

CHAPTER 1. LEGISLATIVE PURPOSE, INTENT AND SUMMARY OF STATUTORY REGIME

Section 101. Purpose

It is the purpose of this Gaming Code to govern and regulate the operation and conduct of all Gaming Activity on lands within the jurisdiction of the Colorado River Indian Tribes in order to protect the public interest in the integrity of such Gaming Activity, to prevent improper or unlawful conduct in the course of such Gaming Activity, and to promote the development of a balanced Tribal economy by dedicating all of the Net Revenue from such Gaming Activity to the public purposes of the Tribes.

Section 102. Intent

This Code is enacted and shall be interpreted to ensure that any Gaming Activity permitted on Tribal Land shall be conducted:

- (a) in a manner which maintains the highest standards of honesty and integrity;
- (b) in a manner which maintains the public's confidence and trust in the honesty and integrity of the Gaming Activity;
- (c) in a manner which generates the maximum reasonable economic return to the Tribes that is consistent with the safety, comfort and fair and reasonable expectations of the patrons of such; and
- (d) in compliance with all applicable laws of the Tribes and of the United States of America, including but not limited to the Indian Gaming Regulatory Act of 1988, as amended, and in compliance with any Gaming Compacts that have been or may in the future be entered into between the Tribes and the State of Arizona or the State of California.

Section 103. Summary of Statutory Regime

This Code establishes the following statutory scheme to administer the conduct of Gaming Activity on Tribal Lands:

- (a) A Tribal Gaming Enterprise is herein established to conduct, manage, administer, supervise and control the revenue-generating and/or business affairs of all Tribal Gaming Activity conducted on Tribal Lands, subject to the overall authority of the Tribal Council as more specifically set forth in Chapter 4 of this Code, and subject to the regulatory authority of the TGA;
- (b) A TGA is herein established to have and to administer all civil regulatory authority overall Gaming Activity conducted on Tribal Lands as more specifically set forth in Chapter 5 and subsequent Chapters of this Code; and
- (c) The role of the Tribal Council in Gaming Activity conducted on Tribal Lands will be to oversee the activities of both the Tribal Gaming Enterprise and the TGA, as more specifically set forth hereinafter, and to mediate between those entities in the event such mediation becomes necessary.

CHAPTER 2. DEFINITIONS

For purposes of this Gaming Code:

- (a) **“Access Credentials”** means the authorization and corresponding evidence thereof permitting entrance into Restricted Areas by Persons being duly authorized to possess such Access Credentials.
- (b) **“Applicant”** means any Person who has applied for a License or certification under the provisions of this Gaming Code, or employment with a Gaming Facility Operator, or approval of any act or transaction for which approval is required or permitted under the provisions of this Code.
- (c) **“Class I Gaming”** means all forms of gaming defined as Class I in Section 4(6) of the IGRA, 25 U.S.C. § 2703(6).

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- (d) **“Class II Gaming”** means all forms of gaming defined as Class II in Section 4(7) of the IGRA, 25 U.S.C. § 2703(7).
- (e) **“Class III Gaming”** means all forms of gaming defined as Class III in Section 4(8) of the IGRA, 25 U.S.C. § 2703(8).
- (f) **“Compact(s)”** means any Tribal-State Compact entered into between the Colorado River Indian Tribes and the State of Arizona or State of California for the purpose of regulating Class III Gaming Activity conducted on Tribal Lands, and all amendments and modifications thereto, pursuant to Section 11(d) of the Act, 25 U.S.C. § 2710(d).
- (g) **“Dealer Controlled Electronic Table Games”** means an authorized table game that is dealt or controlled by a live dealer, is projected to Wagering Stations within the Gaming Facility, and reports to a host system and a secondary reporting system.
- (h) **“Distributor”** means a Person who distributes Class III Gaming Devices.
- (i) **“Executive Director”** means the principal administrator of the Tribal Gaming Agency.
- (j) **“Gaming Activity”** means, unless specifically stated otherwise, all forms of Class I Gaming, Class II Gaming or Class III Gaming conducted within Tribal Lands.
- (k) **“Gaming Code”** or **“Code”** means this Gaming Code, which govern the conduct of all Gaming Activity on Tribal Lands, including all amendments thereto, and all regulations promulgated by the Tribal Gaming Agency thereunder.
- (l) **“Gaming Device”** means a fixed location or mobile mechanical device, electro-mechanical device, or device controlled by an electronic microprocessor or in any other manner, whether that device would constitute Class II Gaming or Class III Gaming if operated on Indian Lands by an Indian tribe, which is used connection with a game of chance, whether or not the outcome of the game is also affected in some part by skill, and where the game includes the payment of consideration in the form of coins, tokens, bills, coupons, ticket vouchers, pull tabs, smart cards, electronic in-house accounting system credits or any other forms of consideration and, through the application of chance, the player of the game may become entitled to a prize, which may be paid in coins, tokens, bills, coupons, ticket vouchers, smart cards, electronic in-house accounting system credits or any other forms of value. Gaming Device does not include any of the following:
 - (1) Technological aids used in live bingo games that function only as electronic substitutes for bingo cards and cannot substitute for the bingo caller.
 - (2) Devices that issue and validate paper lottery products and that are directly operated only by the Arizona State Lottery licensed retailers and the employees;
 - (3) Devices expressly authorized by Arizona statutes and which are operated by the Arizona State Lottery that allow a lottery player to dispense paper lottery tickets, so long as the devices do not identify winning or losing lottery tickets, display lottery winnings or disburse lottery winnings; and
 - (4) Devices expressly authorized by Arizona statutes and which are operated by the Arizona State Lottery that allow a lottery player to validate paper lottery tickets for a game that does not have a predetermined number of winning tickets, if the devices:
 - (A) do not allow interactive gaming;
 - (B) do not allow a lottery player to play the lottery for immediate payment or reward;
 - (C) do not disburse lottery winnings;
 - (D) are not Video Lottery Terminals; and
 - (5) Player Activated Lottery Terminals.

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- (m) **"Gaming Employee"** means any person employed as a Primary Management Official or Key Employee of a Gaming Operation of the Tribe and any person employed in the operation or management of a Gaming Operation, including, but not limited to, any person whose employment duties require or authorize access to Restricted Areas of a Gaming Facility not otherwise open to the public.
- (n) **"Gaming Enterprise"** means the entity of the Tribes established by this Code to conduct all Gaming Activity.
- (o) **"Gaming Facility"** means the buildings or structures in which Class III Gaming, as authorized by the Compact(s), is conducted. The State Gaming Agency, the Tribal Gaming Agency and the Tribe shall engage in a case-by-case analysis of each Gaming Facility project and may document the borders of the Gaming Facility in a written agreement. Where there are multiple buildings or structures housing Class III Gaming at a single gaming site or resort, each of the buildings or structures in which Class III Gaming is conducted will be considered part of a single Gaming Facility.
- (p) **"Gaming Facility Operator"** means the Tribal Gaming Enterprise, or such other entity wholly owned by the Tribes designated to have full authority and responsibility for the operation and management of Gaming Activity on Tribal Lands.
- (q) **"Gaming Floor"** means the area where Gaming Activity occurs, and/or any areas designated for Bingo or Card Games. This provision shall not be construed to prohibit minors from passing through the Gaming Floor when accompanied by their parent or guardian. [As amended by Tribal Council on May 5, 1995.]
- (r) **"Gaming Operation"** means any authorized Gaming Activity conducted within any Gaming Facility.
- (s) **"Gaming Services"** means the provision of any goods or services, except for legal and public accounting services, to a Gaming Facility Operator directly in connection with the operation of Class II or Class III Gaming in a Gaming Facility, including, but not limited to, equipment, merchandise, transportation, food, linens, janitorial supplies, maintenance, or security services for the Gaming Facility, in an aggregate of \$10,000 or more in a single calendar month within a calendar year.
- (t) **"Gaming Vendor"** means any Person or entity which sells, leases, distributes or provides: (1) devices, machines, or equipment used directly in connection with Gaming Activity, including that which has the capacity to affect the calculation, storage, collection, electronic security, or control of gaming revenues; (2) services which are unique to the operation Gaming Activity, including, but not limited to, simulcasting and bookmaking; and (3) security or surveillance services or equipment for the Gaming Facility. Gaming Vendors include Persons who provide general construction contracting, payroll and locks and locksmith services for the Gaming Facility, as well as Persons who provide player tracking, player acquisition, promotional, and marketing services related to Gaming Activity.
- (u) **"IGRA"** means the Indian Gaming Regulatory Act of 1988, Public Law 100-97, 25 U.S.C. §§2701-2721 and 18 U.S.C. §§ 1166-1168, and all regulations promulgated pursuant thereto.
- (v) **"Keno"** means a house banking in which a player selects from one to twenty numbers on a card that contains the numbers one through eighty. The house randomly draws twenty numbers and players win if the numbers they selected correspond to the numbers drawn by the house, with the house paying all winners, if any, and collecting from all losers.
- (w) **"Key Employee"** means a Gaming Employee who performs one or more of the following functions:
 - (1) Counting room supervisor;
 - (2) Chief of security;
 - (3) Custodian of gaming suppliers or cash;
 - (4) Floor manager;
 - (5) Custodian of Gaming Devices including persons with access to cash and accounting records with such devices; or

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- (6) if not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or, if not otherwise included, the four most highly compensated persons in the Gaming Operation.
- (x) "**License(s)**" means an approval issued by the Tribal Gaming Agency to any natural person or entity to be involved in the Gaming Operation as a Gaming Employee, Gaming Vendor or in the providing of Gaming Services to the Tribes.
- (y) "**Licensee**" means any natural person or enterprise who has been approved, licensed, certified or found suitable by the Tribal Gaming Agency to be involved in the Gaming Operation or in the providing of Gaming Services to the Gaming Operation.
- (z) "**Management Contract**" means a contract within the meaning of the Act, 25 U.S.C. §§ 2710(d)(9) and 2711.
- (aa) "**Management Contractor**" means a natural person or entity that has entered into a Management Contract with the Tribes or a Gaming Facility Operator which has been approved pursuant to the Act, 25 U.S.C. §§ 2710(d)(9) and 2711.
- (bb) "**Manufacturer**" means a natural person or entity that manufactures Gaming Devices and/or component parts as defined by the Compact(s) for use or play in the Gaming Facilities.
- (cc) "**NIGC**" means the National Indian Gaming Commission – the United States federal regulatory agency within the Department of the Interior established by the Indian Gaming Regulatory Act of 1988, Public Law 100-97, 25 U.S.C. §§2701-2721 and 18 U.S.C. §§ 1166-1168.
- (dd) "**Net Revenue**" means the gross revenues of any Gaming Activity less amounts paid out as, or paid for, prizes and total operating and capital expenses.
- (ee) "**Office of Attorney General**" means the Office of the Attorney General of the Colorado River Indian Tribes.
- (ff) "**Person(s)**" includes a corporation, company, partnership, firm, association or society, as well as a natural person. When "Person" is used to designate the violator or offender of any law, it includes a corporation, partnership or any association of Persons.
- (gg) "**Player Activated Lottery Terminal**" means an on-line computer system that is not a Video Lottery Terminal and that does not provide the player with interactive gaming, but that uses the terminal for dispensing paper tickets only, in which:
 - (1) The terminal algorithm is used for the random generation of numbers;
 - (2) The tickets dispensed by the terminal do not allow the player the means to play directly against the terminal;
 - (3) The player uses the dispensed ticket to participate in an off-site random drawing; and
 - (4) The player cannot play against the terminal for immediate payment or reward.
- (hh) "**Primary Management Official**" means the person having management responsibilities under a Management Contract; or any person who has authority to hire and fire employees or to set up working policy for a Gaming Operation; or the chief financial officer or other person who has financial management responsibility for a Gaming Operation.
- (ii) "**Principal**" means with respect to any Person:
 - (1) Each of its officers and directors;
 - (2) Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer or general manager;
 - (3) Each of its owners or partners, if an unincorporated business;
 - (4) Each of its shareholders who own more than ten (10) percent of the shares of the corporation, if a corporation;

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- (5) Each Person other than a banking institution who has provided financing for the entity constituting more than ten (10) percent of the total financing of the entity; and
- (6) Each of the beneficiaries, or trustees of a trust.

