



JAN 11 2008

Carl Dahlberg, Chairman
Fort Independence Indian Reservation
P.O. Box 67
Independence, CA 93526
FAX (760) 878-2311

Re: Submission of Fort Independence Indian Reservation Tribal Gaming Ordinance

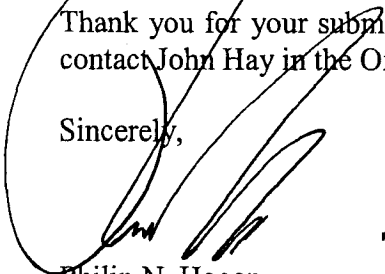
Dear Chairman Dahlberg:

This letter responds to your request to the National Indian Gaming Commission (NIGC) to review and approve the tribal gaming ordinance of the Fort Independence Indian Reservation (Tribe). The Tribe forwarded the ordinance by Resolution 2007-17 on October 3, 2007, and the NIGC received the ordinance on October 16, 2007.

The ordinance is consistent with the requirements of the Indian Gaming Regulatory Act (IGRA) and this agency's regulations, and it is therefore approved. However, we note that the ordinance authorizes the Tribe to conduct Class III gaming. In order to conduct Class III gaming, the Tribe must establish a compact with the State of California.

Thank you for your submission. If you have any questions or require assistance, please contact John Hay in the Office of the General Counsel, at 202-632-7003.

Sincerely,



Philip N. Hogen
Chairman

cc: John Peebles, Esq.
Fredericks Peebles & Morgan LLP
1001 Second Street
Sacramento, CA 95814
FAX (916) 441-2067



FORT INDEPENDENCE INDIAN RESERVATION

P.O. Box 67 • INDEPENDENCE, CA 93526 • (760) 878-2126 • Fax (760) 878-2311

OCT 16 2007

October 5, 2007

Mr. Phillip Hogen, Chairman
National Indian Gaming Commission
1441 L Street NW
Suite 9100
Washington, DC 20005

Re: Submission of Fort Independence Indian Reservation Tribal Gaming Ordinance

Dear Chairman Hogen:

The Fort Independence Indian Reservation, also recognized by the United States under the name "Fort Independence Indian Community of Paiute Indians of the Fort Independence Indian Reservation, California" ("the Fort Independence Indian Reservation" or "Tribe") adopted the Fort Independence Indian Reservation Tribal Gaming Ordinance ("Tribal Gaming Ordinance") on October 3, 2007. Our Tribal Gaming Ordinance is drafted so as to regulate both class II and class III gaming on our Reservation. We are submitting our Tribal Gaming Ordinance for approval by the Chairman pursuant to 25 C.F.R. Parts 522.2, 522.4 and 522.6.

To aid you in evaluating our Tribal Gaming Ordinance, please see the following table of the applicable C.F.R. provisions under which this Tribal Gaming Ordinance is submitted, that sets forth the relationship between the applicable C.F.R. provisions and the related Tribal Gaming Ordinance provisions. There are no attachments other than (1) the Tribal Gaming Ordinance; and (2) the Resolution of the Fort Independence Indian Reservation adopting the Tribal Gaming Ordinance and signed by Chairman Carl Dahlberg. The Tribe has yet to appoint its Tribal Gaming Commission; therefore no Tribal Gaming Regulations have been promulgated at this time. In addition, the Tribe does not have a tribal-state gaming compact at this time.

25 C.F.R. Part	Related and Cross-Referenced 25 C.F.R. Part	Document Attached with Submission	Applicable or Related TGO Provision
§ 522.4 (a)	522.2, generally	80-17-101 91 100-1-101 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000	See below

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“	§ 522.2(a)- meeting standards of Part 522.4(b) or 522.6	TGO Resolution	TGO – entire document
“	§ 522.2(b)		§ 201 through 212, generally; and § 202, specifically
“	§ 522.2(c)		§ 201 through 212, generally
“	§ 522.2(d)	None exist at this point, none attached	
“	§ 522.2(e)	No tribal-state compact exists at this time.	
“	§ 522.2(f)		§ 115
“	§ 522.2(g)		§ 117
“	§ 522.2(h)		§ 204 through 206
§ 522.4(b)	§ 522.4(b)(1)		§ 104
“	§ 522.4(b)(2)		§ 105
“	§ 522.4(b)(3)		§ 113
“	§ 522.4(b)(4)		§ 113
“	§ 522.4(b)(5)		§ 201 through 212
“	§ 522.4(b)(6)		§ 116
“	§ 522.4(b)(7)		§ 114
§ 522.6 (a)	522.2, generally		See above items listing corresponding sections of the Tribal Gaming Ordinance that are in compliance with § 522.2
§ 522.6(b)			
“	§ 522.4(b)(2)		§ 105
“	§ 522.4(b)(3)		§ 113
“	§ 522.4(b)(4)		§ 113
“	§ 522.4(b)(5)		§ 201 through 212
“	§ 522.4(b)(6)		§ 116
“	§ 522.4(b)(7)		§ 114
§ 522.4(c)			§ 104

We ask that you approve this Tribal Gaming Ordinance no later than 90 days from the date of this submission, pursuant to 25 C.F.R. Parts 522.4 and 522.6. We ask that you also publish our Tribal Gaming Ordinance and Resolution in the FEDERAL REGISTER with your approval, pursuant to 25 C.F.R. Part 522.8. If you should fail to approve or disapprove the Tribal Gaming Ordinance within 90 days of this submission, the Tribal

Gaming Ordinance and Resolution shall be considered to have been approved by you pursuant to 25 C.F.R. Part 522.9.

Thank you for your prompt approval of this Tribal Gaming Ordinance.

A handwritten signature in black ink, appearing to read "Carl Dahlberg", with a long, sweeping horizontal line extending to the right.

Carl Dahlberg, Chairman
Fort Independence Indian Reservation

cc: Encl.

