immediate suspension or revocation of any license issued hereunder.

11.13 Effect of Compact. Notwithstanding anything in this Act to the contrary, any licensing procedures required under the Compact shall be implemented as provided therein.

12. Patron Disputes

12.01 Raising Disputes. Any Patron who has any dispute, disagreement, or other grievance regarding the play or operation of any Gaming Activity, including a refusal to pay any alleged winnings from Gaming Activities, may raise such dispute with the following persons and in the following order: (a) a member of the staff of the Gaming Operation, (b) the supervisor in the area in which the dispute arose, (c) the CEO, (d) the Commission; and (e) Snoqualmie Tribal Court.

12.02 Patron Rights Regarding Disputes. At each level, the Patron has the right to explain his or her side of the dispute and present witnesses in connection with any factual allegation. At each level, if the dispute remains unresolved, the Patron shall be given a copy of the procedures set forth in this Section 12 and informed of the right to take the dispute to the next higher level as set forth in section 12.01 of this Section.

12.03 Raising Disputes. Resolution of any dispute by staff of the Gaming Operation shall always involve two or more staff members, one of whom shall have the title of at least supervisor. Disputes, whether resolved or not, shall be the subject of a

detailed report by all staff involved to their supervisors, or, in the case of the CEO, to the Commission.

12.04 Impact On Game Play. In the event of a dispute by a Patron that cannot be resolved by ordinary means by Gaming Operation staff as to the outcome, prize, wager made, or any other aspect of the Patron's participation in a game being played, all relevant data shall be immediately collected, including, but not limited to, all meter readings, memory records, surveillance tapes, and any other reports or information regarding the play in dispute. Following the collection of all relevant data, the Commission shall be notified and requested to (a) make an evaluation of whether or not the dispute involves the integrity of the hardware or software being used and (b) try and resolve the dispute. The CEO shall send a report of disputes to the Commission, and the Commission shall maintain records of those disputes.

12.05 Commission Decisions. All disputes which are submitted to the Commission shall be decided by the Commission based on information provided by the Patron, any witnesses or documents provided by the Patron, the CEO, and any other person who has relevant information to provide. The Commission's decision shall be issued within sixty (60) days of submission, shall be in writing, shall be based on the facts surrounding the dispute, and shall set forth the reasons for the decision.

12.06 Appeal To Snoqualmie Tribal Court.

- A. Tribal Court Review. If the complainant Patron is dissatisfied with the decision issued by the Commission, he or she may appeal to the Snoqualmie Tribal Court within thirty (30) days of the issuance of the written decision from the Commission. The appeal shall be only on the record and shall not be heard de novo. If the Court finds that the decision of the Commission was issued arbitrarily and capriciously, clearly erroneously, or in violation of the Tribe's Constitution or the constitutional rights of Indians established under the Indian Civil Rights Act, 25 U.S.C. §§ 1301-1303, made upon unlawful procedure or some other clear error of law, the Snoqualmie Tribal Court shall vacate and remand the decision to the Commission to take action consistent with the Snoqualmie Tribal Court's determination. Otherwise, the decision of the Commission shall be upheld unless further appeal is permitted pursuant to Tribal law.

Tribal Court Jurisdiction. The Tribal Court shall have exclusive jurisdiction in Patron actions arising pursuant to and permitted by this Section 12 and the Commission shall be bound by and take action consistent with the Tribal Court's determination. To the extent necessary to ensure the Tribal Court's jurisdiction over Patron actions arising pursuant to and permitted by this Section 12, the approval of this provision, as authorized by Tribal Council Resolution #x, shall constitute a limited, irrevocable waiver of

sovereign immunity or other objections to the authority of the Tribal Court or the laying of venue in the Tribal Court regarding such actions.

- C. Tribal Lottery System. Disputes involving the Tribal Lottery System shall be resolved in accordance with this Section and consistent with requirements set forth in the Compact.

13. Agent for Service of Process

The Tribe designates the Tribal Chairperson as the agent for any official determination, order, or notice of violation.

14. Limitations on Gaming

No Commissioner, Commission employee or member of Tribal Council shall engage, or be permitted to engage, either directly or indirectly through another person, in any Gaming Activities on the Tribe's Indian Lands. Such limitation shall not apply in instances where, as pre-approved by the Commission, the individual engages in such activities as a part of an event designed specifically for such individuals or for training purposes.

15. Sovereign Immunity Preserved

Except as provided in the limited circumstance set forth in Section 12.06 of this Act, nothing in this Act shall be construed as a waiver of the sovereign immunity of the Commission, Tribe, or any governmental subdivision or economic enterprise of the Tribe. Any waiver of sovereign immunity is not effective as a matter of law unless approved by resolution of the Tribal Council.

16. Consent to Jurisdiction

Any person who applies for a license under this Act, applies for employment in the Gaming Operation, enters into any gaming related contract or agreement with the Tribe or its governmental subdivisions, participates in any Gaming Activity on the Tribe's lands, shall be deemed to consent to the civil jurisdiction of the Tribe, the Commission, and the Tribal Court. Nothing in this Section shall limit the jurisdiction of the Tribe, the Commission, or the Tribal Court under any circumstances not explicitly contemplated in this Act or the Regulations.

17. Compliance with Federal Law

The Gaming Operation shall comply with all applicable federal laws, including the Bank Secrecy Act, 31 U.S.C. § 5311 *et seq.*

18. Repeal

To the extent that they are inconsistent with this Act, all prior tribal gaming acts of the Tribe are hereby superseded, canceled, and repealed.

19. Effective Date

This Act shall take effect immediately upon its approval by the NIGC Chair.