(jj) **“Restricted Area”** means an area designated by the Tribal Gaming Agency within a Gaming Facility, access to which is restricted to all Persons, except those personnel possessing the necessary Access Credentials based upon employee function, to ensure the integrity of the Gaming Operation and accountability of its employees (i.e., Gaming Device storage and repair areas, count rooms, vaults, cages, security offices, surveillance rooms, etc.).

(kk) **“Secretary”** means the Secretary of the United States Department of the Interior.

(ll) **“Staffing Deficiency”** means a circumstance wherein a Gaming Facility lacks sufficient staff to adequately ensure the safety and wellbeing of patrons, Gaming Employees, and any other Person who may enter such Gaming Facility during its hours of operation. A Staffing Deficiency can occur at any time, but is true when, at a minimum:

- (1) Less than two (2) surveillance employees are working at the Gaming Facility at any given time;
- (2) Less than one (1) Cage employee is working at the Gaming Facility at any given time;
- (3) Less than one (1) Security employee is working at the Gaming Facility at any given time; or
- (4) Less than one (1) Slot employee is working at the Gaming Facility at any given time.

(mm) **“State”** means the State of Arizona or State of California, its authorized officials, agents and representatives.

(nn) **“State Certification”** means the process utilized by the State Gaming Agency to ensure that all Persons required to be certified are qualified to hold such certification in accordance with the provisions of the applicable Compact.

(oo) **“State Gaming Agency”** means the agency of the State of Arizona or the State of California which the respective State Governor may from time to time designate by written notice to the Tribes as the single State agency which shall act on behalf of the State pursuant to any Compact.

(pp) **“Tribal Council”** or **“Council”** means the Colorado River Indian Tribes duly elected governing body, as empowered and established by Article IV, Section 1 of the Constitution of the Colorado River Indian Tribes.

(qq) **“Tribal Gaming Agency”** or **“TGA”** means the regulatory entity established by this Code to have and to administer all civil regulatory authority over all Gaming Activity conducted on Tribal Lands.

(rr) **“Tribal Lands”** means the territory within the jurisdiction of the Colorado River Indian Tribes, as set forth in Article 1 of the Constitution of the Colorado River Indian Tribes, including territory which may be acquired by the Tribes in the future.

(ss) **“Tribes”** means the Colorado River Indian Tribes.

(tt) **“Unusual Occurrence”** means the following known, suspected, threatened or attempted unusual occurrences within a Gaming Facility, the entrances to and exits from a Gaming Facility, and the ground adjacent to a Gaming Facility, including parking lots adjacent to a Gaming Facility:

- (1) Acts of terrorism;
- (2) Bombing;
- (3) Arson;
- (4) Robbery;
- (5) Evacuation of patrons or employees;
- (6) Death of a person by other than natural causes;

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- (7) Fire, contamination or poisoning which posed or may pose a risk to the health or safety of patrons or employees;
- (8) Loss of structural integrity;
- (9) Criminal conduct that involves a weapon or results in injury to a person requiring hospitalization; and
- (10) Conditions or events that pose or may pose an immediate risk of significant harm to the health or safety of patrons or employees.

(uu) **“Video Lottery Terminal”** means any or on-line computer or data-processing terminal capable of providing a source of both input and a video display output for the computer system to which it is connected, in which a player is playing a game against an algorithm so that the player is playing directly against the terminal or computer system for the determination of the outcome of the game and is rewarded or penalized based on the outcome, and which dispenses winnings in any form including a receipt or ticket which can be redeemed for the player’s winnings.

(vv) **“Wagering Station”** means electronic terminals where player-wagering decisions are made, game outcomes are displayed, and winnings are paid.

CHAPTER 3. TRIBAL OWNERSHIP AND USE OF NET REVENUE

Section 301. Tribal Ownership of Gaming Activity

- (a) All Class II, and Class III Gaming Activity within the Tribal Lands shall be owned entirely by the Tribes and conducted and operated by a Tribal Gaming Enterprise under the direction of the Gaming Enterprise Director, except that Class II Gaming Activity may be authorized to be conducted by other entities on a per-event, charitable basis, pursuant to issuance of a permit by the TGA applying licensing standards that are at least as restrictive as those established by State law governing gaming within the jurisdiction of the surrounding State.
- (b) Class I Gaming is not regulated by the TGA and may be conducted independently of the requirements herein; provided, however, that all Class I Gaming Activity is conducted in accordance with all applicable laws and regulations.

Section 302. Use of Net Revenues

The net revenues received by the Tribal Gaming Enterprise from all Gaming Activity shall be deposited into a Gaming Enterprise Fund controlled by the Tribes through Tribal Council, and shall be utilized exclusively for one or more of the following purposes, according to periodic resolution of the Tribal Council to:

- (a) fund government operations or programs of the Tribes;
- (b) provide for the general welfare of the Tribes and members of the Tribes;
- (c) promote the Tribe’s economic development;
- (d) benefit charitable organizations within the Tribal Lands; and
- (e) make per capita payments to members of the Tribes upon the preparation of a plan to allocate revenues consistent with the requirements of the Act and approval of this plan by the Secretary.

CHAPTER 4. TRIBAL GAMING ENTERPRISE AND MANAGING PRINCIPALS

Section 401. Establishment of the Tribal Gaming Enterprise

There is hereby established an enterprise of the Tribes to be known as the Tribal Gaming Enterprise. The Gaming Enterprise shall conduct all licensed Gaming Activity, shall be the exclusive Gaming Facility Operator licensed to conduct a Gaming Operation, and shall be wholly-owned by the Tribes.

Section 402. Gaming Enterprise Director

- (a) The Gaming Enterprise shall be managed and directed by the Tribal Gaming Enterprise Director who shall be the General Manager and appointed by Tribal Council for no longer than an initial two-year term, with Tribal Council reserving the option to re-appointment a Gaming Enterprise Director who has satisfactorily fulfilled the initial term, for no longer than a subsequent five-year term.
- (b) The Gaming Enterprise Director shall be answerable to, and subject to the overall control of, the Tribal Council.
- (c) Prior to the expiration of his or her term, a Tribal Gaming Enterprise Director may resign at will, or may be removed from his or her position by a majority vote of the Tribal Council.
- (d) The Gaming Enterprise Director may not hold other positions on the TGA, in tribal law enforcement, or in positions of appointment as public officials, but may engage in business; provided, however, the Gaming Enterprise Director shall not engage, or have any interest, whether financial, proprietary or otherwise, in any business which is subject to the provisions of this Code or which entails transactions with the Gaming Enterprise. The Gaming Enterprise Director shall be compensated for his or her services to the Gaming Enterprise at a rate to be established annually by the Tribal Council.

Section 403. Duties and Authority of the Gaming Enterprise Director

The Gaming Enterprise Director will:

- (a) Make all management decisions concerning the day-to-day operations of the Gaming Enterprise, or to delegate such decisions to a general manager or managers to perform such day-to-day operating management; provided, however, in the event of such delegation, the Gaming Enterprise Director will maintain responsibility for supervising and directing the activities of such manager(s) in the exercise of his or her duties;
- (b) Make decisions as to capital investments, to propose short-term and long-term business plans, budgets, and internal reporting procedures for monitoring and evaluating the profit performance of the Gaming Enterprise, and to perform any other function necessary to carrying out the business of the Gaming Enterprise in a way consistent with maximizing its net revenues; and
- (c) Hire personnel and staff to perform the business of the Gaming Enterprise, to sponsor such personnel for the various licenses required under this Code, and to draw upon the professional, legal and accounting resources of the Tribes for consultation and assistance, where appropriate.

Section 404. Obligations of the Gaming Enterprise Director

The Gaming Enterprise Director shall:

- (a) submit the following documents to the Tribal Council for its approval:
 - (1) An annual business plan that includes three-to-five-year projections of expenses and revenues and narrative explaining such projections;
 - (2) An annual line-item budget of all operations of the Gaming Enterprise;
 - (3) All requests for proposals or contracts that entail extraordinary or non-recurring expenses in excess of \$100,000 expenditure by, or accrual of liability to, the Gaming Enterprise;
 - (4) All plans or proposals for expansion, addition or construction of Gaming Facility physical plant;

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- (5) Monthly, quarterly, and annual financial statements, all prepared in accordance with the Financial Accounting Standard Board's currently published Generally Accepted Accounting Principles, and in the case of monthly statements, presented within thirty (30) calendar days after the closing of the calendar period for which the information is being supplied, and in the case of quarterly and annual statements, presented within forty-five (45) calendar days after the closing of the period for which the information is being supplied;
- (6) An annual independent audit, presented within sixty (60) calendar days after the closing of the calendar year for which the information is being supplied; and
- (7) Notices and reports of any violations or unusual occurrences concerning requirements of this Code and any other applicable law or regulation, presented within three (3) calendar days after such notice or report is made available to the Tribal Gaming Enterprise; and

(b) Abide by all procedures and obligations imposed by the Tribal Council.

Section 405. Appointment Eligibility and Compensation of Gaming Enterprise Director

Eligibility for appointment to the Gaming Enterprise Director position requires a candidate must:

- (a) Be over the age of twenty-five (25), having previous managerial or supervisory experience in gaming operations, and be an individual of the utmost honesty and integrity in that he or she shall not have been convicted of a misdemeanor in the ten (10) years prior to an appointment, or convicted of any felony;
- (b) Receive a Gaming Facility Operator License from the TGA and must accordingly meet all criteria for such a License in advance of assuming his or her duties; and
- (c) Pledge to the Tribal Council that he or she shall not gamble in any Gaming Facility run by the Gaming Enterprise, and that he or she will not assume any personal financial interest in any gambling by any patron of the Gaming Facility.

Section 406. Gaming Enterprise Chief Financial Officer

The Gaming Enterprise Chief Financial Officer, or other Key Employee as designated by the Gaming Enterprise as acting Chief Financial Officer("CFO"), is the Primary Management Official and advisor to the Gaming Enterprise Director for budgetary and fiscal matters. The CFO shall be answerable to, and subject to the overall control of, the Gaming Enterprise Director. The CFO shall be hired by the Gaming Enterprise Director in accordance with the provisions of this Chapter.

Section 407. Hiring Eligibility and Compensation of Chief Financial Officer

Eligibility for employment as the Gaming Enterprise Chief Financial Officer position requires a candidate must:

- (a) Be over the age of twenty-one (21), having previous accounting and financial experience or supervisory experience in gaming operations, and be a person of the utmost honesty and integrity in that he or she shall not have been convicted of any felony, or convicted of a misdemeanor in the ten (10) years prior to employment;
- (b) Receive a Gaming Manager License from the TGA and must accordingly meet all criteria for such a License in advance of assuming his or her duties;
- (c) Certify that he or she will not gamble in any Gaming Facility operated by the Gaming Enterprise, and that he or she will not assume any personal financial interest in any gambling by any patron of the Gaming Facility; and
- (d) Further certify that he or she and any member of his or her family shall not engage, or have any interest, whether financial, proprietary or otherwise, in any business which is subject to the provisions of this Gaming Code or which entails transactions with the Gaming Enterprise.

Section 408. Authorities and Duties of Chief Financial Officer

- (a) The CFO shall be responsible for overseeing the Gaming Enterprise financial operations and making decisions based on the Gaming Enterprise's financial stability, including but not limited to the following:
 - (1) Oversee and ensure all use of gaming Net Revenue are disbursed in accordance with Section 302 of this Code;
 - (2) Maintain working knowledge and continuous education of all applicable tribal, State, and federal laws and regulations relating to the effective and lawful management of all Gaming Activity;
 - (3) Developing and Executing the Gaming Enterprise financial strategy, in coordination with the Gaming Enterprise Director;
 - (4) Developing plans for growth to increase Gaming Enterprise profits while also reducing expenditures when practical; and
 - (5) Assisting the Gaming Enterprise Director to develop financial plans.