OCT 16 2007

Index to Fort Independence Indian Reservation Gaming Ordinance

101. Purpose	3
102. Definitions	3
103. Gaming Authorized	5
104. Ownership of Gaming	5
105. Use of Gaming Revenue	6
106. Tribal Class II and Class III	
Minimum Internal Control Standards	6
107. Per Capita Payments	6
108. Board of Directors	6
109. Gaming Commission	8
110. Enforcement	12
111. Ethics	14
112. Complimentary Items	15
113. Audit	16
114. Environment and Public Health and Safety	16
115. Dispute Resolution	16
116. Facility Licenses	16
117. Agent for Service of Process	17
118. Compliance with Federal Law	17
119. Repeal	17
120. Tribal Access to Financial Information	17
201. Licenses for Key Employees and Primary	
Management Officials	17
202. License Application Forms	18
203. License Fees	19
204. Fingerprints	19
205. Background Investigations	19
206. Procedures for Conducting a Background Check on	
Applicants	20
207. Eligibility Determination	20
208. Procedures for Forwarding Applications and Reports	
for Key Employees and	
Primary Management Officials to the NIGC	21
209. Report to the NIGC	21
210. Granting a Gaming License	22
211. License Suspension	22
212. Board of Review for Disputes	23

301. Licenses for Vendors	24
302. Submission of a Vendor License Application	24
303. Contents of the Vendor License Application	24
304. Vendor Background Investigation	25
305. Vendor License Fee	26
306. Vendor Background Investigation Report	27
307. Exemption for Vendors Licensed by Recognized Regulatory Authorities	27
308. Licenses for Non-Gaming Vendors	27
309. Sovereign Immunity	27

REVISED MODEL GAMING ORDINANCE

Section 101. Purpose

The Fort Independence Indian Reservation, also recognized by the United States under the name "Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California" (the "Tribe"), is a federally recognized sovereign Indian Tribe established pursuant to the Articles of Association of the Fort Independence Indian Community, as amended in 2004, exercising jurisdiction over all lands owned by the United States for the benefit of the Tribe, hereby enacts this ordinance in order to govern Class II and Class III gaming operations on the Tribe's Indian lands.

Section 102. Definitions

Unless a different meaning is clearly indicated in this Ordinance, the terms used herein shall have the same meaning as defined in the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*, and its regulations, 25 C.F.R. § 500 *et seq.* Specifically:

(a) **Board of Directors** means the Tribal Gaming Board of Directors, who shall serve as primary management officials in overseeing the General Manager and the day-to-day non-regulatory aspects of the gaming operation.

(b) **Class I gaming** means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.

(c) **Class II gaming** means:

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

(A) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,

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

(C) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and

(2) card games that:

- (A) are explicitly authorized by the laws of the State, or
- (B) are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

(3) The term “Class II gaming” does not include:

- (A) any banking card games, including baccarat, chemin de fer, or blackjack (21), or
- (B) electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

(d) **Class III gaming** means all forms of gaming that are not class I gaming or class II gaming.

(e) **Commission** means the Tribal Gaming Commission established to perform regulatory oversight and to monitor compliance with Tribal, Federal, and applicable State regulations.

(f) **Commissioner** means a Tribal Gaming Commissioner.

(g) **Compact** means a Tribal-State Compact concerning class III gaming approved by the Secretary of the Interior and published in the Federal Register pursuant to 25 U.S.C. § 2710(d).

(h) **Complimentary** shall have the meaning as set forth in 25 C.F.R. §542.2 (a).

(i) **Directly related to** means a spouse, child, parent, grandparent, grandchild, aunt, uncle, or first cousin.

(j) **Director** means a Member of the Tribal Gaming Board of Directors.

(k) **Indian lands** means:

- (1) all lands within the limits of the Tribe’s reservation;
- (2) any lands title to which is either held in trust by the United States for the benefit of the Tribe or individual or held by the Tribe or individual subject to restriction by the United States against alienation and over which the Indian Tribe exercises governmental power; and
- (3) for all lands acquired into trust for the benefit of an Indian tribe after October 17, 1988, the lands meet the requirements set forth in 25 U.S.C. §

2719.

(l) **Indian Tribe or Tribe** means the Fort Independence Indian Reservation.

(m) **Key Employee** means:

(1) A person who performs one or more of the following functions:

- (A) Bingo caller;
- (B) Counting room supervisor
- (C) Chief of security;
- (D) Custodian of gaming supplies or cash;
- (B) Floor manager;
- (F) Pit boss;
- (O) Dealer;
- (H) Croupier;
- (I) Approver of credit; or
- (J) Custodian of gambling devices including persons with access to cash and accounting records within such devices;

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

(3) If not otherwise included, the four most highly compensated persons in the gaming operation.

(n) **NIGC** means the National Indian Gaming Commission.

(o) **Net Revenues** means gross gaming revenues of an Indian gaming operation less

- (1) Amounts paid out as, or paid for, prizes; and
- (2) Total gaming-related operating expenses, excluding management fees.

(p) **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; 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.

(q) **Tribal Council** means the General Council of the Fort Independence Indian Reservation.

Section 103. Gaming Authorized

Class II and Class III gaming is hereby authorized.

Section 104. Ownership of Gaming

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

Section 105. Use of Gaming Revenue

(a) Net revenues from tribal gaming shall be used only for the following purposes:

- (1) to fund tribal government operations and programs;
- (2) to provide for the general welfare of the Tribe and its members;
- (3) to promote tribal economic development;
- (4) to donate to charitable organizations; or
- (5) to help fund operations of local government agencies.

Section 106. Tribal Class III and Class III Minimum Internal Control Standards

The Tribe voluntarily, through this tribal gaming ordinance, shall maintain minimum internal control standards (MICS) that equal or exceed those set forth in 25 C.F.R. 542 (as in effect on October 1, 2006). The Tribe will work with NIGC to ensure compliance with MICS regulations.

Section 107. Per Capita Payments

(a) **“Per Capita Payment”** means the distribution of money or other thing of value to all members of the Tribe, or to identified groups of members, which is paid directly from the net revenues of any tribal gaming activity.

(b) The Tribe elects to make payments to each of its members from its Revenue Sharing Trust Fund (“RSTF”) funds, or to encumber these funds for other uses for the benefit of the Tribe. These funds are not derived from the Tribe’s gaming operation and are not required to have any plan to implement these as “per capita” payments pursuant to 25 C.F.R. Part 290.

(c) The Tribe elects to additionally make per capita payments to tribal members from revenues derived from its gaming operations. The Tribe shall adopt a separate Revenue Allocation Plan for Gaming Revenues (“RAP”) for distribution of these revenues. In

doing so, the Tribe shall ensure that the Revenue Allocation Plan for Gaming Revenues (“RAP”) shall comply with all applicable federal and tribal laws.

