NATIONAL INDIAN GAMING COMMISSION

JUL 25 2008

Alex Sanchez
Executive Director
Torres Martinez Desert Cahuilla Indians
P.O. Box 1160
Thermal, CA 92274

Re: Amended Gaming Ordinance

Dear Mr. Sanchez:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the Torres Martinez Desert Cahuilla Indians Amended Class II and Class III Gaming Ordinance, Resolution # TM-04-08-005, adopted and approved by the Torres Martinez Desert Cahuilla Tribal Council on April 3, 1008.

This letter constitutes approval of you submission under the Indian Gaming Regulatory Act (IGRA). It is important to note, however, that approval is granted for gaming only on Indian lands, as defined by IGRA, over which the Nation has jurisdiction.

Thank you for submitting the Amended Gaming Ordinance for review and approval. The NIGC staff and I look forward to working with you and the Nation on future gaming issues.

Sincerely,

Philip N. Hogen
Chairman

cc/ Thomas Weathers, Esq.

TORRES MARTINEZ DESERT CAHUILLA INDIANS

JUN 18 2008

RESOLUTION # TM-04-08-005

AMENDING GAMING ORDINANCE TO ALLOW CLASS II GAMING

WHEREAS the Torres Martinez Desert Cahuilla Indians ("Tribe") is a federally recognized Indian tribe possessing inherent powers of self-government;

WHEREAS the governing body of the Tribe is the General Council which consists of all enrolled adult voting members of the Tribe eighteen (18) years of age or older;

WHEREAS the Tribe has also created a Tribal Council to place into effect and implement all ordinances, resolutions and motions of the General Council and to represent the Tribe in negotiations;

WHEREAS the Tribe has also granted to the Tribal Council emergency powers to act on behalf of the Tribe without the specific authorization of the General Council when the Tribal Council establishes that an emergency or urgent matter exists;

WHEREAS the Tribe adopted a Class III Gaming Ordinance #TM-002-99 pursuant to the Indian Gaming Regulatory Act that was approved by the Chairman of the National Indian Gaming Commission on March 6, 2000 that sets the terms for Class III gaming on tribal lands;

WHEREAS the Tribe intended when it adopted its original Gaming Ordinance that Class II gaming would also be included and permitted within the Class III Gaming Ordinance but by oversight neglected to include Class II gaming along with Class III gaming in the language of the Gaming Ordinance;

WHEREAS the Tribe amended its Gaming Ordinance on September 9, 2006 to create and establish a Gaming Commission that was approved by the Chairman of the National Indian Gaming Commission on December 12, 2006;

WHEREAS the Tribe wishes to now engage in Class II gaming and recently realized that it had inadvertently failed to include Class II gaming within its approved Class III Gaming Ordinance;

WHEREAS the Tribe has received in the interim a shipment of Class II gaming devices that are ready to be placed into operation in the Tribe's existing casino and removed a corresponding number of Class III gaming machines from the casino floor so that the total number of machines (Class II and Class III) would stay below the cap permitted by the Tribe's gaming compact with the State of California;

WHEREAS the Tribe will be losing significant gaming revenue unless the Class III machines removed from operation are immediately replaced with the Class II devices;

WHEREAS the Tribal Council believes that an emergency or urgent matter exists because the casino stands to lose significant revenue unless the Class II devices are put into operation but the approved Gaming Ordinance does not regulate or permit Class II gaming on tribal lands so that the Tribe cannot lawfully place the Class II devices into operation without amending its Gaming Ordinance;

WHEREAS the Tribal Council wishes to amend its Gaming Ordinance under its emergency powers to clarify that Class II gaming as well as Class III gaming is permitted and regulated by the Tribe's Gaming Ordinance and wishes to immediately submit the amendment to the National Indian Gaming Commission for prompt approval;

NOW THEREFORE BE IT RESOLVED that the Tribal Council hereby clarifies and amends the Tribe's approved Class III Gaming Ordinance by replacing the phrase "Class III" with the phrase "Class II and Class III" wherever said "Class III" appears in the Gaming Ordinance.

BE IT FURTHER RESOLVED that the Tribal Council hereby submits this Resolution to the National Indian Gaming Commission and requests immediate approval of the amendment by the Chairman of the National Indian Gaming Commission or his designee.

BE IT FINALLY RESOLVED that the Tribal Chair is authorized, empowered and directed to take or direct to be taken such further and additional action as the Tribal Chair reasonably determines to be necessary or appropriate and in the interest of the Tribe to effectuate and implement the intent, purpose, and objectives of this Resolution.