Section 409. Ethics of Chief Financial Officer and Financial Responsibility

- (a) The Gaming Enterprise Chief Financial Officer is a fiduciary of the Gaming Enterprise. As a fiduciary, the CFO shall always act in good faith and with candor, disclosing all relevant information (such disclosure means that no matter which the Tribes or Gaming Enterprise would rightfully want to know are withheld). The CFO should scrupulously avoid conflicts of interests with the Tribes or the Gaming Enterprise. But if a conflict of interest is unavoidable, the CFO shall disclose the conflict and should always resolve such conflicts in favor of the Tribes or the Gaming Enterprise.
- (b) In addition to the fiduciary duties imposed by this Section, the CFO shall always:
 - (1) Maintain working knowledge and continuous education of all applicable tribal, State, and federal laws and regulations relating to the effective and lawful management of all Gaming Activity;
 - (1) Adhere to the standards and restrictions imposed by applicable tribal, State and federal laws and regulations;
 - (2) Refrain from disclosing confidential information acquired in the course of the job function;
 - (3) Bring to the attention of the Gaming Enterprise Director any information that affects the reporting disclosures made pursuant to the obligations of this Code;
 - (4) Immediately disclose in writing to the Gaming Enterprise Director and the TGA any personal or familial conflict of interests, or potential conflicts of interest; and
 - (5) Bring to the attention of the Gaming Enterprise Director any information concerning evidence of a violation of the securities, laws, rules or regulations applicable to any Gaming Activity.

Section 410. Chief Financial Officer Personal Liability

As an officer of the Gaming Enterprise, the CFO shall be personally liable to the Tribes and the Gaming Enterprise for acts of negligence or willful misconduct. Nothing in this Code shall be construed to inure CFO personal liability to any Person not explicitly identified in this Section.

Section 411. License Enforcement of the Chief Financial Officer

Notwithstanding any provision herein to the contrary, the TGA may revoke or suspend the Gaming Manager License held by the CFO in accordance with Chapter 10.

CHAPTER 5. THE TRIBAL GAMING AGENCY

Section 501. Establishment of the Tribal Gaming Agency; Funding

There is hereby established the Tribal Gaming Agency, which shall be part of the Tribal Government, and which shall have overall civil regulatory authority over all Gaming Activity, as specifically provided herein. From its General Fund the Tribal Council shall appropriate monies necessary for the annual budget of the Gaming Agency.

Section 502. Executive Director of the Tribal Gaming Agency

The Tribal Council shall appoint an Executive Director of the Tribal Gaming Agency who shall serve at the pleasure and discretion of the Tribal Council. The Executive Director shall have overall responsibility for the day-to-day administration of the TGA and make all policy decisions. The responsibilities of the Executive Director shall include but are not limited to:

- (a) Serving as the formal liaison to the individual holding the similarly titled position with the State Gaming Agency;
- (b) Serving as the Tribes' designated agent for service of any official determination, order or notice of the NIGC;
- (c) Proposing, subject to the approval of Tribal Council by majority vote, revisions to this Code and appendices, in accordance with Section 1301 to ensure lawful and effective implementation of Gaming Activity and enforcement of this Code;
- (d) Proposing, subject to the approval of Tribal Council by majority vote, an annual budget reflecting the anticipated expenses of operating the TGA for the succeeding year;
- (e) Performing all personnel responsibilities of the TGA, including hiring staff as required to perform the responsibilities and obligations of the TGA, and promulgating employee standards and regulations which may include a provision that an employee of the TGA may not simultaneously be affiliated with or employed by the Gaming Enterprise in any capacity and may not gamble at any Gaming Facility run by the Gaming Enterprise or assume any personal or financial interest in any gambling by any patron of the Gaming Facility, and, with respect to certain categories of TGA employees as may be determined, that the spouse and household dependents of such employees shall not gamble in any Gaming Facility operated by the Gaming Enterprise; and
- (f) Establishing the standard operating procedures by which the TGA shall perform its functions and doing whatever else is necessary to see ensure that the TGA accomplishes its purposes and responsibilities.

Section 503. Appointment; Eligibility of the Executive Director of the Tribal Gaming Agency

- (a) Qualifications. The Executive Director shall possess strong managerial experience in gaming operations, gaming regulation or gaming audits and financial controls. The Executive Director must be over the age of twenty-five (25), must be an individual of the utmost honesty and integrity, must never have been convicted of any felony, or a misdemeanor involving theft, embezzlement or a crime involving moral turpitude, and must be an individual whose prior activities, reputation, habits and associations shall not in any way jeopardize the effective regulation of gaming, or negatively impact the Tribes' and the public's trust, confidence or interests.
- (b) Conflicts. The Executive Director shall not be affiliated with or employed by the Gaming Enterprise in any capacity and shall not gamble in any Gaming Facility run by the Gaming Enterprise, nor assume any personal financial interest in any gambling by any patron of the Gaming Facility. The spouse and household dependents of the Executive Director shall likewise not gamble in any Gaming Facility owned by the Gaming Enterprise. The Executive Director shall not engage, or have any interest, whether financial, proprietary or otherwise, in any business which is subject to the provisions of this Gaming Code or which entails transactions with the Gaming Enterprise.

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(c) Mandate. The Executive Director shall carry out his or her duties in a manner consistent with this Gaming Code and applicable federal, State, and tribal laws and policies.

Section 504. Powers and Duties of the Tribal Gaming Agency

In addition to those powers and duties otherwise expressly provided for in this Code, the TGA shall have the following powers and duties, which it may exercise directly or through such agents as it deems appropriate. To alleviate doubt, this Code shall be interpreted to provide the TGA with the greatest extent of authority permissible to ensure the integrity of Gaming Activity. Furthermore, TGA interpretation of this Code shall be given controlling weight unless it is plainly erroneous or inconsistent with this Code.

- (a) To have and to exercise full responsibility for the regulations of all Gaming Activity, as provided in this Code, the IGRA, and the Compact(s);
- (b) to license the operation or conduct, in whole or in part, of Gaming Activity, and to specify conditions thereof in accordance with this Code, the IRGA, and the Compact(s);
- (c) to issue, limit, condition, restrict, renew, suspend and/or revoke any and all Licenses as provided in Chapter 6 and Chapter 10 of this Code; and, pursuant to such licensing authority, to issue forms for License applications, to perform background investigations of License Applicants, to withhold and/or suspend Licenses pending investigation, to approve or deny applications, and to issue or require the issuance of employee identification cards;
- (d) to designate Restricted Areas within Licensed Gaming Facilities as determined to be necessary and proper, and to define the corresponding levels of access to any such Restricted Areas through the issuance of Access Credentials;
- (e) to issue Per-Event Permits for the conduct of Class II Gaming on Tribal Lands;
- (f) to enter at any time any Gaming Facility or other location within Tribal Lands where Gaming Activity is conducted for the purpose of inspecting the facility, its employees and operations, its equipment and supplies, its business records and books of account or any other financial records or documents pertaining to the business operations of the facility, and to make summaries or copies of any and all documents or other records as the TGA deems useful or necessary for its purposes;
- (g) to issue subpoenas and to compel the attendance of witnesses at any place within Tribal Lands, to administer oaths, to require testimony under oath and to compel the production of documents;
- (h) to summarily seize, remove from any location where Gaming Activity is conducted, and to impound any equipment, supplies, documents or records for the purpose of examination during an investigation or for evidence of suspected violations, including but not limited to, the power to confiscate or shut down any Gaming Device, or other equipment, or gaming supplies that fail to comply with any standards required by this Code, the IGRA, and the Compact(s);
- (i) to intervene, halt, or terminate any and all unauthorized Gaming Activity being conducted within the jurisdiction of the TGA, and to impose civil and criminal penalties upon those Persons conducting unauthorized Gaming Activity;
- (j) to review the terms of any and all proposed contracts between the Gaming Enterprise and any Person for the purpose of managing or operating the Gaming Enterprise's Gaming Facilities, as well as the terms of any lease of land for the location of such Gaming Facility, for compliance with all applicable laws and regulations, and to make recommendations concerning such terms to the Gaming Enterprise and to the Tribal Council;
- (k) to investigate any aspect of Gaming Activity or Gaming Facility in order to (i) protect the public interest regarding the integrity of such Gaming Activity, and (ii) prevent improper or unlawful conduct in the course of such Gaming Activity;

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- (l) to investigate any report of a failure by the Gaming Enterprise, Gaming Employees, Key Employees, Principal Management Officer, or other Person to comply with provisions of this Code or any other applicable statute or regulations, and to direct the Gaming Enterprise to take remedial actions pursuant to terms and conditions that the TGA so specifies, including but not limited to, disciplinary action and legal action;
- (m) to have the sole responsibility to establish a list of Persons who, because of their criminal history, reputation, conduct, or association with career offenders or career offender organizations, pose a threat to the integrity of the Gaming Operations and are accordingly barred from any Gaming Operation, Gaming Facility or Gaming Activity, and to maintain and provide such list to the appropriate State Gaming Agency;
- (n) to approve the rules of each game of chance operated by the Gaming Enterprise pursuant to this Code;
- (o) to require that all gaming-related contracts or agreements for supplies, services, or concessions in an amount in excess of \$25,000 annually (except contracts for professional, legal, or accounting services) be subject to annual audits by an independent certified public accountant, licensed in the appropriate State and having in-depth knowledge about and experience with gaming, and shall conduct the audit in accordance with generally accepted auditing standards published by the American Institute of Certified Public Accountants;
- (p) to issue all Notices of Infractions and Notices of Disciplinary Action provided for in Chapter 10 of this Code, or impose civil or administrative penalty upon any Person for violating any provision(s) of this Code, or other applicable laws or regulations;
- (q) to detain any person who may be involved in illegal acts for the purpose of notifying appropriate law enforcement authorities; and
- (r) to do all other things, including the issuance of regulations as provided in Section 505 herein, reasonably necessary for the proper and efficient exercise of the other powers and responsibilities placed upon the TGA by this Code, and any other applicable laws or regulations.

Section 505. Issuance of Regulations

- (a) The TGA shall from time-to-time promulgate and issue regulations governing any aspect of its responsibilities or the conduct of Gaming Activity, in each case to the maximum extent permitted under this Code, which regulations shall have the force of law so long as the regulations are in furtherance of and not inconsistent with the purposes of this Code. Without limitations, the matters to be addressed by such regulations may include:
 - (1) the timing, manner, and procedures applicable to applying for Licenses for Gaming Facility Operators, Principal Management Officers, Manufacturers, Gaming Vendors and Gaming Service providers, Key Employees, Gaming Employees, and Gaming Facilities, including the information necessary to adequately assess such application, and the manner in which such applications will be processed;
 - (2) the specific types of accounting, organizational, and security measures to be implemented and functioning at any Gaming Facility Licensed under this Code;
 - (3) specify the Gaming Activity allowed, with applicable minimum internal control and technical standards and safeguards required to assure the integrity of the games and the security of the gaming proceeds;
 - (4) the grounds for, and procedures for imposition of, any disciplinary actions to be taken against Licensees;
 - (5) the public health and safety standards governing the physical plant of any Gaming Facility, the provision of food and beverages and the admission of patrons to the Gaming Facilities;

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- (6) the procedures to be instituted by the Gaming Enterprise to ensure the physical safety of its employees and patrons, to safeguard its assets when being transported to and from the Gaming Facility and cashier's cage department, and to protect its property and the property of the patrons from illegal activity; and
- (7) any and all other standards required under federal law or any Compact necessary to carry out the duties under this Code.

(b) Except in emergency situations addressed in subsection (c) of this Section 505, the TGA must approve its regulations in proposed form and submit such proposed regulations for public comment for a period of no less than fifteen (15) calendar days following the date the TGA publishes the proposed regulations. As used in this Section, the term "publish" shall mean the posting in the administrative building of the Tribes and posting the proposed regulation and date(s) of public meeting(s) on the appropriate social media account, as determined by the TGA. Following the public comment period, the TGA will again consider their proposed regulations prior to finalization and will submit the proposed regulations to the Office of Attorney General for review and approval. Upon approval, the TGA will then file final versions of such regulations with the Tribal Council and with the Office of Attorney General, and will include such final regulations in a volume of TGA Regulations to be maintained at the offices of the TGA, and to be furnished in true copies to any requesting Person for a reasonable fee to be established by the TGA.