Section 108. Board of Directors

(a) In addition to the General Manager for the facility, there shall be established a Tribal Gaming Board of Directors which shall serve in a management oversight role over the General Manager and the day-to-day operations of the gaming operation. In the event that the Tribe enters into a management contract approved by the NIGC, the Board may delegate some or all duties to the approved management contractor. The Board of Directors shall oversee all non-regulatory aspects of the gaming operation. Regulation of the gaming operation shall be the sole responsibility of the Tribal Gaming Commission.

(b) The Board of Directors shall consist of three (3) members; initially the Board of Directors shall be the Chairman, Vice- Chairperson, and Secretary/ Treasurer of the Business Committee. Terms of office for members of the Tribal Gaming Board of Directors shall be two years each. Thereafter shall be the Business Committee and shall be for the same term as their term of office and shall be subject to the same background requirements as key employees and primary management officials, and must be licensed accordingly. The minimum requirements for appointment as a member of the Board of Directors are as follows:

One [or two] of the following:

- Degree in Business Administration, Accounting, Marketing, or an equivalent field;
- Minimum five (5) years experience in business management;
- Minimum two (2) years experience in casino management; or
- Demonstrated knowledge of federal Indian law, the Indian Gaming Regulatory Act, and related statutes and regulations.

OR

A basic knowledge of gaming management, business, finance, or law.
and No bankruptcy within 10 years, no felony convictions or for moral turpitude per articles of association

(c) The Board of Directors shall perform the following duties:

- (1) Monitor and oversee the day-to-day operations of the gaming facility, whether managed by a tribal employee or by an approved management contractor;
- (2) Inspect and examine on a periodic basis all books, records, and papers of the gaming facility;
- (3) Set hours of operation for the gaming facility;
- (4) Set wager limits;
- (5) Develop marketing plans;
- (6) Oversee the interview, selection, and training of employees of the gaming

operation;

(7) Establish employee policies, rates of pay, and hours of work;

(8) Adopt an annual operating budget, subject to Tribal Council approval;

(9) Enter into contracts on behalf of the gaming facility, subject to Tribal Council approval and NIGC review;

(10) Hold hearings on employee complaints, in compliance with procedures established in the gaming ordinance and other Tribal gaming regulations or personnel policies; and

(11) Any other duties necessary to monitor and oversee the gaming operation.

(f) The Fort Independence Reservation Business Committee and Tribal Council recognize the importance of an independent Tribal Gaming Board of Directors in maintaining a well-managed gaming operation. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Tribe hereby finds that, at a minimum:

(1) Members of the Board of Directors are prohibited from gambling in the facility; and

(4) Members of the Board of Directors are prohibited from accepting complimentary items from the gaming operation other than food and beverage items.

(g) Members of the Board of Directors may be removed from office by the Tribal Council prior to the expiration of their respective terms only for neglect of duty, misconduct, malfeasance, or other acts that would render the Director unqualified for his/her position. When the Tribal Council believes that a removal is appropriate, it shall so notify the Director(s) and hold a hearing on the matter. The Tribal Council may opt to preliminarily remove the Director pending the hearing. At the hearing the Director may provide evidence rebutting the grounds for his/her removal. A vote of the Tribal Council on the validity of the preliminary removal shall be final and not subject to further appeal. A finding by the Tribal Council that the preliminary removal was wrongful shall entitle the affected Director to compensation for expenses incurred in appealing the wrongful removal, and shall entitle the Director to any pay withheld.

(h) Members of the Tribal Gaming Board of Directors shall be compensated at a level determined by the Business Committee.

Section 109. Gaming Commission

(a) The Tribe hereby establishes a Tribal Gaming Commission whose duty it is to regulate tribal gaming operations. The Tribal Gaming Commission shall consist of three members. There shall be among them a Chairperson, Vice- Chairperson, and at least one additional Commissioner.

(b) The purpose of the Tribal Gaming Commission is regulatory, not managerial. The Commission will conduct oversight to ensure compliance with Tribal, Federal, and, if

applicable, State laws and regulations. The Commission will serve as the licensing authority for individuals employed in the gaming operation and will administer background investigations as part of the licensing process. The Commission will also have a role in monitoring compliance with the internal controls for the gaming operation and in tracking revenues. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming operation and to all records. The Commission shall have authority to take enforcement actions, including suspension or revocation of an individual gaming license when appropriate.

(c) The Tribe recognizes the importance of an independent Tribal Gaming Commission 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 explicitly provided in this Ordinance. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Tribe hereby finds that, at a minimum:

- (1) Members of the Gaming Commission are prohibited from gambling in the facility; and
- (2) Members of the Gaming Commission are prohibited from accepting complimentary items from the gaming operation, excepting food and beverages valued at under fifty dollars.

(d) Tribal Gaming Commissioner positions shall be filled in the following manner:

Through appointment by the Fort Independence Indian Reservation Business Committee.

(e) Nominees for positions of Tribal Gaming Commissioner must satisfy the suitability standards set forth for key employees and primary management officials, found in Section XIII of this ordinance. Such background investigations shall be performed under the direction of the Inyo County Sheriff.

(f) The Tribal Gaming Commission shall:

- (1) Conduct or cause background investigations to be conducted on, at a minimum, primary management officials and key employees;
- (2) Review and approve all investigative work conducted;
- (3) Report results of background investigations to the NIGC;
- (4) Obtain and process fingerprints, or designate a law enforcement agency to obtain and process fingerprints;
- (5) Make licensing suitability determinations, which shall be signed by the Chairman of the Gaming Commission;
- (6) Issue gaming licenses to management officials and employees of the operation, consistent with the suitability determination;
- (7) Establish standards for licensing Tribal gaming operations;
- (8) Issue facility gaming licenses to Tribal gaming operations;

