



January 08, 2020

Mary Resvaloso, Chairwoman
Torres Martinez Gaming Commission
3089 Norm Niver Road
Salton Sea Beach, CA 92274

Re: Amended Gaming Ordinance

Dear Chairwoman Resvaloso:

This letter is to inform you that the Torres Martinez Desert Cahuilla Indian Gaming Ordinance enacted by Resolution #TM-09-19-005, and was submitted to the NIGC on October 2, 2019, is approved by operation of law.

Under the Indian Gaming Regulatory Act, the NIGC Chair has ninety days from the date of submission to either approve or disapprove a gaming ordinance.¹ A gaming ordinance that is not acted upon by the end of the ninety day statutory period is considered approved by the Chair so long as the provisions are compliant with IGRA.² Because the Chair did not take action within the ninety day period, the Torres Martinez Desert Cahuilla Indian Gaming Ordinance is considered approved to the extent that it is consistent with IGRA. To that end, it is the opinion of the Office of General Counsel that the gaming ordinance complies with IGRA and NIGC regulations.

If you have any questions, please feel free to contact NIGC Staff Attorney Austin Badger at (202) 632-1594.

Sincerely,

A handwritten signature in blue ink that reads "Michael Hoenig". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Michael Hoenig

¹ 25 U.S.C. § 2710(e).

² *Id.*

TORRES MARTINEZ DESERT CAHUILLA INDIANS
P.O. Box 1160
Thermal CA 92274

RESOLUTION #TM-09-19-005

**RESOLUTION OF TRIBAL COUNCIL
FURTHER AMENDING GAMING ORDINANCE**

WHEREAS, the Torres Martinez Desert Cahuilla Indians ("Tribe") is a federally recognized Indian tribe exercising jurisdiction over the Torres Martinez Indian Reservation ("Reservation") located in Riverside and Imperial Counties, California;

WHEREAS, the Tribe adopted a Constitution which provides in Article V that the General Council shall be the governing body of the Tribe and shall be composed of all enrolled members of the Tribe eighteen years of age or older;

WHEREAS, the Tribe's Constitution further provides in Article VII that the General Council shall have the power and responsibility to adopt ordinances;

WHEREAS, the General Council previously adopted a Gaming Ordinance on April 10, 1999 to allow for Class III gaming that was approved by the Chairman of the National Indian Gaming Commission on March 6, 2000;

WHEREAS, the General Council then amended that 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 Tribal Council, through emergency action, then amended the Ordinance on April 12, 2008 to allow for Class II gaming that was approved by the Chairman of the National Indian Gaming Commission on July 25, 2008; and

WHEREAS, the Tribal Council through emergency action now wishes to amend the Gaming Ordinance to bring into compliance with current federal law and incorporate changes suggested by the National Indian Gaming Commission, Tribal Gaming Commission, and the Torres Martinez General Membership.

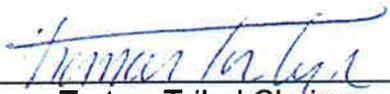
NOW THEREFORE BE IT RESOLVED, by the Tribal Council of the Torres Martinez Desert Cahuilla Indians that the Tribal Council through emergency action does hereby amend the Tribe's Gaming Ordinance and does hereby replace it with the attached Amended Class II and Class III Gaming Ordinance.

BE IT FURTHER RESOLVED, that the Tribal Council submits through emergency action this Resolution and attachment to the National Indian Gaming Commission and requests immediate approval of the attachment 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 in the interest of the Tribe to effectuate and implement the intent, purpose, and objectives of this Resolution.

CERTIFICATION

I, Thomas Tortez, the duly-elected Tribal Chair of the Torres Martinez Desert Cahuilla Indians do hereby certify that the foregoing Resolution was adopted by the Tribal Council at a properly called meeting with a quorum present held on September 30, 2019 by vote of 5 in favor, 0 opposed, and 0 abstained.



Thomas Tortez, Tribal Chairman

ATTEST:


Altrena Santillanes, Tribal Secretary

**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 April 12, 2008
Amended September 30, 2019

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. 100-97, 25 U.S.C. Section 2703(7) and Section 2703 (8) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission 25 C.F.R. 502.3 and 502.4 (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.

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 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. The TMGC shall establish a Tribal Gaming Agency, which shall carry out the day to day responsibilities and enforcement of regulation as identified and required under Tribal Law, IGRA, Tribal/State Compact, this Ordinance, and all regulations promulgated by the TMGC.
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

- A. 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 a minimum at least two (2) enrolled members of the Torres Martinez Desert Cahuilla Indians with two (2) professional experts as defined 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 a 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 (Non Tribal Members are subject to the following conditions):
 - 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 an Associate's Degree in accounting and at least three years' experience in a related field or five years of accounting or related experience may be used in lieu of an Associate's Degree as determined by the Gaming Commission.
- B. Prior to any Tribal Gaming Commission members 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 Tribal 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.
- C. 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 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 Chairperson shall be a non-voting member but shall have the power to vote in order to break a tie vote by the Commission. 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 Department Head of the TMGA 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 interest 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, on 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 (PMO)

It is the responsibility of all holders of Gaming Licenses to understand that a Gaming License is a privilege and not a right. The responsibility also lies with the holder of a Gaming License to always adhere to all laws and gaming regulations as enumerated within the Indian Gaming Regulatory Act, the Tribal/State Compact and this Ordinance, along with all Federal, State and Tribal laws. Failure to do so may be grounds for suspension and/or revocation of a Gaming License. Copies of all laws and regulations are available online or from the particular governing body.