(c) In the event the TGA determines that immediate rule-making is necessary to avoid serious jeopardy to the integrity of any Gaming Activity under its jurisdiction, or otherwise to deal with an emergency situation affecting the responsibilities of the TGA, the TGA may, upon making an express written finding as to the urgency of the situation, issue an interim regulation which shall take immediate effect as if final, and shall remain in effect until the procedures for public comment provided in this Section can be concluded; provided, however, that any interim regulation made effective pursuant to this subsection shall become null after one hundred eighty (180) days from the date of enactment if the TGA fails to perform the public comment procedures as set forth in Section 505(b).

(d) The following regulations are adopted as final regulations of the TGA and are exempt from the provisions of Subsections (b) and (c) of this Section:

- (1) Regulations Covering Operational Standards, Specifications, and Minimum Internal Control Standards for Gaming Devices;
- (2) Regulations Covering Operational Standards, Specifications, and Minimum Internal Control Standards for Keno (computerized), as agreed to, or to be agreed to, by the Tribes and the State Gaming Agency;
- (3) Minimum Internal Control Standards for Internal Audits.

Section 506 Petition for Self-Regulation

As soon as the TGA determines that the Tribes are eligible therefor, the TGA shall submit to the NIGC an application for a Certificate of Self-Regulation, under the provisions of 25 U.S.C. § 2710(c)(4). The TGA shall do everything necessary and appropriate to obtain such Certificate and to maintain the Certificate in good standing.

CHAPTER 6. LICENSES REQUIRED FOR PARTICIPATION IN THE BUSINESS OF GAMING ACTIVITY

The Tribal Gaming Agency shall issue the following licenses only in accordance with the provisions of this Chapter. The issuance of a License by the Tribal Gaming Agency does not create or imply a right of employment or continued employment.

Section 601. Gaming Facility License

- (a) **Requirement of License.** No Gaming Activity shall be conducted in any facility, place or location unless the TGA first has issued a Gaming Facility License for the facility, place or location under the provisions of this Chapter.
- (b) **Standards of Suitability.** The TGA shall not issue a Gaming Facility License for any facility at which Gaming Activity are to be offered unless the TGA has made the following determinations as to such facility, place or location:
 - (1) the physical facility within which the Gaming Activity are to be conducted, is conducted, maintained and operated in a manner that adequately protects the environment and the health and safety of all employees and patrons of such activities;
 - (2) the Gaming Activity to be conducted within the facility will lawfully be carried on by the prospective Licensee under the IGRA and the Compact(s);
 - (3) the prospective Licensee will adequately staff and equip the facility to ensure the safety, comfort and convenience of the patrons thereof, and the prospective Licensee has taken adequate measures to provide for traffic, emergency services accessibility, food, drink and sanitary needs for patrons and employees, security, and law enforcement and other concerns raised by the type of Gaming Activity proposed to be undertaken in compliance with this Code, the IGRA, and the Compact(s);
 - (4) the Gaming Enterprise has duly obtained all licenses and permits necessary, as prescribed by this Code and applicable law, for the operation of Gaming Activity, and can certify that those Persons with whom the Gaming Enterprise contracts have also duly obtained all necessary licenses; and
 - (5) in all other relevant respects, the facility will be operated in a way that is fully consistent with the provisions of this Code, and its operation will further the interests of the Tribes with respect to its operation of Gaming Activity.

Section 602. Gaming Facility Operator License

- (a) **Requirement for License.** Before the Gaming Enterprise designated as the Gaming Facility Operator may conduct Gaming Activity, it shall first obtain a Gaming Facility Operator License from the TGA. The Gaming Enterprise Director shall obtain a Gaming Facility Operator License prior to his or her appointment.
- (b) **Standards of Suitability.** The TGA shall not issue a Gaming Facility Operator License unless the TGA is satisfied that the Gaming Enterprise is established and organized pursuant to a plan of operation consistent with Chapter 3 of this Gaming Code and with the desires of the Tribal Council. Further, a Gaming Facility Operator License shall not be issued to a Gaming Enterprise Director if the TGA determines that such individual:
 - (1) has committed acts or participated in conduct that would constitute a violation of any provision of:
 - (A) the CRIT Law and Order Code, Chapter III;
 - (B) Chapters 18 or 25 of the United States Code; or
 - (C) the penal codes of the states of Arizona or California;
 - (2) has been convicted of any felony or gaming offense;
 - (3) has knowingly or willfully provided materially important false statements or information on his or her license application; or
 - (4) is an individual whose prior activities, criminal record, if any, or reputation, habits or associations pose a threat to the public interest or to the effective regulation and control of gaming.

Section 603. Gaming Manager License

- (a) **Requirement for License.** No Person shall manage a Gaming Operation, in whole or in part, as a management contractor or any general manager employed or retained by the Gaming Enterprise, and in the case of a corporation, partnership or other entity, each principal of the corporation, partnership or other entity without first obtaining a Gaming Manager License from the TGA.
- (b) **Standards of Suitability.** The TGA shall not issue a Gaming Manager License:
 - (1) in the case of an individual, if the TGA determines that such individual:
 - (A) has committed acts or participated in conduct that would constitute a violation of any provision of:
 - (i) the CRIT Law and Order Code, Chapter III;
 - (ii) Chapters 18 or 25 of the United States Code; or
 - (iii) the penal codes of the states of Arizona or California;
 - (B) has been convicted of any felony or gaming offense;
 - (C) has been the subject of any criminal investigation by any law enforcement authorities within the last fifteen (15) years;
 - (D) has knowingly or willfully provided materially important false statements or information on his or her License application; or
 - (E) is an individual whose prior activities, criminal record, if any, or reputation, habits or associations pose a threat to the public interest or to the effective regulation and control of gaming; and
 - (2) in the case of a corporation, partnership or other entity, if the TGA is not satisfied that such corporation, partnership or other entity:
 - (A) is organized and in good standing under the laws of the jurisdiction where it was established;
 - (B) is in sound financial condition, as shown by a financial statement certified by a certified public accountant to be a current, complete and accurate depiction of the organization's financial status;
 - (C) is not now and has not been in the past fifteen (15) years the subject of any criminal investigation by any law enforcement authorities, as shown by an affidavit of principals of the organization having personal knowledge thereof;
 - (D) has established a reputation for financial integrity and sound business practices, or, if the organization was recently formed, that all persons having any role in its formation, including persons qualified to be licensed individually under the terms of this Chapter; and
 - (E) in all other respects will be reliable and trustworthy, and whose involvement in the Gaming Activity of the Tribal Gaming Enterprise will be in the best interests of the Tribes, as set forth in this Code.

Section 604. Gaming Employee License

- (a) **Requirement of License.** No Person shall be employed as a Gaming Employee by the Gaming Enterprise without first obtaining a Gaming Employee License from the TGA.
- (b) **Standards of Suitability.**
 - (1) In the case of an individual applying for a position of Primary Management Official or Key Employee, a Gaming Employee License shall not be issued unless the TGA determines that the individual applying for such License:
 - (A) has committed acts or participated in conduct that would constitute a violation of any provision of:

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- (i) the CRIT Law and Order Code, Chapter III;
- (ii) Chapters 18 or 25 of the United States Code; or
- (iii) the penal codes of the states of Arizona or California;

- (B) has not been convicted of any felony or gaming offense, or been the subject of any criminal investigation by any law enforcement authorities in the past fifteen (15) years;
- (C) has not knowingly or willfully provided materially important false statements or information on his or her license application; or
- (D) is not an individual whose prior activities, criminal record, if any, or reputation, habits or associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming.

- (2) In the case of an individual applying for a position other than that of a Primary Management Official or Key Employee, a Gaming Employee License shall not be issued unless the TGA determines that the Applicant for such License:
 - (A) has never been convicted of any gaming offense;
 - (B) has never been convicted of any felony;
 - (C) has not knowingly or willfully provided materially important false statements or information on his or her license application; or
 - (D) is not an individual whose prior activities, criminal record, if any, or reputation, habits or associations pose a threat to the public interest or to the effective regulation and control of gaming.

Section 605. Manufacturers and Distributors of Gaming Devices, Gaming Vendors and Providers of Gaming Services.

- (a) Requirement for Gaming Vendor License. Each Gaming Vendor or provider of Gaming Services shall be licensed by the TGA before providing goods or services to the Gaming Enterprise. Each Gaming Vendor or provider of Gaming Services that provides goods or services to the Gaming Enterprise in excess of \$10,000 within a single calendar month shall be licensed by the TGA before providing goods or services to the Gaming Enterprise; provided, however, that the TGA may waive the requirement of a License for any Gaming Vendor or provider of Gaming Services eligible for a waiver pursuant to subsection (e) of this Section, or for any other prospective Licensee under this section if it determines licensing is not necessary to protect the public interest. Gaming Vendors or providers of Gaming Services providing goods or services to the Gaming Enterprise in an amount less than \$10,000 within a single calendar month shall not be required to be licensed so long as the Gaming Vendor and Service provider otherwise complies with the Certification procedures under the Compact(s). Any waivers issued by the TGA will remain in effect unless withdrawn by the TGA.
- (b) Requirement for Financier License. Any Person extending or guaranteeing financing for the Gaming Enterprise or any Gaming Facility shall be licensed by the TGA, unless such Person is an agency of the United States or a lending institution licensed and regulated by the State or the United States, or is otherwise eligible for a waiver pursuant to subsection (e) of this Section.
- (c) Standards of Suitability. The TGA shall not issue a Gaming Vendor or Financier License:
 - (1) in the case of an individual, if the TGA determines that such person:
 - (A) has committed acts or participated in conduct that would constitute a violation of any provision of:
 - (i) the CRIT Law and Order Code, Chapter III;
 - (ii) Chapters 18 or 25 of the United States Code; or

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- (iii) the penal codes of the states of Arizona or California;
- (B) has ever been convicted of any felony or gaming offense;
- (C) has been the subject of any criminal investigation by any law enforcement authorities within the last fifteen (15) years;
- (D) has knowingly or willfully provided materially important false statements or information on his or her license application; or
- (E) is a person whose prior activities, criminal record, if any, or reputation, habits or associations pose a threat to the public interest or to the effective regulation and control of gaming; and

(2) in the case of a corporation, partnership or other entity, if the TGA is not satisfied that such corporation, partnership or other entity:

- (A) is organized and in good standing under the laws of the jurisdiction where it was established;
- (B) is in sound financial condition, as shown by a financial statement certified by a certified public accountant to be a current, complete and accurate depiction of the organization's financial status;
- (C) is not now and has not been in the past fifteen (15) years the subject of any criminal investigation by any law enforcement authorities, as shown by an affidavit of principals of the organization having personal knowledge thereof;
- (D) has established a reputation for financial integrity and sound business practices, or, if the organization was recently formed, that all persons having any role in its formation, including persons qualified to be licensed individually under the terms of this Chapter; and
- (E) in all other respects will be reliable and trustworthy, and whose involvement in the Gaming Activity of the Tribal Gaming Enterprise will be in the best interests of the Tribes, as set forth in this Code.

(3) Furthermore, a License will not be issued to any Gaming Vendor of gaming software unless an independent laboratory has certified the subject gaming software meets the operational requirements specified by the TGA.

(d) Vendor Classification.

- (1) Class A Vendors – Manufacturer and Distributors of Gaming Devices and Dealer Controlled Electronic Table Games, and Providers of Event Wagering Supplies: The following Vendors shall be deemed a class of Vendors subject to the TGA's most rigorous background investigation:
 - (A) Management Contractors;
 - (B) Financiers;
 - (C) Manufacturer of Gaming Devices / Distributor of Gaming Devices;
 - (D) Supplier of Critical Gaming Components;
 - (E) Providers of Table Games and Poker Equipment and Gaming Supplies;
 - (F) Providers of Keno Equipment and Software;
 - (G) Providers of Class III Gaming Intellectual Property; and
 - (H) Providers of Ticket Redemption Kiosks.
- (2) Class B Vendors – Gaming Services and Providers of Class II Gaming Equipment and Supplies: The following Vendors shall be deemed a class of Vendors subject to heightened scrutiny by the TGA:
 - (A) Providers of Security Devices or Surveillance Systems (including doors and door locks);

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- (B) Providers of Currency Handling Equipment;
- (C) Providers of Check Cashing Services; and
- (D) Providers of Gaming Data Analysis Software Systems.