- (9) Inspect, examine and monitor all gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming establishment;
- (10) Ensure compliance with all Tribal, State, and Federal laws, rules, and regulations regarding Indian gaming;
- (11) Investigate any suspicion of wrongdoing associated with any gaming activities;
- (12) Hold hearings on patron complaints, in compliance with procedures established in the gaming ordinance and other Tribal gaming regulations;
- (13) Comply with any and all reporting requirements under the IGRA, Tribal-State compact to which the Tribe is a party, and any other applicable law;
- (14) Promulgate and issue regulations necessary to comply with applicable internal control standards;
- (15) Promulgate and issue regulations on the levying of fees and/or taxes associated with gaming license applications;
- (16) Promulgate and issue regulations on the levying of fines and/or suspension or revocation of gaming licenses for violations of this Ordinance, or any other Tribal, Federal, or State, if applicable, gaming regulations; and
- (17) Establish a list of persons not allowed to game in Tribal gaming facilities in order to maintain the integrity of the gaming;
- (18) Establish a list of persons who have voluntarily asked to be excluded from Tribal gaming facility and create regulations for enforcing this exclusion;
- (19) Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of Tribal, Federal, or State statutes, ordinances, or resolutions;
- (20) Create a list of regulatory authorities that conduct vendor background investigations and licensing which the Commission recognizes as trustworthy;
- (21) Draft regulations exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;
- (22) Perform such other duties the Commission deems appropriate for the proper regulation of the Tribal gaming operation;
- (23) Promulgate such regulations and guidelines as it deems appropriate to implement the provisions of this Ordinance.

(g) The Gaming Commission shall ensure that all records and information obtained as a result of an employee background investigation shall remain confidential and shall not be disclosed to persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel or others employed by the tribal gaming operation on a need-to-know basis for actions taken in their official capacities.

This Section does not apply to requests for such information or records from any Tribal, Federal or State law enforcement or regulatory agency, or for the use of such information

or records by the Commission and staff in the performance of their official duties.

(h) Terms of Office for Tribal Gaming Commissioners shall be as follows: the Chair shall serve an initial term of one year, with subsequent Chairs serving three-year terms. The Vice-Chair and Commissioner(s) shall serve an initial term of two years, with subsequent Vice-Chairs and Commissioners serving three-year terms.

(i) The following persons are not eligible to serve as Tribal Gaming Commissioners: Business Committee members, while serving as such; employees of the gaming operation, while serving as such; gaming contractors (including any principal of a management or other contracting company); persons ineligible to be key employees or primary management officials; non-tribal members. Tribal members previously convicted of a felony, of embezzlement, of theft, or of any other money-related crime or honesty-related crime (such as fraud), crimes of moral turpitude, or who have filed for bankruptcy within the 10 years preceding their appointment to the Gaming Commission cannot serve as Tribal Gaming Commissioners. The Tribal Council shall require a criminal history check with appropriate law enforcement agencies and shall review this criminal history report and make an appropriate suitability determination before appointing an individual to a position as a Tribal Gaming Commissioner.

(j) The independence of the Tribal Gaming Commission is essential to a well-regulated gaming operation. For that reason, Commissioners may only be removed from office by the Fort Independence Tribal Council prior to the expiration of their respective terms for neglect of duty, misconduct, malfeasance, or other acts that would render a commissioner unqualified for his/her position. Any allegations of neglect of duty, misconduct, malfeasance, or other acts that would render him or her unqualified for his/her position must be substantiated by a preponderance of the evidence. Commissioners will be given an opportunity to provide evidence rebutting the evidence for their proposed removal before the removal is considered. A vote of the Fort Independence Tribal Council on the validity of the removal shall be final and not subject to further appeal. A wrongful removal shall entitle the affected Commissioner to compensation for expenses incurred in an appeal and any pay withheld.

(k) A majority of the Commission shall constitute a quorum. The concurrence of a majority of the members appointed to the Commission shall be required for any final determination by the Commission. The Commission may act in its official capacity even if there are vacancies on the Commission.

(l) Tribal Gaming Commissioners shall be compensated at a level determined by the Business Committee. Commissioner compensation shall not be based on a percentage of gaming revenue to ensure the Commission is not improperly influenced.

(m) The Commission shall keep a written record of all its meetings.

Section 110. Enforcement

(a) **Jurisdiction:** Except as provided in this Ordinance or the Compact, the Tribal Gaming Commission shall have jurisdiction over all violations of this Ordinance.

(b) **Compliance with Federal Standards for Tribal Gaming Facility Audits:** The Tribe and the Tribal Gaming Commission shall conduct annual financial audits and "Agreed-Upon Procedure" audits of its gaming operations and submit such audits to the NIGC. The Tribe and its Tribal Gaming Commission shall maintain compliance with the provisions of 25 C.F.R. §§ 571.12, 571.13, and 542.3(f)(1). The NIGC may conduct compliance review audits of the Tribe's Class III internal controls to assess compliance with the standards set forth in this tribal gaming ordinance. The NIGC, in conducting such audits, may use its standard audit procedures and the worksheets/checklists set forth in 25 C.F.R. Part 542. The Tribe and the Tribal Gaming Commission will work with NIGC to develop a process for reporting requirements and addressing any non-compliance issues (if any) that may arise in the audit process.

(c) **Prohibited Acts:** In addition to other civil and criminal offenses provided for in this Ordinance, the following acts are prohibited by any Person and subject any violator to the civil or criminal penalties specified herein:

- (1) Participating in any Gaming which is not authorized by this Ordinance.
- (2) Knowingly making a false statement in connection with any Contract to participate in any Gaming Activity.
- (3) Attempting to bribe any Person participating in any Gaming Activity.
- (4) Offering or accepting a loan, financing or other thing of value between a member of the Board of Commissioners or employee of the Tribal Gaming Commission and any Person participating in any Gaming Activity.
- (5) Promoting or participating in any illegal Gaming Activity.
- (6) Failing to keep sufficient books and records to substantiate receipts, disbursements and expenses incurred or paid from any Gaming Activity authorized pursuant to this Ordinance.
- (7) Falsifying any books or records that relate to any transaction connected with any Gaming Activity pursuant to this Ordinance.
- (8) Conducting or participating in any Gaming Activity, which results in Cheating.
- (9) Allowing participation in Gaming Activity by or with an intoxicated or disorderly Player.
- (10) Allowing or participating in the sale of liquor when such sale is prohibited by Tribal law.
- (11) Accepting consideration other than money, or chips for participation in any Gaming Activity.
- (12) Using bogus or counterfeit chips or Charitable Gaming Tickets, or to substitute or use any cards, Charitable Gaming Tickets or Gaming equipment that has been marked or tampered with.