CERTIFICATION

The undersigned, duly elected members of the Torres Martinez Desert Cahuilla Indians Tribal Council, do hereby certify that the foregoing Resolution was adopted at a properly called meeting with a quorum present on _____ by vote of ____ in favor, _____ opposed, and _____ abstained. We do further certify that the foregoing Resolution has not been rescinded or amended in any way.

Raymond Torres, Chairman	**M. Faith Morreo, Vice-Chairperson**
Alesia Reed, Secretary	**Robert Hopkins, Treasurer**
Harvey Duro, Council	Mary L Resvaloso **Mary L. Resvaloso, Council**
Elena Morreo **Elena Morreo, Council**	**Laura J. Hopkins, Council**

WHEREAS the Tribal Council believes that an emergency or urgent matter exists because the casino stands to lose significant revenue unless the Class II devices are put into operation but the approved Gaming Ordinance does not regulate or permit Class II gaming on tribal lands so that the Tribe cannot lawfully place the Class II devices into operation without amending its Gaming Ordinance;

WHEREAS the Tribal Council wishes to amend its Gaming Ordinance under its emergency powers to clarify that Class II gaming as well as Class III gaming is permitted and regulated by the Tribe's Gaming Ordinance and wishes to immediately submit the amendment to the National Indian Gaming Commission for prompt approval;

NOW THEREFORE BE IT RESOLVED that the Tribal Council hereby clarifies and amends the Tribe's approved Class III Gaming Ordinance by replacing the phrase "Class III" with the phrase "Class II and Class III" wherever said "Class III" appears in the Gaming Ordinance.

BE IT FURTHER RESOLVED that the Tribal Council hereby submits this Resolution to the National Indian Gaming Commission and requests immediate approval of the amendment by the Chairman of the National Indian Gaming Commission or his designee.

BE IT FINALLY RESOLVED that the Tribal Chair is authorized, empowered and directed to take or direct to be taken such further and additional action as the Tribal Chair reasonably determines to be necessary or appropriate and in the interest of the Tribe to effectuate and implement the intent, purpose, and objectives of this Resolution.

CERTIFICATION

The undersigned, duly elected members of the Torres Martinez Desert Cahuilla Indians Tribal Council, do hereby certify that the foregoing Resolution was adopted at a properly called meeting with a quorum present on _____, by vote of ____ in favor, _____ opposed, and _____ abstained. We do further certify that the foregoing Resolution has not been rescinded or amended in any way.

Raymond Torres, Chairman

Ed. Faith Morales, Vice-Chairperson

Alexis Rosa, Secretary

Robert Hopkins, Treasurer

Harvey Dave, Council

Mary L. Hernandez, Council

Elena Morales, Council

Laura J. Hopkins, Council

JUN 18 2008

Torres Martinez Desert Cahuilla Indian Tribe, Tribal Code

Torres Martinez Desert Cahuilla Indians

AMENDED CLASS II and III GAMING ORDINANCE

Adopted April 10, 1999
Amended September 9, 2006
Amended ~~March~~ April 12~~__~~, 2008

I. Purpose

The Torres-Martinez Desert Cahuilla Indians, empowered by the Tribe's Constitution to enact ordinances, hereby enacts this ordinance in order to set the terms for Class II and III gaming operations on tribal lands.

II. Gaming Authorized

Class II and III gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2701 and Section 2703 (8) (A) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission 25 C.F.R § 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized.

III. Ownership of Gaming

The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this ordinance. ~~(unless the Tribe elects to allow individually owned gaming)~~.

IV. Use of Gaming Revenue

A. Net revenues from Class II and III gaming shall be used only for the following purposes: to fund tribal government operations and programs; provide for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations, or help fund operations of local government agencies.

B. If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. § 2710 (b) (3).

V. Protection of the Environment and Public Health and Safety

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

VI. Torres Martinez Gaming Commission

A. Establishment

The General Council hereby creates and establishes the Torres Martinez Desert Cahuilla Indians Tribal Gaming Commission as an agency of the Tribal Government.

1. The Torres Martinez Desert Cahuilla Indians Tribal Gaming Commission shall be referred to throughout this Ordinance as the "Tribal Gaming Commission" or "Commission" or "TMGC".