(3) **Class C Vendors – Distributors of Tobacco and Alcohol Suppliers and Inventory:** The following Vendors shall be subject to a proper level of scrutiny under the circumstances. Accordingly, notwithstanding the requirements of Section 605(c), and in accordance with federal law and the applicable Compact(s), the TGA may elect to require (i) only individual licensing applications from such a Vendor's key executive officer and sales representative or other individual who will have direct contact with the Gaming Operations, or (ii) no individual licensing applications; provided that the TGA may increase the scope of investigation in the event the TGA has any reason to believe a Vendor may not satisfy the Standards of Suitability set forth in Section 605(c).

(4) **Class D Vendors:**

- (A) All other Vendors that do not meet the criteria for Class A, Class B, or Class C Vendor shall be subject to a proper level of scrutiny under the circumstances. Accordingly, notwithstanding the requirements of Section 605(c), and in accordance with federal law and the applicable Compact(s), the TGA may elect to require (i) only individual licensing applications from such a Vendor's key executive officer and sales representative or other individual who will have direct contact with the Gaming Operations, or (ii) no individual licensing applications; provided that the TGA may increase the scope of investigation in the event the TGA has any reason to believe a Vendor may not satisfy the Standards of Suitability set forth in Section 605(c).
- (B) The TGA may provide to a Class D Vendor a one-time waiver from licensure requirements only if:
 - (i) the TGA determines a License is not necessary to protect the public interest;
 - (ii) the TGA determines the vendor to be capable and of good repute;
 - (iii) the vendor will provide goods and/or services to address an unforeseen event (e.g., water damage remediation), or an event that occurs once per annum (e.g., fireworks for the 4th of July), resulting in a one-time purchase, with no reoccurring purchases within a single calendar year, or purchases exceeding \$10,000 within a calendar month;
 - (iv) the goods and/or services are not used in the play of Class III Gaming;
 - (v) the vendor will not have unescorted access to Restricted Areas; and
 - (vi) the subject vendor complies with all other aspects of Compact requirements.

(e) **Exemption for Certain Vendors.** Unless required under Compact(s), the following types of Vendors are not required to be licensed by the TGA, subject to the requirements of the Compact(s) and regulations adopted by the TGA:

- (1) Publicly traded companies;
- (2) Providers of training services;
- (3) Providers of travel services;
- (4) Automobile dealerships as defined in A.R.S. § 28-4301;
- (5) Companies, including financial sources, regulated or licensed by the federal, state, or government of the CRIT;
- (6) Providers of public utilities;

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- (7) Firms providing legal services;
- (8) Firms providing certified public accounting services as defined in A.R.S. § 32-721;
- (9) An exempt organization as defined in Section 501(c)(3) of the Internal Revenue Service Code; and
- (10) Any other Vendors that are exempt or excepted from licensing requirements under the applicable Compact(s).

Section 606. Per-Event Class II Gaming Permit

- (a) Requirement of Permit. No Class II Gaming shall be conducted, whether within a Gaming Facility, or elsewhere on Tribal Lands, without first obtaining a Per-Event Permit from the TGA to conduct such Class II Gaming Activity.
- (b) Gaming Facility License Requirement. The issuance by the TGA of a Per-Event Permit shall function as a *de facto* Gaming Facility License for the location at which the Class II Gaming event will be conducted and shall fulfill the requirement of Section 601(a) of this Code.
- (c) Standards of Suitability. The TGA shall not issue a Per-Event Permit unless the TGA determines that:
 - (1) the Applicant is an exempt organization as defined in Section 501(c)(3) of the Internal Revenue Service Code;
 - (2) the Class II Gaming to be conducted will lawfully be carried on by the prospective Permittee under the IGRA and this Code;
 - (3) in the aggregate, all prizes awarded under the Per-Event Permit is not greater than allowed by the State Gaming Agency; and
 - (4) the place, location, or facility where the Per-Event Class II Gaming will be conducted is maintained and operated in a manner that adequately protects the environment and the health and safety of all employees and patrons of such activities.

CHAPTER 7. LICENSE APPLICATION PROCEDURE

Section 701. Application Requirements

- (a) Application submissions shall be as follows:
 - (1) Each application for any category of License described in Chapter 6 of this Code must be submitted to the TGA electronically or on forms provided by the TGA and must be accompanied by the required fee (as set forth in Section 704 hereof) and by such supporting information as the TGA shall prescribe by regulation.
 - (2) Each application for a Gaming Manager License, a Gaming Vendor/Gaming Services License, or a Gaming Employee License shall be accompanied by a Certification of Sponsorship from the Gaming Enterprise, which Certification shall state that the Gaming Enterprise wishes to engage the Applicant for specified services, and intends to do so upon the issuance of an appropriate License.
 - (3) Each application for a Gaming Manager License, a Gaming Vendor/Gaming Services License, or in the case of an Applicant who is not an enrolled member of the Tribes, for a Gaming Employee License, shall be submitted to the appropriate State Gaming Agency, together with applicable fees, for State Certification.
- (b) The TGA will, at a minimum, require the following information in support of any and all License applications. Persons are advised that the information submitted with their applications shall be verified with independent sources pursuant to internal security controls and operational procedures established by the TGA. By submitting an application, the Applicant agrees and consents to such independent verification conducted by the TGA.
 - (1) In the case of all individual Applicants, the application and supporting materials will include:

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- (A) the Applicant's full name, including any aliases (oral or written) by which the Applicant has ever been known;
- (B) the Applicant's social security number(s) and/or tax identification number;
- (C) the Applicant's date of birth, citizenship, gender, and all languages spoken and/or written;
- (D) the Applicant's residential addresses for the past ten (10) years;
- (E) the Applicant's business and employment history for the past ten (10) years, including the positions held, ownership interests in those businesses, and the addresses of the businesses or employers for which the Applicant was employed;
- (F) the Applicant's driver's license and/or identification number, and issuing state;
- (G) a complete listing of all licenses issued to, and all disciplinary actions taken against, the Applicant by any federal, state, or tribal gaming agency, and by any professional, licensing regulatory body or entity ever having jurisdiction over the Applicant's professional or business activities, irrespective of whether related to gaming;
- (H) the name and address of any licensing or regulatory agency with which the Applicant has filed an application for an occupational license or permit, and/or for a permit related to gaming, irrespective of whether the license or permit was granted;
- (I) a complete listing of all criminal proceedings, whether for felony or misdemeanor offenses, except minor traffic offenses, in which the Applicant has ever been a defendant or a target of investigation, including the charge or subject matter of the proceeding, the name and address of the court involved and the date, status, and disposition of the matter, if any;
- (J) a set of the Applicant's fingerprints taken consistently with procedures adopted according to 25 C.F.R. § 522.2(h).
- (K) a current photograph of the Applicant;
- (L) the Applicant's complete and current financial disclosure statement; and
- (M) any other information the TGA deems relevant.

(2) In addition to the above information required for individual Applicants, individuals applying for positions of Key Employees or Primary Management Officials must also furnish as part of their application:

- (A) for the previous twenty (20) years, all businesses and enterprises in which the Applicant held an equity, ownership or creditor interest, other than publicly traded entities, and the title, status and responsibilities for each and every position which the Applicant held in such business or enterprise. For each such business or entity, the Applicant shall provide the address of such business or entity;
- (B) the names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the Applicant during each period of residence listed under Section 701(b)(1)(D);
- (C) current business and telephone numbers; and
- (D) a description of any existing and previous business relationships with the gaming industry generally, including ownership in those businesses.

(3) In the case of corporations, partnerships, or other entities:

- (A) the name, address and social security number of each of its principals and of each person (or in the case of an entity, principals or such entity) having a direct financial interest in, or management responsibility for the corporation, partnership, or entity,

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including board members and Applicant shareholders holding (directly or indirectly) ten percent (10%) or more of issued and outstanding stock;

(B) a detailed description of any previous gaming experience that each person listed pursuant to Section 702(b)(3)(A) of this Code has had concerning other Indian tribes, management contracts, or the gaming industry generally, including the name and address of any gaming licensing or regulatory agency under whose jurisdiction such person has ever conducted gaming business;

(C) a complete financial statement of each person listed pursuant to Section 701(b)(3)(A) of this Code;

(c) In the case of an application for each new or amended Gaming Facility License, the TGA shall, at a minimum, require the following information from the Gaming Enterprise in support of its application for each such facility:

- (1) the name and specific position of each individual to be employed as Primary Management Officials or Key Employees at the facility;
- (2) job descriptions of every other position for which individuals will be employed at the facility, and a complete organizational chart;
- (3) a detailed description of each Gaming Activity to be conducted at the facility, together with expected payout to winners;
- (4) detailed plans for the physical plant of the facility, including landscaping, traffic controls, parking, food and drink services, and other physical aspects of the building and layout;
- (5) a detailed description of how security will be maintained at the facility, identifying the Persons or agency that will provide such security;
- (6) a detailed description of how gaming proceeds will be accounted for and disposed of on a day-by-day basis;
- (7) a copy of any proposed management agreement or other contractual arrangements by which the Gaming Activity at the Gaming Facility will be managed;
- (8) a description of provisions for dealing with fire or other emergencies involving potential evacuation or medical evacuation at the facility;
- (9) a detailed description of how sewage and other waste products from the facility will be handled and disposed of; and
- (10) any other information relevant to the proposed operation of the facility.

(d) In addition, the Gaming Enterprise must apply for an amendment to its Gaming Facility License in the event that it intends to alter the design, layout, or other physical aspects of a licensed Gaming Facility, including expansion thereto, or if it intends to alter existing management personnel or gaming parameters. In such case, the Gaming Enterprise must provide detailed specifications of the nature and extent of such alterations.

Section 702. Processing of Applications for Licenses

The Tribal Gaming Agency shall maintain the following general guidelines for the processing of License applications:

(a) The TGA and its staff will assist any Applicant in assembling all information required for processing the application, but no application will be processed until it is complete. At any time after an application is submitted, the TGA may request in writing that the Applicant provide additional information that the TGA has reasonably deemed necessary and proper to comply with this Code, the IGRA, and the Compact(s). The Applicant shall have fourteen (14) days from the date of the written request to provide the requested information. Failure by the Applicant to provide the requested information within the specified timeframe may result in suspension of the application review process or denial of the license.

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(b) The Applicant shall consent in writing, on a form provided by the TGA, to the release from any Person of any information that may be relevant to the TGA's inquiry into the Applicant's background. The form on which the Applicant consents to such release of information will clearly state that any and all information obtained by the TGA in the course of reviewing a License application shall remain confidential and shall not be released by the TGA to any other Persons or agency without the Applicant's written consent, except in the following circumstances:

- (1) such information is required by the Compact to be disclosed to the State Gaming Agency;
- (2) such information is required by the IGRA to be disclosed to the NIGC; or
- (3) such information is ordered to be disclosed by judicial subpoena or court order in a judicial proceeding in which the Applicant is a party.

The TGA shall be bound by the terms of such consent form.

(c) Every application form provided by the TGA to be filled out by any prospective employee of the Gaming Enterprise, whether a Primary Management Official or Key Employee or otherwise, shall contain the following statement:

"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. In the case of persons applying for key personnel or primary management official positions, the information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory investigations or prosecutions or when pursuant to a requirement by the Tribal Gaming Agency 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 investigations of activities while associated with the Tribes or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in the inability of this Tribal Gaming Agency to issue you a license and of the Tribal Gaming Enterprise to hire you."