- (13) Employing or possessing any Cheating device or to facilitate Cheating in any Gaming Activity.
- (14) Willfully using any fraudulent scheme or technique to change the odds of any Game of Chance.
- (15) Soliciting, directly or indirectly, or using inside information on the nature or status of any Gaming Activity for the benefit of an individual.
- (16) Tampering with a Gaming Device, attempting to conspire to manipulate the outcome or the payoff of a Gaming Device, or otherwise unlawfully tampering with or interfering with the proper functioning of the machine.
- (17) Alter or counterfeiting a Gaming license.
- (18) Aiding, abetting, or conspiring with another Person knowingly or knowingly to cause any Person to violate any provision of this Ordinance or any rules and regulations adopted hereunder.
- (19) Operating, using or making available to the public any illegal Gaming Device, apparatus, material or equipment.
- (20) Selling, holding out for sale or transporting into or out of the jurisdiction of the Tribe any illegal Gaming Device, apparatus, material or equipment.
- (21) Assisting or allowing a Person who is under the age of Eighteen (18) to participate in a Gaming activity.
- (22) Possessing any illegal narcotics or controlled substances on any licensed Gaming site.
- (23) Stealing or attempting to steal funds or other items of value from any Gaming Facility or from the Tribal Gaming Commission.
- (24) Employing any Person at a licensed Gaming Facility whom the Licensee knows has been convicted of a Gaming crime or a crime of fraud.

(d) Criminal Violation: Any Indian who violates or fails to comply with any provision of this Ordinance, or who fails or neglects to comply with any order, decision of the Tribal Gaming Commission, shall be charged and given due process pursuant to this Ordinance and the Gaming Regulations adopted by the Tribal Gaming Commission pursuant to this Ordinance. If such Indian is found to be guilty of a crime, he may be required to pay a fine not to exceed Five Thousand Dollars (\$5,000). Each day during which any such violation or failure to comply continues shall constitute a separate violation of this Ordinance.

(e) Civil Violation: Any non-Indian who violates or fails to comply with any provision of this Ordinance, or who fails or neglects to comply with any final order of the Tribal Gaming Commission, shall be charged and given due process pursuant to this Ordinance, and the Gaming Regulations adopted by the Tribal Gaming Commission pursuant to this Ordinance. If the non-Indian is found liable, he may pay a civil fine not to exceed Five Thousand Dollars (\$5,000) for each violation thereof. Each day during which any such violation or failure to comply continues shall constitute a separate violation of this Ordinance. The amount of any such civil fine may be recovered in a civil action in an appropriate court of civil jurisdiction.

(f) Cumulative Fines: All civil fines accruing under this Ordinance shall be cumulative and a suit for the recovery of one fine shall not bar or affect the recovery of any other fine, or judgment, penalty, forfeiture or damages, nor bar the power of the Tribal Court to punish for contempt, nor bar any criminal prosecution against any officer, director, agent, or employee of any Licensee, or any other Person.

(g) Purpose of Civil Penalties: The civil fines imposed under this Ordinance are intended to be remedial and not punitive and are designed to compensate the Tribe for the damage done to the peace, security, economy and general welfare of the Tribe and the Rancheria, and to compensate the Tribe for costs incurred by the Tribe in enforcing this Ordinance. The civil fines under this Ordinance are also intended to encourage all people into complying with this Ordinance and Tribal Gaming Commission regulations and not to punish such people for violation of such laws and regulations.

(h) Civil Action for Penalties: In enforcing the civil infraction provisions of this Ordinance, the Tribal Gaming Commission shall proceed, in the name of the Tribe, against a Person for violation of such provision by civil complaint in any court of competent jurisdiction, or, if applicable, only in such other forums as the Tribe has agreed to by Contract. The Tribal Gaming Commission in such action shall have the burden of showing, by the preponderance of the evidence, that such Person violated the applicable provision of this Ordinance.

(i) Seizure and Forfeiture of Property: Property utilized in violation of this Ordinance shall be subject to seizure and forfeiture by order of the Board of Commissioners pursuant to such procedures and rules as the Board of Commissioners shall promulgate.

(j) Reporting of Offenders: The Tribal Gaming Commission, upon final conviction of any Person under this subsection, shall report the name of the Person convicted to the Tribal Council, State Gaming Board and NIGC.

Section 111. Ethics

(a) The Tribe recognizes that the duties of the Gaming Board of Directors and the Tribal Gaming Commission include making important decisions on highly sensitive issues. As such, the Tribe has determined that the Board of Directors and the Gaming Commission shall be held to extremely high ethical standards. Prior to taking their positions on the Board and the Commission (Members), the Members shall agree to be bound by the following principles:

- (1) Members shall not hold financial interests that conflict with the conscientious performance of their duties as managers and regulators.
- (2) Members shall not engage in financial transactions using nonpublic information or allow the improper use of such information by others on their behalf to further any private interest.

- (3) Members shall not solicit or accept any gift or other item of monetary value, including complimentary items or services (see Section 111, below), from any person or entity seeking official action or inaction from, doing business with, or conducting activities regulated by the member's organization, or whose interests may be substantially affected by the performance or nonperformance of the Members' duties.
- (4) Members shall make no unauthorized commitments or promises of any kind purporting to bind the Tribe.
- (5) Members shall not use their positions for private gain.
- (6) Members shall act impartially, in accordance with all relevant Tribal, Federal, and State laws (where applicable), and shall not give preferential treatment to any private organization or individual, including to any persons related to Members.
- (7) Members shall ensure that Tribal property and gaming assets shall be properly segregated and safeguarded, and that such property and assets shall not be used for unauthorized activities.
- (8) Per Capita distributions, if any, are not considered financial interests that would conflict with the conscientious performance of duty by a manager or regulator.
- (9) Members shall not engage in outside employment or activities, including seeking or negotiating for future employment, which conflict with their official duties and responsibilities.
- (9) Members shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- (10) Members shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards listed herein.
- (11) Members shall disclose any real or apparent financial or personal conflicts. If there is a real conflict or the appearance of one, the member shall not take part in any decision related to the conflict.