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. Bingo caller;
 2. Counting room supervisor
 3. Chief of security;
 4. Custodian of gaming supplies or cash
 5. Floor manager
 6. Pit boss,
 7. Dealer;
 8. Croupier
 9. Approver of credit; or
 10. Custodian of gambling devices including persons with access to cash and accounting records within such devices,
- b. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
- c. If not otherwise included, the four most highly compensated persons in the gaming operation.

2. Primary management official means (PMO)

- 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.
- d. Any Gaming Corporation Member
- e. No Tribal Council Member can sit on the Gaming Commission at any capacity either as a member or elected official.

B. License Application Forms

1. The following notice shall be placed on the Tribe's License 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 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 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 that 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 key employee or a primary management official before that form is filled out by an applicant:

A false statement on any part of your 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)

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. Fingerprints

The Tribe shall perform a background investigation for each primary management official and key employee of the gaming operation. The Tribe shall request fingerprints from each primary management official and key employee. Fingerprints shall be taken by the TGA Backgrounds Investigator; fingerprints 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. Background investigations

1. The Tribe shall perform a background investigation for each primary management official and key employee in its gaming operation according to requirements that are as stringent as those in 25 CFR parts 556 and 558.
2. Before issuing a license to a primary management official or to a key employee, the TMGC shall create and maintain an investigative report on each background investigation. An investigative report shall include all of the following:
 - a. steps taken in conducting the background investigation;
 - b. results obtained;
 - c. conclusions reached; and
 - d. the basis for those conclusions"
3. The TMGC shall obtain from each primary management official and key 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 driver's license numbers;
 - c. The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (2)(b) of this section;
 - d. Current business and residence telephone numbers and all cell phone 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 previous business relationships with the gaming industry generally, including ownership interest 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 if any;
 - 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 (2) (h) or (2) (i) of this section, the criminal charge, the name and address of the court involved and the date and disposition if any;
 - 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).
4. When a primary management official or key employee is employed by the Tribe, a complete application file, containing all of the information listed in section E (2), shall be maintained.
 5. The TMGC shall conduct an investigation sufficient to make an eligibility determination under subsection E. 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.

E. **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 the granting of a gaming license. If the TMGC determines that licensing 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 license that person in a key employee or primary management official position.

Copies of the eligibility determination shall be included with the notice of results that must be submitted to the NIGC before the licensing of a primary management official or key employee.

F. **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 E of this section.
2. The TMGC shall forward the notice of results referred to in subsection G of this section to the National Indian Gaming Commission within 60 days after an applicant begins work.
3. The gaming operation shall not employ as a key employee or primary management official person who does not have a license after 90 days.

G. **Report to the National Indian Gaming Commission**

1. Pursuant to the procedures set out in subsection F of this section, the TMGC shall create, maintain and forward to the National Indian Gaming Commission an "notice of results" on each background investigation. An notice of results shall include all of the following:
 - a. Steps taken in conducting a background investigation;
 - b. The applicant's name, date of birth, and social security number;
 - c. The date on which the applicant began, or will begin, working as a primary management official or key employee;
 - d. A summary of the information presented in the investigative report, including;
 - 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 10 years of the date of the application; and
 - iv. Every felony offence of which the applicant has ever been convicted or any ongoing prosecution; and
2. If a license is not issued to an applicant, the TMGC:
 - a. Shall notify the National Indian Gaming Commission; and
 - b. Forward copies of its eligibility determination and “notice of results” to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
 3. With respect to key employees and primary management officials, the TMGC shall maintain a file that contains the application, investigative reports and eligibility determination 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.

H. Granting a Gaming License

1. All primary management officials and key employees of the gaming operation must have a gaming license issued by the Tribe. The Tribal Gaming Commission is responsible for granting and issuing gaming licenses to primary management officials and key employees. The Tribal Gaming Commission shall notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of issuance.
2. The TMGC shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a notice of results. Such a request shall suspend the 30-day period under paragraph. H. 2. 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 a notice of results 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.
4. The Tribe shall not employ an individual in a primary management official or key employee position who does not have a license after 90 days of beginning work at the gaming operation.
5. If the TMGC 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 required by Section (I).

I. License Suspension and Revocations

1. If after the issuance of a gaming license, to a primary management official or key employee 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 E. 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 the time and place for a hearing on the proposed revocation of a license.
3. The right to a revocation hearing vests only when a license is granted under an ordinance approved by the NIGC Chair.
4. 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 to revoke or reinstate a license within 45 days of the receiving notification from the NIGC that a primary management official or key employee is not eligible for employment.

VIII. 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 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.

IX. 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.

X. Environment and Public Health and Safety

Each gaming facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public.

XI. Patron Gaming Disputes

Patron gaming disputes will be resolved pursuant to Patron Disputes Regulations duly adopted by the Torres Martinez Desert Cahuilla Indians Gaming Commission.

XII. Agent for Service of Process

The Tribe designates the Department Head of the TMGA as the agent for service of any official determination, order or notice of violation.

XIII. Ordinance Revisions

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

XIV. Repeal

All prior gaming ordinances are hereby repealed.