In addition, the following legend will be inscribed on all application forms for employee licenses:

"A false statement on any part of your license application may be grounds for denial or revocation of a tribal gaming license. Also, in the case of key employees or primary management officials, you may be punished by fine or imprisonment (U.S. Code, Title 18, Section 1001.)";

(d) The TGA shall subject every License Applicant to a thorough background investigation, and such investigations shall be updated upon an application for a renewal of such License, and at such other times as the TGA may determine to be appropriate. Such background investigations will comply with the requirements of this Gaming Code, the IGRA, and any other applicable laws or regulations. At a minimum, such investigative shall include utilization of records of all available tribal, state, and federal law enforcement agencies, resources of the NIGC, communications with other Indian tribes engaged in Gaming Activity, and any other sources of information accessible to the TGA for this purpose. The TGA shall maintain files, whether digital or physical, that shall contain all information acquired in the course of its background investigations of License Applicants. Such information and files shall be secured in such a manner that the identities of confidential informants and the information itself will be protected from the inadvertent disclosure so as to comply with the applicable provisions of federal statutes protecting Applicant privacy. All Applicants will be notified of their rights under the Federal Privacy Act as specified in 25 U.S.C. Part 556.

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- (e) The TGA shall review each License application and all information pertinent thereto. Applicants shall be made aware that copies of completed License applications and reports on background investigations shall be submitted to the NIGC, and that the TGA shall consider additional information regarding the Application which the NIGC may provide. Within ninety (90) calendar days from the receipt of a completed application, or such longer period as the TGA designates in a written statement giving reasons why action cannot be taken within ninety (90) calendar days, the TGA shall issue a License or deny the application.
- (f) If, during the course of a background investigation, the TGA discovers that an Applicant has an outstanding warrant issued by any jurisdiction, the TGA shall issue a written notice to the Applicant identifying the warrant and requesting documentation. The Applicant shall have fourteen (14) calendar days from the date of the notice to provide the TGA with verifiable evidence that the warrant has been quashed, resolved, or is no longer outstanding. Failure to provide such documentation within the specified timeframe may result in suspension of the application review process or denial of the license.
- (g) In the event a License application is denied or a License is suspended or where the Licensee has been denied reconsideration by the TGA, such as in the case of renewal application; where new information is obtained during background review containing derogatory or additional criminal charges; or after it has received a notice of ineligibility from the NIGC, the TGA shall notify the Applicant or Licensee by registered or certified mail, return receipt requested, and shall inform the appropriate State Gaming Agency, giving the reasons and substantiating documentation for its decision. The Applicant or Licensee may then appeal such decision by filing a Notice of Contests in accordance with Chapter 10 of this Code.
- (h) The TGA shall notify all Applicants for a Gaming Manager or Gaming Employee License for a position of Key Employee or Primary Management Official that upon temporary issuance of a License to the Applicant, the TGA must, within sixty (60) calendar days, give notice thereof to the NIGC. In the event the TGA receives, within thirty (30) calendar days of giving such notice to the NIGC or a longer period described in subsection (h) hereto, an advisement from the NIGC that such Primary Management Official or Key Employee does not meet the standards established in the Gaming Code or in the Act for issuance of such a License, the TGA shall immediately suspend such License and give notice thereof to the Applicant. In such circumstance, the Licensee may, within fifteen (15) calendar days of receiving notice of the suspension, request that the TGA reconsider its action. Upon such request for reconsideration, the TGA shall consider the advice of the NIGC, and shall consider such oral statement(s) or written documentation as the Applicant may present to the TGA at the time and place designated by the TGA. Within fifteen (15) calendar days of receipt of such statement(s) or documentation, or the Applicant's request for reconsideration, whichever is later, the TGA shall issue a final, written decision. .
- (i) If the NIGC requests more information after receiving from the TGA an application for a Key Personnel or Primary Management Official, the TGA shall ensure that such information is provided. Such a request from the TGA shall suspend the thirty (30) calendar day period provided for in subsection (g) above, until the Chairperson of the NIGC receives the additional information.

Section 703. Special Processing for Particular License Applications; Reports and Document Retention

- (a) In the case of an application for a Gaming Employee License, the TGA shall issue a Gaming Employee License within twenty (20) calendar days of the receipt of a completed application (or within a longer period if good cause is shown by the TGA) unless the background investigation undertaken by the TGA discloses that the Applicant has a criminal history, or unless other grounds sufficient to disqualify the Applicant pursuant to this Section are apparent on the face of the application or are discovered during the initial phases of a background investigation.
- (b) In the case of an application for a Gaming Employee License concerning positions for Key Personnel or Primary Management Officials, the TGA shall submit the following to the NIGC:
 - (1) a completed application for a License;

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- (2) a report on the background investigation undertaken by the TGA concerning the Applicant; and
- (3) a determination that the Applicant is suitable to assume his or her duties in that the Applicant poses no threat to the public interest or to the effective regulations of Gaming Activity, and does not create or enhance dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming.

Such information shall be submitted as soon as practicable after the collection of the required information, but in no event later than sixty (60) calendar days following the receipt by TGA of an Applicant's completed application.

- (c) In the case of Applicants for Key Personnel or Primary Management Officials, the report on the background investigation undertaken by the TGA shall detail:
 - (1) the steps taken in conducting the background investigation;
 - (2) the results obtained;
 - (3) the conclusions reached; and
 - (4) the bases for those conclusions.
- (d) The procedures to be followed by the TGA for conducting the background investigations and suitability determinations for Key Personnel and Primary Management Official Applicants are as follows:
 - (1) There shall be a clear TGA-wide statement that the Tribal Gaming Agency, and only the Tribal Gaming Agency, is responsible for the conduct of the background investigations and suitability determinations;
 - (2) There shall be maintained by the TGA a chart or statement showing the positions or people responsible for:
 - (A) conducting and causing to be conducted the background investigation;
 - (B) reviewing and approving the investigative work done;
 - (C) reporting the results of the background investigation to the NIGC;
 - (D) obtaining and processing fingerprints in conjunction with a recognized law enforcement agency; and
 - (E) making the suitability determinations.
- (e) There shall be an internal memorandum maintained in the office of the Executive Director explaining how individuals identified in Section 703(d)(2) above were selected for their respective positions; and
- (f) There shall be a list maintained in the office of the Executive Director setting forth the standard operating procedures for investigations, which at a minimum shall include the following:
 - (1) verification in writing of all information submitted by the Applicant;
 - (2) inquiry into the Applicant's prior activities, criminal record, if any, and reputation, habits, and associations; interview by telephone or meeting of a sufficient number of knowledgeable people such as former employers, personal references, and others identified on his/her application; exchange of information with all appropriate agencies; and
 - (3) identification and documentation of all potential problem areas and/or disqualifying information, and written disposition of all inquiries into such matters.
- (g) In the event a Gaming Employee License is not issued to an Applicant for a Key Personnel or Primary Management Official position, the TGA shall notify the NIGC and shall forward its eligibility determination and investigative report to the NIGC for the inclusion in the Indian Gaming Individuals Records System.

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- (h) The TGA shall retain for inspection by the Chairman of the NIGC or his or her designee all applications and reports of background investigations of all Key Personnel and Primary Management Officials applicants for a period of five (5) years from the date of termination of employment.
- (i) In the case of an application for a Gaming Facility License or a renewal, modification or amendment thereto, the following protocols will apply:
 - (1) Officials of the TGA and officials of the Tribal Gaming Enterprise shall exchange information, plans, and predispositions prior to the filing of a License application;
 - (2) Once the application is filed, the TGA may specify any terms or conditions it believes necessary or appropriate to assure the health and safety of patrons and employees of any such facility, to ensure the integrity of the Gaming Activity carried on at such facility, to protect the security of gaming proceeds, and to promote other interests of the Tribes in furtherance of and consistent with the provisions of this Gaming Code; however, the TGA shall not deny an application for a Gaming Facility License unless it concludes that under no set of circumstances can the proposed facility be operated in a manner consistent with the requirements and purposes of this Gaming Code;
 - (3) If dissatisfied with any terms or conditions imposed by the TGA as a prerequisite for granting a Gaming Facility License, the Gaming Enterprise may request that the TGA reconsider its determination. Upon such request for reconsideration, the TGA shall issue a written decision within fifteen (15) calendar days of its receipt of the request for reconsideration. In the event the Gaming Enterprise continues to be dissatisfied with the TGA's determination, the Gaming Enterprise may, within fifteen (15) calendar days of the TGA decision, formally present the issue or issues to Tribal Council for a binding and final decision. At a hearing before Tribal Council, both the Gaming Enterprise and the TGA shall present relevant evidence as to the merits of their respective positions.

Section 704. Fees for License and Renewal of License

Applications for Licenses or for renewal of Licenses must be accompanied by nonrefundable fees for the following categories of Licenses identified below. Such fees shall be established by the TGA and shall be assessed to enable the TGA to defray the costs associated with processing such applications:

- (a) Fees for Gaming Facility Operator:
 - (1) Initial application fee.
 - (A) Tribal Gaming Enterprise; and
 - (B) Gaming Enterprise Director.
- (b) Annual renewal fees.
 - (A) Tribal Gaming Enterprise; and
 - (B) Gaming Enterprise Director.
- (c) Fees for Gaming Manager License:
 - (1) Initial application fee; and
 - (2) Annual renewal fee.
- (d) Fees for Gaming Vendor and Gaming Service Licenses:
 - (1) Initial application fee.
 - (A) Gaming Vendor for Gaming Devices;
 - (B) Ancillary Services of Gaming Devices; and
 - (C) Third-party financier.
- (e) Annual renewal fees.
 - (A) Gaming Vendor for Gaming Devices;

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- (B) Gaming Services of Gaming Devices; and
- (C) Third-party financier.

(f) Fees for Gaming Employee License:

- (1) Initial application fee; and
- (2) Bi-annual renewal fee.

(g) Fees for Gaming Facility License.

- (1) Initial application fee;
- (2) Fee for the application for amendment of an existing Gaming Facility License; and
- (3) Renewal fee.

(h) Fees for Per-Event Class II Gaming License

- (1) Initiation application fee.

(i) The TGA may by regulation prescribe such other fees as it deems appropriate.

Section 705. License Terms; Renewal

- (a) Each Gaming Facility Operator License, Gaming Manager License, Gaming Vendor/Gaming Service License, and Gaming Employee License shall have a primary term of up to two (2) years from the date of issuance. Such License may be renewed for subsequent periods upon proper application therefor, on forms specified by the TGA, but no License shall have any vested right to renewal of any of the Licenses identified in this subsection.
- (b) Each Gaming Facility License issued by the TGA shall have a primary term of one (1) year. Such License may be renewed for subsequent period of one (1) year upon proper application therefor, on standardized forms provided by the TGA.

Section 706. Special Obligations of Corporate Licenses

As a condition of any License other than a Gaming Facility License, the TGA shall require by regulation that any licensed corporation, partnership, or other entity shall give notice to the TGA of any material change in any information disclosed in the application for such License, including, but not limited to, any change in its principals, within ten (10) calendar days of such change.

CHAPTER 8. FACILITY INSPECTION; REPORTING REQUIREMENTS

Section 801. Facility Inspection

- (a) The Tribal Gaming Agency shall, no less than monthly and at such other times as warranted, cause detailed inspections to be made of each licensed Gaming Facility to assure that such facility is being operated in accordance with the terms of the License and of the provisions of this Gaming Code, the IGRA, and any other applicable laws or regulations, and that in all other respects the facility's operation is in furtherance of the purposes of this Gaming Code.
- (b) If, during the course of inspecting a Gaming Facility, or at any other time, a violation of this Gaming Code, the IGRA, and any other applicable law or regulation is discovered, observed, or made known, the TGA shall submit to the Gaming Enterprise a Notice of Violation as described in Section 1001(a) of this Code.
- (c) Failure by the Gaming Enterprise to respond in the manner outlined in Section 1001(b) of this Code may result in the imposition of disciplinary action pursuant to Chapter 10 of this Code.
- (d) The provisions of this Section 801 shall not alleviate the duty of the Gaming Enterprise or its employees to affirmatively provide notice to the TGA of any non-compliance with the minimum internal control standards, this Code, the IGRA, or the Compact(s).