Section 112. Complimentary Items

- (a) The use of complimentary items shall be governed by regulations established by the Tribal Gaming Commission.
- (b) No Key Employee, Primary Management Official, Tribal Council member, member of the Gaming Board of Directors or Tribal Gaming Commission, or any person directly related to or sharing a residence with the persons, shall be authorized to receive complimentary items other than food and beverages valued at under five dollars, or, if at a public event held at the gaming facility, the free food and beverages offered to the general public.
- (c) Complimentary Items shall be included in the annual budget for the gaming operation, with maximum limits specified, and shall be subject to approval by the Tribal Council.

Section 113. Audit

(a) The Tribe shall cause an annual outside independent audit of gaming operations to be conducted, and shall submit the resulting audit reports to the National Indian Gaming Commission.

(b) All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A. above.

Section 114. Environment and Public Health and Safety

(a) Gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety;

(b) The Fort Independence Tribal Council shall adopt standards that assure adequate protection of the environment and the public health and safety.

Section 115. Patron Dispute Resolutions

Patrons who have complaints against the gaming establishment shall have as their sole remedy the right to file a petition for relief with the Tribal Gaming Commission. Complaints shall be submitted in writing, and at the discretion of the Commission, the petitioner may be allowed to present evidence. The Gaming Commission shall hold a hearing within 30 days of receipt of petitioner's complaint. Petitioner may have counsel present at such hearing. The Commission shall render a decision in a timely fashion and all such decisions will be final when issued. Any patron complaint must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint. All claims by patrons shall be limited to a maximum recovery of \$ 500.00 per occurrence, and a cumulative limit of \$ 1,500.00 per patron in any twelve (12) month period, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize. The Commission's decision shall constitute the complainant's final remedy.

Section 116. Facility Licenses

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

(b) The Tribal Gaming Commission shall issue a separate license to each place, facility, or location on Indian lands where Class II and/or Class III gaming is conducted under this ordinance once every 3 years. The Tribal Gaming Commission shall specify the form, conditions and content for the application for such licenses, which shall be submitted by the chief management official of the facility, and the initial application shall include a

legal description of the lands whereon the facility is located, and a certification that said premises constitute "Indian lands" as specified in the Indian Gaming Regulatory Act, and shall identify the environmental, health, and public safety standards with which the facility must comply, and a certification that the facility is in compliance therewith. Each subsequent application for the renewal of such facility license shall identify any changes or additions to said legal description and applicable environmental, health and safety standards, and include current certifications of compliance therewith. The Tribal Gaming Commission shall only issue such licenses if the applications include the required information and certifications and such further conditions as the Tribal Gaming Commission shall have specified.

Section 117. Agent for Service of Process

The Tribe hereby designates the Tribal Chairman as agent for service of process, who may be contacted at:

Chairman Carl Dahlberg
P.O. Box 67
Independence, CA 93526

Section 118. Compliance with Federal Law

The Tribe will comply with all applicable federal law, including the Bank Secrecy Act, 31 U.S.C. § 5311 et seq.

Section 119. Repealed

To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed.

Section 120. Tribal Access to Financial Information

A copy of the Tribal gaming operation annual audit will be made available for review, upon request, to:

The Business Committee of the
Fort Independence Indian Community of the Paiute Indians of
Fort Independence, California
P.O. Box 67
Independence, CA 93526

Section 201. Licenses for Key Employees and Primary Management Officials

The Tribe 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 gaming enterprise operated on Indian lands. The Tribe will issue licenses and

perform background investigations according to requirements at least as stringent as 25 C.F.R. Parts 556 and 558.

Section 202. License Application Forms

(a) The following notice shall be placed on the application form for a key employee or a primary management official:

“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 the Tribe and the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when necessary pursuant to a requirement by a Tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigation 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 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.”

(b) The following additional notice shall be placed on the application form for a key employee or a primary official:

A false statement on any part of your application will 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)

(c) The Commission shall notify in writing existing key employees and primary management officials who have not completed an application containing the notices set forth above that they shall either:

- (1) Complete a new application form that contains both the Privacy Act and false statement notices; or
- (2) Sign a statement that contains the Privacy Act and false statement notices and consent to the routine uses described in that notice.

Section 203. License Fees

The Tribe may charge a license fee, to be set by the Tribal Gaming Commission, to cover its expenses in investigating and licensing Key Employees and Primary Management Officials of the gaming operation.

Section 204. Fingerprints

Each applicant for a Key Employee or Primary Management Official shall be required to have fingerprints taken as part of the application procedure. Fingerprints shall be taken by Inyo County Sheriff's Department. Fingerprints will then be forwarded to the NIGC for processing through the FBI and NCIC to determine the applicant's criminal history, if any.

Section 205. Background Investigations

- (a) The Tribal Gaming Commission is responsible for conducting background investigations and suitability determinations.
- (b) The Tribal Gaming Commission shall request from each primary management official and from each key employee all of the following information:

- (1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (2) 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;
- (3) 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 (b)(2) of this section;
- (4) Current business and residence telephone 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, crime of moral turpitude, theft related offense for which there was an ongoing prosecution or a conviction, at any time, the charge, the name and address of the court involved, and the date and disposition if any;
- (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), and/ or bankruptcy filed within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- (10) 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 (b)(8) or (b)(9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

(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 photograph taken within the last year; and

(13) Any other information the Tribe deems relevant.

Section 206. Procedures for Conducting a Background Check on Applicants

(a) As part of its review procedure, the Commission or its agent shall employ or engage a private investigator to conduct a background investigation on each applicant sufficient to allow the Gaming Commission to make an eligibility determination under subsection 207 below. The investigator shall:

- (1) Verify the applicant's identity through items such as a social security card, drivers license, birth certificate, or passport;
- (2) Contact each personal and business reference provided in the License Application, when possible;
- (3) Obtain a personal credit check;
- (4) Conduct a civil history check;
- (5) Conduct a criminal history check via the submission of the applicant's fingerprints to the NIGC, and further obtain information from the appropriate court regarding past felony and/or misdemeanor convictions and criminal charges within the last ten years;
- (6) Inquire into any previous or existing business relationships with the gaming industry and Indian tribes by contacting the entities or tribes;
- (7) Verify the applicant's history and status with any licensing agency by contacting the agency; and
- (8) Take other appropriate steps to verify the accuracy of the information, focusing on problem areas noted.

(b) The investigator shall create an investigative report noting the steps taken, information gained, potential problem areas, and disqualifying information.