2. The TMGC is authorized to regulate all gaming on the Indian lands of the Torres Martinez Desert Cahuilla Indians.

3. The Tribe recognizes the importance of an independent TMGC in maintaining a well-regulated gaming operation. The Commission shall be and act independently and autonomously from the Tribal Council in all matters within its purview. No prior or subsequent review by the Tribal Council of any actions of the Commission shall be required or permitted except as otherwise provided in this Ordinance.

B. Organization and Personnel

1. The Tribal Gaming Commission shall consist of four (4) individuals. The members of the initial Commission were recommended by the Gaming Commission Development Committee and affirmed by a majority vote of the Tribal Council.. There shall be at least two (2) enrolled members of the Torres Martinez Desert Cahuilla Indians on the Tribal Gaming Commission. All Tribal Gaming Commission members must be at least 21 years of age, must be deemed suitable after completion of a background investigation, and must have proof of High School Diploma or equivalency. Preference will be given to qualified members of the Tribe for all positions and vacancies on the Commission. In addition:

   a. At least one Commissioner shall have five (5) or more years of law enforcement experience or casino gaming experience, or a bachelor's degree in criminal justice or related field and at least three years of law enforcement experience or casino gaming experience;

b. At least one Commissioner shall have at least five (5) years management or regulatory experience within the private sector, a gaming facility, or a governmental agency;

c. At least one Commissioner shall have no less than a bachelor's degree in accounting or a related field and at least five years of accounting experience.

2. Prior to any Tribal Gaming Commission member taking office as a member of the Commission, the prospective member shall have performed a comprehensive background investigation. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Tribe hereby finds that, at a minimum, no person shall serve as a Commissioner if:

a. The individual's criminal record, if any, reputation, habits, or associations:

(1) poses a threat to the public interest;

(2) threatens the effective regulation and control of gaming; or

(3) enhances the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of gaming;

b. The individual has been convicted of, or entered a plea of nolo contendere to a felony or to a misdemeanor involving dishonesty or admission of embezzlement in any jurisdiction; or

c. The individual has a direct or indirect financial interest or relationship to a person or entity holding a valid management contract with the Tribe or Tribal enterprise; or

d. The individual serves as a member of the Tribal Council; or

e. The individual serves as a member of any Board or committee affiliated with or involved in gaming,
or other governing body of a Tribal Corporation, Sub-Corporation, Enterprise or other business entity owned or controlled by the Tribe that conducts gaming; or

f. The individual owns, operates or is employed by any business or other entity that conducts business with any Torres Martinez Tribal gaming operation; or

g. The individual is employed by the Tribal Gaming operation.

3. The TMGC shall have the authority to hire and fire all staff required to carry out its responsibilities under this Ordinance pursuant to the personnel policies governing employment.

C. Terms

Commissioners shall serve a term of three (3) years and may be removed from office prior to the end of their term only for good cause and by unanimous vote of the remainder of the TMGC or by the majority vote of the Tribal Council members at an open, regular Tribal Council meeting.

1. In order to establish staggered terms, the Tribal Council appointed the initial Commissioners as follows: two shall serve a 1-year term, one shall serve a 2-year term, one shall serve a 3-year term. After the initial term, all subsequent terms of appointment shall run for three years.

2. Vacancies resulting from the expiration of a Commissioner's term shall be filled within sixty (60) days by the Commission, with the approval of Tribal Council, provided, however, that a Commissioner whose term has expired shall hold the seat until it is filled. A vacancy shall be deemed to occur when a Commissioner is removed, resigns, dies, or upon expiration of his or her term without regard to whether the Commissioner seeks reappointment. When a vacancy occurs, notice of such vacancy shall be published and posted, for at least fifteen (15) days. The notice shall identify the qualifications, if any, specific to the vacancy and request interested parties to file a statement with the Commission reflecting their qualifications and interest in serving as a Commission member.

3. Commissioners may hold other non-elective and non-managerial tribal positions but may not engage in business with or gamble in any Torres Martinez Tribal gaming operation.

4. Commissioners shall be compensated at a rate established annually by the Commission and approved by the Tribal Council. Commissioners shall receive reasonable payment for attending meetings, trainings, and conferences and shall be reimbursed for actual expenses incurred on Commission business, including necessary travel expenses and be provided with business equipment necessary to carry out their duties in a manner consistent with the applicable policies and procedures of the Tribe.

D. Officers

1. The TMGC shall select from its membership a Chairperson to serve a three (3) year term. The Commissioner selected as Chairperson must meet at least one of the qualifications set forth in Section B. 1. (a), (b) or (c) of this Ordinance. The Tribal Gaming Commission shall select annually from its membership a Vice-Chairperson and Executive Secretary.