Section 802. Reporting Requirements

(a) The TGA shall require the Gaming Enterprise to file periodic Property Reports, which shall advise the TGA of all leases for real or personal property entered into by the Gaming Enterprise. Such reports shall be filed not later than thirty (30) calendar days after the effective date of the lease and shall include the following information:

- (1) The name, address, and a brief statement of the nature of the business of the lessor; and
- (2) A brief description of the material terms of the lease.

In the event the terms of the lease are changed during its life, such changes shall be reported to the TGA within thirty (30) calendar days of any material change.

(b) The TGA shall require the Gaming Enterprise to file an annual report, which shall be submitted on a form to be provided by the TGA, that identifies every individual who is directly or indirectly engaged in the administration or supervision of the Gaming Operation or physical security activities of the Gaming Operation ("Employee Report"). The following classes of Gaming Employees shall be presumed to be actively and directly engaged in the administration or supervision of gaming:

- (1) all individuals whose total cash compensation exceeds \$50,000 per year;
- (2) all individuals who may approve or extend gaming credit in any amount, or whose recommendations in this regard are ordinarily sought or followed;
- (3) all individuals who have authority to hire or fire employees of the Gaming Operation;
- (4) all individuals who have authority to supervise or direct a shift in any gaming or security activity, including not limited to supervision of the Gaming Floor, keno or bingo games and slot machines, or any Person having authority to supervise or direct such Person;
- (5) all individuals who regularly participate in the count more frequently than one (1) day in each week, or who actually participate in the count more than ten (10) days in any thirty (30) day period;
- (6) all individuals who may approve or extend to casino patrons complimentary house services other than beverage only;
- (7) all individuals who supervise or direct other employees engaged in the control of gaming assets and revenues and record keeping, including the recording of cash and evidence of indebtedness, and in the maintenance, review or control of the records, accounts and reports of transactions which are required to be kept;
- (8) any individual who has been specifically represented to the TGA by the Tribal Gaming Enterprise as being important or necessary to the operation of the Gaming Facility; and
- (9) all Persons who individually, or as part of a group, formulate management policy.

The annual Employee Report shall also include a description of the gaming duties, casino responsibilities, and casino authority delegated to each individual identified in the Employee Report. Any changes, additions, or deletions to any information contained within the annual Employee Report which occurs subsequent to the filing of the Employee Report and prior to the filing of the Employee Report for the next calendar year shall be reported to the TGA in writing no less than ten (10) calendar days after the end of the calendar quarter during which the change, addition, or addition occurred.

(c) The TGA shall require the Gaming Enterprise to file a report whenever the Gaming Enterprise applies for or receives, accepts or makes use of any cash, property, credit, guarantee or other form of security loaned to, or provided for, or on behalf of, the Gaming Operation ("Loan Report"). Such Loan Report shall be filed within thirty (30) calendar days of the transaction to be reported and shall be submitted on forms provided by the TGA. Loan Reports shall include a listing of the names and addresses of all parties to the transaction, the amount and source of the funds, property or credit received or applied, the nature and amount of security provided by or on behalf of the Gaming Operation, the purpose of the transaction, and such other information as the TGA may require.

Section 803. Independent Audit

- (a) The Gaming Enterprise shall, at its own expense, provide to the TGA an audited financial statement for each of its licensed Gaming Facilities no later than one-hundred twenty (120) calendar days after the close of a fiscal year and at such times as the TGA may require.
- (b) The Gaming Enterprise's annual audit shall be performed by an independent certified public accountant engaged by and reporting to the Tribal Council licensed in the appropriate State, having in-depth knowledge of and experience with the accounting standards and auditing procedures appropriate for the gaming industry. Such independent certified public accountant shall submit an audit report expressing an unqualified or qualified opinion or, if appropriate, disclaim any opinion on the financial statement taken as a whole in accordance with generally accepted auditing standards public by the American Institute of Certified Public Accountants. The examination and audit shall disclose whether the accounts, records and internal controls, and accounting procedures maintained by the licensed Gaming Facility abide by this Gaming Code, the IGRA, and any applicable laws or regulations.
- (c) To facilitate the completion of such audits and presentations of such financial statements, the Gaming Enterprise shall make and maintain complete, accurate, and legible records of all transactions pertaining to any Gaming Activity and any other revenue producing activities conducted by the Gaming Enterprise at or in conjunction with any Gaming Facility licensed hereunder. The Gaming Enterprise shall maintain such records, as well as all original entry transaction records, until the later of five (5) years from the date on which they are made or the term of record retention required by the Compact(s). The records shall be maintained at the respective Gaming Facility or in other locations approved by the TGA.
- (d) The Gaming Enterprise shall maintain:
 - (1) accurate, complete, legible and permanent records of all transactions pertaining to the Gaming Operation in a manner suitable for audit under the standards of the American Institute of Certified Public Accountants;
 - (2) general accounting records using a double entry system of accounting with transactions recorded on a basis consistent with Generally Accepted Accounting Principles;
 - (3) detailed supporting and subsidiary records;
 - (4) detailed records identifying revenues, expenses, assets, liabilities and fund balances or equity for the Gaming Operation;
 - (5) all records required by the internal control system including, but not limited to, those relating to any Gaming Activity authorized by the Compact(s);
 - (6) detailed records sufficient to accurately reflect gross income and expenses relating to its operations on a monthly and year-to-date basis;
 - (7) detailed records of any reviews or audits, whether internal or otherwise, performed in addition to the annual audit required in this Section, including, but not limited to, management advisory letters, agreed upon procedure reviews, notices of non-compliances and reports on the internal control systems; and
 - (8) records of any proposed or adjusting entries made by an independent certified public accountant.
- (e) The Gaming Enterprise shall, within the context of the annual audit, also cause to be made an independent audit of all gaming-related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000 annually, except contracts for professional legal and accounting services.

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- (f) The TGA, when it deems necessary, may request additional information from either the Gaming Enterprise or the independent certified public accounting regarding either the financial statement, the audit, or both. In addition, copies of all letters from the independent accountant to the Tribal Gaming Enterprise regarding internal control matters shall be provided to the TGA within thirty (30) calendar days after receipt by the Tribal Gaming Enterprise.
- (g) To the extent required by law, the TGA shall provide to the NIGC and/or the State Gaming Agency copies of all annual audits of Gaming Activity and Gaming Operations. The TGA shall cooperate with the NIGC and/or the State Gaming Agency with respect to any additional information that may be requested.
- (h) Nothing herein shall limit the Tribal Council or the TGA to require such further internal intermittent, or other audits as may be deemed appropriate.

Section 804. Retention of Financial Records

Throughout the term of the applicable Compact(s), during the pendency of any litigation arising from the Compact(s), and for one (1) year following the termination of the Compact(s), all books and records relating to authorized Gaming Activity, including the records of any Management Contractor, the Gaming Facility Operator and the TGA, shall be separately maintained in order to facilitate auditing of these books and records to ensure compliance with the Compact(s). The Gaming Facility Operator shall maintain all records it creates or receives relating to the operation and management of Gaming Activity. Records of the TGA and the Gaming Facility Operator may not be destroyed prior to the time set forth unless allowed by the Compact.

CHAPTER 9. GAMING OPERATIONS; INTERNAL CONTROLS

Section 901. Scope of Permissible Gaming

The Gaming Activity permitted to be conducted within a licensed Gaming Facility on Tribal Lands are those which may lawfully be carried out by an Indian tribe within the State under applicable provisions of federal law, including, but not limited to, the IGRA. Such Gaming Activity shall include all forms of Class II Gaming, and permissible forms of Class III Gaming, as provided in the Compact. All such Gaming Activity are to be conducted in a manner suitable to protect the public health, safety, morals, good order and general welfare of the Tribes.

Section 902. Hours of Operation; Staffing; Other Standards

- (a) Consistent with the provisions of the Compact(s), the TGA may by regulation establish the permissible hours and days of operation of Gaming Activity authorized herein, but such regulations may provide that licensed Gaming Facilities may remain open and conduct Gaming Activity twenty-four (24) hours per day, seven (7) days per week; provided, however, that with respect to the sale of liquor the Gaming Enterprise shall comply with all applicable State liquor laws. The TGA may also establish other standards of operation for such facilities, as it deems appropriate, including a provision that wagers placed by patrons must be in cash or cash equivalent, or by credit card or check.
- (b) The Gaming Enterprise shall at all times sufficiently staff each licensed Gaming Facility to ensure the safety and wellbeing of patrons, Gaming Employees, and any other Person who may enter the Gaming Facility during hours of operation. The Gaming Enterprise shall immediately notify the TGA of any Staffing Deficiencies.
- (c) In the event the TGA is notified of a Staffing Deficiency, the TGA may, after consultation the appropriate elected official(s), direct the Gaming Enterprise to immediately cease Gaming Operations and close the Gaming Facility to the public until such time as the TGA determines a Staffing Deficiency no longer exists. Any such closure shall be deemed an Unusual Occurrence requiring the TGA to report such Unusual Occurrence to the State Gaming Agency.

Section 903. Employee and Player Age Limit

- (a) No Person under twenty-one (21) years of age shall be:
 - (1) permitted to place any wager, directly or indirectly, in any Gaming Facility;

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- (2) permitted on the Gaming Floor during the business hours of any Gaming Facility;
- (3) employed by the TGA; or
- (4) employed in the service of alcoholic beverages at any Gaming Facility

- (b) No Person under eighteen (18) years of age shall be employed by the Gaming Enterprise.
- (c) The TGA shall by regulation establish measures by which the Gaming Enterprise shall enforce the provisions of this section.

Section 904. Employee Gaming

- (a) No Person who is Licensed or found suitable as a Principal or Key Employee of the Gaming Enterprise, or Management Contractor, nor any Key Employee who actively participates in the management of the Gaming Facility or the conduct of its licensed games, shall play or be permitted to play, either directly or indirectly through another person, in any Gaming Activity, but not including poker, in the Gaming Facility.
- (b) No Person who is employed at a Gaming Facility may participate in any Gaming Activity conducted therein while on duty.

Section 905. Publication of Payoffs

Payoff schedules or award cards applicable to every licensed game, slot machine, and Gaming Device shall be displayed at all times, either on the table or machine, or in a conspicuous place immediately adjacent thereto. Payoff schedules or award cards must accurately state actual payoffs or awards in a clear, unambiguous and immediately accessible manner.

Section 906. Gaming Devices

The Gaming Enterprise shall offer for play by the public at Gaming Facilities only Gaming Devices which have been approved under the provisions of the Compact(s), or have otherwise been authorized by the TGA. The TGA may order the testing of any Gaming Device, at the expense of the licensed manufacturer unless otherwise agreed, to ensure compliance with the requirements of this section. The TGA shall confiscate or shut down any Gaming Device, pursuant to Section 504(h), failing to conform to any required standard.