(c) The Gaming Commission and its investigator shall promise to keep confidential the identity of each person interviewed in the course of the investigation, other than disclosure as required under Federal, Tribal, or State law.

Section 207. Eligibility Determination

The Tribal Gaming Commission 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 Tribal Gaming Commission 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.

Section 208. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

(a) When a key employee or primary management official is employed to work at a gaming operation authorized by this ordinance, the Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in section 207 of this section.

(b) 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.

Section 209. Report to the National Indian Gaming Commission

(a) The Tribal Gaming Commission shall prepare and forward a report on each background investigation to the National Indian Gaming Commission. An investigative report shall include all of the following:

- (1) Steps taken in conducting a background investigation;
- (2) Results obtained;
- (3) Conclusions reached; and
- (4) The bases for those conclusions.

(b) The Commission shall forward the completed investigative report to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.

(c) The Commission shall submit, with the investigative report, a copy of the eligibility determination, unless the NIGC shall have advised the Tribe that the submission of the eligibility determination is not necessary. This determination shall include a statement describing how the information submitted by the applicant was verified; a statement of results following an inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations; a statement showing the results of interviews of a sufficient number of knowledgeable people (such as former employers, personal references, and others referred to by the applicant) in order to provide a basis for the Tribal Gaming Commission to make a finding concerning the eligibility for licensing required for employment in a gaming operation; and a statement documenting the

disposition of all potential problem areas noted and disqualifying information obtained.

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

- (1) Shall notify the NIGC; and
- (2) Shall forward copies, of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System.

(e) With respect to all employees, and in particular key employees and primary management officials, the Tribal Gaming Commission shall retain applications for employment and reports (if any) of background investigations for, inspection by the Chairman of the NIGC or his or her designee for no less than three (3) years from the date of termination of employment.

Section 210. Granting a Gaming License

(a) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribe 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 Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Commission, acting for the Tribe, may issue a license to such applicant.

(b) The Tribal Gaming Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph (a) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

(c) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a Statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

Section 211. License Suspension

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

(b) The Tribal Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license, regardless of the basis for the revocation.

(c) After a revocation hearing, the Tribal Gaming Commission shall decide to revoke or to reinstate a gaming license. The Commission shall notify the NIGC of its decision.

Section 212. Board of Review for Disputes

The Tribe has determined that, in order to adhere to this Ordinance and all gaming regulations, there shall be established a Tribal Gaming Board of Review (Board of Review). The Board of Review shall serve as the final review body for employee disputes. Employee disputes shall include disputes with management, terminations, fines or other internal employee disputes, not to include actions taken by the Commission. The Board of Review shall consist of five members, The membership shall be comprised of one member of the Tribal Gaming Commission, one member from the Tribal Council, one primary management official or key employee, one enrolled Tribal member not employed by the gaming operation, and one employee of the gaming operation. The members from the Tribal Gaming Commission, Tribal Council, and gaming operation primary management official or employees shall be elected from their representative groups and the enrolled Tribal member shall be appointed by the Fort Independence Tribal Council. Board of Review members shall serve staggered terms. The two Tribal members shall serve three-year terms. The primary management official or key employee shall serve a two-year term. The members from the Tribal Gaming Commission and the Tribal Council shall serve one-year terms. The Board of Review members who are not employed by the Tribe in some other capacity shall be compensated at a rate of [\$25.00] per meeting or hearing, and shall be reimbursed for actual costs incurred during the scope of his/her duties as a member of the Board of Review. Compensation shall never be tied to tribal gaming revenues.

The Board of Review members shall elect a Chairperson from among them, whose duty it shall be to preside over all meetings and hearings. In addition, the members shall elect a Vice-Chair who shall be the custodian of any evidence submitted, and who shall preside in the Chairperson's absence. The Board of Review shall meet [monthly] and shall keep official records of the meetings. No later than three working days following a hearing on employee disputes, the Board of Review shall issue its findings. Findings of the Board shall be final when issued.

No Board of Review member shall be removed prior to the end of his/her term without cause. Removal shall be effectuated by a majority vote of the entire Board of Review, and shall be a final decision. A Board of Review member shall not review any decisions affecting himself / herself, or any person directly related to him or her.

Section 301. Licenses for Vendors

(a) Vendors of gaming services or supplies with a value of \$25,000 or more annually must have a vendor license from the Tribal Gaming Commission in order to transact business with the Tribal gaming operation. Contracts for professional legal and accounting services are excluded from this section.

(b) Gaming vendors are vendors who provide gaming supplies and services, including cash-related services.

(c) Non-gaming vendors provide services that do not have the ability to impact the integrity of the Tribal gaming operations, such as media advertising, facility maintenance workers, linen and laundry services, and food and beverage suppliers. The Tribal Gaming Commission shall create a regulation detailing which vendors fall into this category and shall maintain a register of the non-gaming vendors that it licenses. The regulation may exempt from licensing requirements non-gaming vendors who: 1) are a Tribal, Local, State, or Federal government agencies; 2) are regulated by the State of California or the Tribe; or 3) will provide goods of insubstantial or insignificant amounts or quantities if the Tribal Gaming Commission determines that licensing of the vendor is not necessary to protect the public interest.

Section 302. Submission of a Vendor License Application

In order to obtain a gaming vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include its officers, directors, management, owners, partners, non-institutional stockholders that either own 10% or more of the stock or are the 10 largest stockholders, and the on-site supervisor or manager under the agreement with the Tribe, if applicable.

Section 303. Contents of the Vendor License Application

(a) Applications for gaming vendor licenses must include the following:

- (1) Name of business, business address, business phone, federal tax ID number (or SSN if a sole proprietorship), main office address if different from business address, any other names the applicant has done business under, type of service applicant will provide;
- (2) Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity;
- (3) If the applicant is a corporation, the state of incorporation, and the qualification to do business in the State of California if the gaming operation is in a different State than the State of incorporation.
- (4) Trade name, other names ever used, names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;
- (5) General description of the business and its activities;
- (6) Whether the applicant will be investing in or loaning money to the gaming

operation and, if so, how much;

(7) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

(8) A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial, or management interests in non-gaming activities or, if the vendor does extensive business with tribes, then a list of the top ten (10) tribes;

(9) Names, addresses, and phone numbers of three business references with whom the company had regularly done business for the last five years;

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

(11) If the business has ever had a license revoked for any reason, the circumstances involved;

(12) A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition if any;

(13) List the business' funding sources and any liabilities of \$50,000 or more.