2. The Chairperson shall chair TMGC meetings, and shall have the power to convene special meetings with not less than 48 hours written or verbal notice to members of the Commission.

3. The ~~Chairperson~~ Executive Director of the TMGC shall be the agent for service of process.

4. The Vice-Chairperson shall Chair TMGC meetings when the Chairperson is unavailable.

5. The TMGC Secretary shall keep minutes of meetings and provide a copy to the Tribal Council.

6. General sessions of the Commission shall be open to the Tribe.

7. Executive sessions of the Commission shall not be open to the Tribe. The Commission may take official action only while in executive session on Commission personnel and licensing matters.

8. A quorum shall consist of three members. All decisions shall be made by a majority vote and that no Commission action shall be taken by a vote of less than a majority of the full Commission, unless indicated otherwise in this Ordinance.

E. Vacancies

1. A Commissioner's seat shall be immediately vacant upon:

   a. conviction of any felony, conviction of any misdemeanor related to illegal gambling or bribery, or upon having three (3) consecutive unexcused absences from Commission meetings.

   b. A Tribal Gaming Commissioner's removal by the Tribal Council for good cause based on neglect of duty, improper and unlawful execution of duty, nonfeasance, misconduct in office, or for any conduct which threatens the honesty and integrity of the Tribal Gaming Commission or otherwise violates this Ordinance.

(1) No Tribal Gaming Commissioner may be removed without notice and an opportunity for a hearing before the Tribal Council, and then only after the Commissioner has been given written notice of the specific charges at least ten (10) days prior to such hearing. At any such hearing, the Commissioner shall have the opportunity to be heard in person or by a representative and to present witnesses on his behalf.

(2) Temporary Suspension: If the Tribal Council or Tribal Gaming Commission determines that immediate suspension of a Tribal Gaming Commissioner is necessary to protect the interests of the Tribe, the Tribal Council may hold a preliminary hearing with the Commissioner to consider whether to suspend the Commissioner temporarily. Permanent removal shall be determined thereafter pursuant to Commission hearing procedures.

(3) A written record of all removal proceedings together with the charges and findings thereon shall be kept by the Tribal Council Secretary.

(4) Removal: The decision of the Tribal Council upon the removal of a Tribal Gaming Commissioner shall be final.

F. The Tribal Gaming Commission shall adopt bylaws for the conduct of its business, including, but not limited to, provisions for the adoption of policies, procedures, regulations, or other rules for:

1. Conducting background investigations;

2. Identifying a law enforcement agency that will take finger prints and describe procedures for conducting a criminal history check by a law enforcement agency;

3. Reporting the results of background investigations to the NIGC and the State Gambling Control Commission;

4. Obtaining and processing fingerprints, or designating a law enforcement agency to obtain and process fingerprints;

5. Making licensing suitability determinations, which shall be approved and signed by the Chairman of the Gaming Commission or designee;

6. Issuing gaming licenses to Primary Management Officials and key employees;

7. Issuing gaming licenses to management officials and employees of the operation, consistent with the suitability determination;

8. Establishing standards for licensing Tribal gaming operations;

9. Issuing facility gaming licenses to Tribal gaming operations;

10. Inspecting, examining and monitoring all gaming activities, with immediate access to review, inspect, examine, photocopy and audit all records of the gaming establishment;

11. Ensuring compliance with all applicable Tribal, State, and Federal laws, rules, and regulations regarding Indian gaming;

12. Investigating any suspicion of wrongdoing associated with any gaming activities;

13. Holding hearings on patron complaints, in compliance with procedures established in the gaming ordinance and other Tribal gaming regulations;

14. Complying with any and all reporting requirements under the IGRA, the Tribal-State compact to which the Tribe is a party, and any other applicable law;

15. Promulgating and issuing regulations necessary to comply with applicable internal control standards;

16. Promulgating and issuing regulations on the levying of fees and/or taxes associated with gaming license applications;

17. Promulgating and issuing regulations on the levying of fines and/or suspension or revocation of gaming licenses for violations of the gaming ordinance, or any other Tribal, Federal, or State, if applicable, gaming regulations;

18. Establishing a list of persons not allowed to game in Tribal gaming facilities in order to maintain the integrity of the gaming;

19. Establishing a list of persons who have voluntarily asked to be excluded from Tribal gaming facility and create regulations for enforcing this exclusion;

20. Providing referrals and information to the appropriate law enforcement officials when such information indicates a violation of applicable Tribal, Federal, or State statutes, ordinances, or resolutions;