(14) A list of the principals of the business, their social security numbers, addresses and telephone numbers, title, and percentage of ownership in the company; and

(15) Any further information the Tribe deems relevant.

(b) The following notice shall be placed on the application form for a vendor and its principals:

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

(c) A vendor may submit a copy of a recent license application to another jurisdiction if it contains the information listed above. The vendor will be required to submit in writing any changes in the information since the other license application was filed and any information requested by the Tribe not contained in the other application.

Section 304. Vendor Background Investigation

The Tribal Gaming Commission shall employ or otherwise engage a private investigator complete an investigation of the gaming vendor. This investigation shall contain, at a minimum, the following steps:

(a) Verify of the business' incorporation status and qualification to do business in the State where the gaming operation is located;

(b) Obtain a business credit report, if available, and conduct a Better Business Bureau check on the vendor;

(c) Conduct a check of the business' credit history;

(d) Call each of the references listed in the vendor application; and

(e) Conduct an investigation of the principals of the business, including a criminal history

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

Section 305. Vendor License Fee

The Tribe may charge a license fee, to be set by the Tribal Gaming Commission, to cover its expenses in investigating and licensing vendors of the gaming operation.

Section 306. Vendor Background Investigation Report

The private investigator shall complete an investigative report covering each of the steps taken in the background investigation of the gaming vendor and its principals and present it to the Tribal Gaming Commission.

Section 307. Exemption for Vendors Licensed by Recognized Regulatory Authorities

All federally or state regulated banks are exempt from the requirements of obtaining a license under this Ordinance. The Tribal Gaming Commission may adopt regulations naming specific licensing authorities that it recognizes and may authorize exemptions to the vendor licensing process for vendors which have received a license from one of the named regulatory authorities.

Section 308. Licenses for Non-Gaming Vendors

For non-gaming vendors, the Tribal Gaming Commission is authorized to create a less stringent vendor licensing process, including a due diligence check rather than a full background investigation as laid out in Section 304. The Gaming Commission may investigate such vendors when appropriate and may conduct audits in addition to monitoring Tribal purchases.

Section 309. Sovereign Immunity.

Nothing contained in this Ordinance is intended to nor does in anyway limit, alter, restrict, or waive the Tribe's sovereign immunity from unconsented suit or action.



FORT INDEPENDENCE INDIAN RESERVATION

P.O. Box 67 • INDEPENDENCE, CA 93526 • (760) 878-2126 • FAX (760) 878-2311

RESOLUTION 2007-17

FORT INDEPENDENCE INDIAN RESERVATION TRIBAL GAMING ORDINANCE

RECITALS

WHEREAS: The Fort Independence Indian Reservation, also recognized by the United States under the name "Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California" ("the Tribe"), is a federally recognized sovereign Indian tribe established pursuant to the Articles of Association of the Tribe (the "Articles of Association") and exercising jurisdiction over all lands owned by the United States for the benefit of the Tribe; and

WHEREAS: The General Council of the Tribe (the "General Council") is the governing body of the Tribe pursuant to Article III, Section 1 of the Articles of Association; and

WHEREAS: The Tribe through its General Council is empowered to manage all economic affairs and enterprises of the Tribe, pursuant to Article V, Section 1, subsection F, of the Articles of Association; and

WHEREAS: The protection, safety and welfare of all persons, including, but not limited to, the preservation of education, economic and employment opportunities, and preservation of cultural and natural resources, within Tribal jurisdiction of the Fort Independence Indian Reservation, are primary goals and objectives of the General Council; and

WHEREAS: The operation of class II and class III gaming, subject to the terms and provisions of this Tribal Gaming Ordinance and all applicable laws, will provide funds for the continued operation and strengthening of the Fort Independence Indian Reservation Tribal government and the delivery of its governmental services; and

WHEREAS: The Fort Independence Indian Reservation will conduct its gaming activity on its Indian lands; and

WHEREAS: The Fort Independence Indian Reservation has the exclusive right to regulate gaming activity on its Indian lands because the gaming activity will be conducted pursuant to the Indian Gaming Regulatory Act ("IGRA") and is within the a state that does not, as a matter of criminal law and public policy, prohibit such gaming; and

WHEREAS: The gaming activity by the Fort Independence Indian Reservation will produce capital which the Tribe can use to also promote Tribal economic development, Tribal self-sufficiency, and strong Tribal government; and

WHEREAS: The Fort Independence Indian Reservation General Council reviewed and considered, at a duly called General Council Meeting, the Fort Independence Indian Reservation Tribal Gaming Ordinance; and

WHEREAS: The General Council has determined that it is in the best interest of the Tribe to adopt the Fort Independence Indian Reservation Tribal Gaming Ordinance;


NOW THEREFORE, BE IT RESOLVED, that the Fort Independence Indian Reservation hereby adopts the Fort Independence Indian Reservation Tribal Gaming Ordinance.

BE IT FURTHER RESOLVED, that the Tribe's attorneys, Fredericks Peebles & Morgan LLP, are directed to submit the adopted Fort Independence Indian Reservation Tribal Gaming Ordinance to the National Indian Gaming Commission.

BE IT FURTHER RESOLVED, that the effective date of the Fort Independence Indian Reservation Tribal Gaming Ordinance shall be the date that the Chairman of the National Indian Gaming Association approves this Ordinance.

CERTIFICATION

IT IS HEREBY RESOLVED THAT THE FOREGOING WAS ADOPTED BY THE GOVERNING BODY OF THE FORT INDEPENDENCE RESERVATION AT A DULY CALLED MEETING AT WHICH A QUORUM WAS PRESENT ON THE 3RD DAY OF OCTOBER 2007, BY A VOTE OF 18 FOR, 0 AGAINST, AND 0 ABSTENTIONS, THIS RESOLUTION HAS NOT BEEN CHANGED OR AMENDED IN ANY WAY.

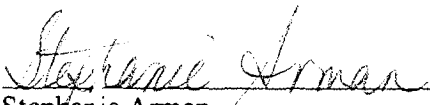


Carl Dahlberg, Chairman

10/3/07

Date

ATTES T:



Stephanie Arman,
Secretary/Treasurer

10-3-07

Date