21. Creating a list of regulatory authorities that conduct vendor background investigations and licensing which the Commission recognizes as trustworthy;

22. Drafting regulations exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;

23. Developing a Code of Conduct to ensure that the Commission and its employees are held to high ethical standards;

24. Ensuring that gaming facilities are constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety;

25. Resolving disputes between the gaming public and the Tribe or the management contractor (if any);

26. Performing such other duties the Commission deems appropriate to fully implement the provision of this Ordinance for the proper regulation of the Tribal gaming operation;

VII. Licenses for Key Employees and Primary Management Officials

The TMGC 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 III gaming enterprise operated on Indian lands:

A. **Definitions** For the purposes of this section, the following definitions apply:

1. **Key employee means**

a. A person who performs one or more of the following functions:

(1) 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.

2. **Primary management official means**

a. The person having management responsibility for a management contract;
b. Any person whose authority:
(1) To hire and fire employees; or
(2) To set up working policy for the gaming; or
c. The chief financial officer or other person who has financial management responsibility.

B. **Application Forms**

1. 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:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by 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 hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in 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.

2. 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 routine uses described in that notice.

3. The following notice shall be placed on the application form for the employee before that form is filled out by an applicant.

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, title 18, section 1001.)

4. The TMGC shall notify in writing existing key employees and primary management officials that they shall either:

a. Complete a new application form that contains a notice regarding false statements; or

b. Sign a statement that contains the notice regarding false statements.

C. **Background Investigations**

1. The TMGC shall request from each employee all of the following information:

a. Full name, other name 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 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;

c. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1) (b) of this section;

d. Current business and residence telephone numbers;

e. A description of any existing and previous business relationship with Indian tribes, including ownership interests in those businesses;

f. A description of any existing and pervious business relationships with the gaming industry generally, including ownership interests in those businesses;

g. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

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

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

j. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1) (h) or (1) (i) of this section, the criminal charge, the name and address of the court involved and the date and disposition:

k. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license was granted;

l. A current photograph;

m. Any other information the TMGC deems relevant; and

n. Key employees and PMO's fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h).

2. The TMGC shall conduct an investigation sufficient to make a determination under subsection D. below. In conducting a background investigation, the TMGC and its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination

The TMGC shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the TMGC determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

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

1. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the TMGC 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 subsection D of this section.

2. The TMGC shall forward the report referred to in subsection F of this section 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.

3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

F. Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in subsection E of this section, the TMGC shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

a. Steps taken in conducting a background investigation;

b. Results obtained;

c. Conclusions reached; and

d. The basis for those conclusions.

2. The TMGC shall submit, with the report, a copy of the eligibility determination made under subsection D of this section.

3. If a license is not issued to an applicant, the TMGC:

a. Shall notify the National Indian Gaming Commission; and

b. 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 Records System.

4. With respect to key employees and primary management officials, the TMGC shall retain applications for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

G. Granting a Gaming License

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Commission notifies the TMGC that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the TMGC has provided an application and investigative report to the National Indian Gaming Commission, the TMGC may issue a license to such applicant.

2. The TMGC shall respond to a request for additional information from the Chairman of 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 30-day period under paragraph G.1. of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the TMGC with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the TMGC has provided an application and investigative report to the National

Indian Gaming Commission, the TMGC shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The TMGC shall make the final decision whether to issue a license to such applicant.

H. License Suspension

1. If, after the issuance of a gaming license, the TMGC receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection D. above, the TMGC shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

2. The TMGC shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

3. After a revocation hearing the TMGC shall decide to revoke or to reinstate a gaming license. The TMGC shall notify the National Indian Gaming Commission of its decision.

VII. Audit

A. The Tribe shall cause to be conducted annually an independent audit of gaming operations and the TMGC shall submit the resulting audit reports to the National Indian Gaming Commission within one hundred twenty (120) days of the fiscal year end of the gaming operation.

B. All gaming related contracts that result in the purchase of supplies, service, or concessions in excess of $25,000 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A. above.

VIII. License Locations

The TMGC shall issue a separate license to each place, facility, or location on Indian lands where Class II and III gaming is conducted under this ordinance.

IX. Ordinance Revisions

Revisions to this Ordinance are submitted for approval by the TMGC to the General Council as necessary.

X. Repeal~~newal~~

~~To the extent that they are inconsistent with this ordinance,~~ A~~a~~ll prior gaming ordinances are hereby repealed.