Section 907. Unsuitable Methods of Operation

Neither the Gaming Enterprise, nor any of its employees, agents, or affiliates shall, in the course of involvement with Gaming Activity, undertake any conduct or commit any action that is inimical to public health, safety, morals, good order and general welfare of the Tribes, or that could impose discredit upon the Tribes or its Gaming Operation. The undertaking of any such conduct or commission of any such action shall be deemed to be an unsuitable method of Gaming Operation and shall be grounds for disciplinary action by the TGA in accordance with Chapter 10 of this Code. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable methods of operation:

- (a) failing to take reasonable precautions or actions to prevent incident which may negatively reflect on the repute of the Tribes and function as a detriment to the development of Gaming Operations;
- (b) permitting individuals who are visibly intoxicated to participate in any Gaming Activity;
- (c) extending services of intoxicating beverages in the casino area to individuals who are visibly intoxicated;
- (d) failing to report to the TGA within forty-eight (48) hours any observed or known violations of this Code, the IGRA, or the Compact(s);
- (e) failure to immediately report to the TGA an Unusual Occurrence;
- (f) committing acts or omissions that would render a Person unsuitable for licensure, pursuant to the standards of suitability as outlined in Chapter 6 of this Code,

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- (g) with knowledge or awareness of the facts or situation, and not because of mistake, accident or other innocent reason, catering to, assisting, employing or associating with, either socially or in business affairs, any Persons identified on the Section 505(m) list of barred Persons, or with Persons that have been identified in writing by the TGA or State Gaming Agency as Persons that have committed acts or omissions that would violate any provisions of:
 - (1) the CRIT Law and Order Code, Chapter III;
 - (2) Chapters 18 or 25 of the United States Code; or
 - (3) the penal codes of the states of Arizona or California;
- (h) employing in any position any Person who has been denied a License for such position from the TGA, and employing any Person lacking a TGA License in any position;
- (i) contracting for the provisions of gaming services or Gaming Devices with any Person that has been denied a License to supply gaming services or Gaming Devices by the TGA, and contracting for the provisions of services or equipment with any Person that has failed to obtain a License to supply Gaming Services, Gaming Devices, or equipment from the TGA;
- (j) employing in the Gaming Enterprise any Person that has been removed from a Gaming Facility for suspected cheating, or for using any improper device in connection with any game, whether as a Licensee, former employee, or individual playing a game or using a device; as well as any Person whose conduct of a Gaming Activity as a dealer or other employee of a Licensee resulted in revocation or suspension of the License of such Licensee;
- (k) failing to comply with or make provision for compliance with all applicable Tribal, Federal, and State laws and regulations pertaining to the Gaming Operation;
- (l) conducting, carrying on, or operating any unlicensed Gaming Activity, except in the event of a Class I Gaming Activity, or a Class II Gaming Activity conducted pursuant to a Per-Event Permit issued by the TGA;
- (m) conducting, carrying on, or operating any device on Tribal Lands, either negligently or knowingly, which may have, in any manner, been tampered with or otherwise placed in a condition or operated in a manner, which tends to deceive the public or which might make the game more liable to win or lose, or which tends to alter the normal random selection of criteria that determines the results of the game;
- (n) denying any agent of the TGA, the appropriate State Gaming Agency, the Colorado River Indian Tribes Police Department, or other officials having jurisdiction, upon proper and lawful demand, access to, inspection, or disclosure of any portion of the Gaming Facility, as authorized by applicable laws and regulations;
- (o) receiving, distributing, applying or directing any property, funds, proceeds or other asset of any Gaming Activity to the benefit of any individual or other Person except as authorized by this Code or by a duly enacted Resolution or Ordinance of the Tribal Council;
- (p) participating as a player or contestant in any Gaming Activity if such Person is prohibited under Section 904 from participating in such Gaming Activity;
- (q) participating as a player or contestant in any Gaming Activity while such Person is listed as an individual barred from any licensed Gaming Facility as provided in Section 504(m);
- (r) intentionally misrepresenting a material fact to the TGA or intentionally falsifying any business record or report of the Gaming Enterprise required by this Code, the Compact(s) or the IGRA;
- (s) consistently failing to avoid behaviors, acts, or omissions identified in this Section 907; and
- (t) failing to comply with any other provision of this Code.

Section 908. Internal Controls

- (a) The TGA shall by regulation establish minimum standards of internal controls to be in place at each Gaming Facility licensed hereunder. Internal controls include the plan of organization, and all the coordinate methods and measures adopted within a Gaming Operation to safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency and encourage adherence to prescribed managerial policies. Generically, internal controls shall include a system of accounting controls and a system of administrative controls.
- (b) The system of accounting controls shall be governed by the following considerations:
 - (1) It shall provide a plan of organization and a description of procedures and record-keeping that permits reasonable assurance that the following objectives will be maintained:
 - (A) safeguarding of assets;
 - (B) reliability of financial records;
 - (C) execution of transactions in accordance with management's general or specific authorization;
 - (D) recording of transactions as necessary to permit recording of gaming revenue and to maintain accountability for assets;
 - (E) access to assets only in accordance with management's authorization;
 - (F) comparison of records of assets with existing assets at reasonable intervals with provisions for appropriate action with respect to any differences.
- (c) In order to accomplish the objectives stated in the preceding paragraph, the system of accounting controls shall, according to regulations prescribed by the TGA, at a minimum include a detailed system for counting cash receipts and gross revenues at least daily, which system shall be appropriate to the types of Gaming Activity carried on at the facility and the physical characteristics of the system utilized for collection of cash at the facility.
- (d) The TGA may prescribe accounting regulations detailing treatment of credit for purposes of computing gross revenue.
- (e) As part of a system of accounting controls, the TGA shall require that all bank accounts maintained by the Gaming Enterprise shall be made known to it and that such bank accounts shall be identified by bank name and account number, and that all signatories to such accounts shall be identified by name.
- (f) The system of administrative controls shall be governed by the following considerations:
 - (1) It shall, at a minimum, include a complete plan of organization that will set forth an organizational chart showing appropriate segregation of functional responsibilities and a regimen of sound practices to be followed in the performance of such segregated functional responsibilities.
 - (2) The plan of organization shall both depict diagrammatic and described narratively, the interrelationship of organizational and administrative control is based.
- (g) The overall system of accounting and administrative internal controls shall be accompanied by a report of an independent certified public accountant, licensed in the appropriate State, confirming that the system conforms in all material aspects to the standards of internal controls established by regulations of the TGA, or, alternatively, setting forth which material aspects it fails to so conform.

Section 909. Detention of Persons Suspected of Illegal Acts

The TGA and/or the Gaming Enterprise may detain any individual, for cause, suspected of involvement in illegal acts for the purpose of notifying appropriate law enforcement authorities.

Section 910. Financial Services in Gaming Facilities

Financial services at any Gaming Facility are subject to the following restrictions:

- (a) the Gaming Facility Operator shall not locate an automatic teller machine ("ATM") adjacent to, or in close proximity to any Gaming Device;
- (b) the Gaming Facility Operator shall not locate in the Gaming Facility an ATM that accepts electronic benefit transfer ("EBT") cards issued pursuant to a State or Federal program that is intended to provide for needy families or individuals;
- (c) the Gaming Facility Operator shall not accept checks or other noncash items issued pursuant to a State or Federal program that is intended to provide for needy families or individuals; and
- (d) The Gaming Facility Operator shall not extend credit to any patron of a Gaming Facility for Gaming Activity.

CHAPTER 10. NOTICES OF INFRACTION; COMPLAINTS AND DISCIPLINARY ACTIONS

Section 1001. Notice of Infraction; Remedial Actions

- (a) The Tribal Gaming Agency shall issue a notice to any Person determined or suspected by the TGA to be non-compliant with any provision(s) of this Gaming Code (including, but not limited to, any of the unsuitable methods of operation identified in Section 907, the Compact(s) and its appendices, the IGRA, the Gaming Enterprise's internal controls, or any other applicable laws or regulations ("Notice of Infraction").
- (b) A Notice of Infraction shall contain:
 - (1) a citation to the Gaming Code, regulation, Compact provision or federal law that has been or is being violated;
 - (2) a description of the circumstances surrounding the infraction, set forth in common and concise language;
 - (3) the action(s) that must be taken to correct the infraction;
 - (4) notice that the infraction must be corrected within fifteen (15) calendar days from receipt of the Notice of Infraction;
 - (5) notice of the civil fine or other enforcement action that will or could be imposed if the infraction is not corrected;
 - (6) notice that a written response to the Notice of Infraction must be submitted to, and received by, the TGA within fifteen (15) calendar days of the receipt of the Notice of Infraction; and
 - (7) notice that the Notice of Infraction shall be the final, written decision of the TGA in the event that no written response to the Notice of Infraction is received by the TGA within the time provided in this subsection 1001(b).
- (c) In the event the infraction is not corrected, or a written response to the Notice of Infraction is not received by the TGA within fifteen (15) calendar days following receipt by the Licensee of the Notice of Infraction, the TGA may take one or more of the following disciplinary actions:
 - (1) suspend or revoke the License of the Person to whom the Notice of Infraction was directed;
 - (2) assess civil penalties in accordance with the provisions of this Gaming Code;
 - (3) forcibly remove the violator from the Gaming Facility;

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- (4) seize the Gaming Facility and all equipment, records and proceeds of the Gaming Activity located within the Gaming Facility; or
- (5) upon consultation with the Tribes' Attorney General, initiate in the Tribal Court a civil complaint to enforce the Gaming Code, regulations of the TGA, the Compact or the Act.

Section 1002. Standards For All Licensees

- (a) The following shall be grounds for discipline, including but not limited to, license revocation, license suspension, exclusion, or the imposition of civil penalties:

- (1) Acts or omissions that fail to meet the standards or requirements of, or violate any provision of this Code;
- (2) Acts or omissions that would constitute a violation of any provision of the CRIT Law and Order Code, Chapter III;
- (3) Acts or omissions that would constitute a violation of any provision of Chapters 18 or 25 of the United States Code; or
- (4) Acts or omissions that would constitute a violation of any provision of the penal codes of the states of Arizona or California.

Section 1003. Disciplinary Action

- (a) Suspension with *immediate* effect.

- (1) Upon a finding by the TGA that immediate suspension must be imposed to preserve the integrity of any Gaming Activity, the Executive Director or his/her designee may, within the sole discretion of the TGA, immediately suspend the License of the violating Licensee, pending a full and complete investigation to be performed by the TGA.
- (2) Such suspension should be limited in its scope to address only those acts or omissions identified in Section 1002(a) so requiring the immediate suspension of a License.
- (3) Notice of Suspension With Immediate Effect shall be served upon the Licensee subject to the suspension no later than ten (10) calendar days after the imposition of such suspension. Every such notice shall include the information outlined in subsection (c) of this Section 1003.
- (4) Any suspension made pursuant to this Section shall not exceed one hundred eighty (180) calendar days.

- (b) Proposed Disciplinary Action.

- (1) Upon a finding by the TGA that a Licensee is in violation of acts or omissions identified in Section 1002(a) requiring disciplinary action, the TGA shall serve notice of its findings upon the violating Licensee.
- (2) Disciplinary action will commence against the violating Licensee upon service of notice to the Licensee subject to the proposed disciplinary action

- (c) Notice – Required Information; Proof of Service.

- (1) Every such notice shall state:

- (A) The name, last known address, and License type held by the subject of the proposed action, if served upon an individual;
 - (B) The name of each Principal, last known address, and License type held by the subject of the proposed action if served upon a corporation, partnership or other entity;

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- (C) A plain and concise statement of the facts and law giving rise to the disciplinary action;
- (D) A plain and concise statement of the penalty and/or proposed penalty to be imposed by the action; and
- (E) A plain and concise statement that the Licensee has a right to contest and appeal the action and provide the option of having either a standard hearing or a summary proceeding.

- (2) Notice of the proposed disciplinary action shall be deemed served upon the violating Licensee once sent or delivered by the TGA to the contact information last provided by the Licensee.
- (3) Any service of process shall be verified by a certificate of the Person making the service, stating upon whom, when, how and where service was made, and either stating, or having attached copies of, the process served, which certificate shall be maintained and kept by the TGA.

Section 1004. Procedure to Contest and Appeal Imposition or Proposed Imposition of Disciplinary Action.

- (a) No later than ten (10) calendar days after receiving service of the Notice of Suspension With Immediate Effect, or Notice of Proposed Disciplinary Action, the subject Licensee of that action ("Contestant") may file with the Executive Director of the TGA, a Notice of Contest. Any party forfeits the right to contest any disciplinary action imposed by the TGA if such party fails to file a Notice of Contest with the Executive Director within ten (10) calendar days, and the disciplinary action imposed upon the Licensee shall be deemed a final, unappealable decision.
- (b) The Notice of Contest will state in plain terms, all pertinent facts and basis of law upon which the contestation is based, and whether the Contestant desires a standard hearing or summary proceeding.
- (c) Upon receipt of a timely filed Notice of Contest, the Executive Director will appoint a neutral TGA employee, having no conflict of interest and having taken no part in the initial investigation or decision-making, to be the hearing officer of record for all proceedings relating to the contested matter ("Hearing Officer").
- (d) Within ten (10) calendar days of receipt of a timely filed Notice of Contest, the Hearing Officer will issue an order setting the matter for hearing, if Contestant elected a standard hearing, providing notice of such hearing to the Contestant. Unless all parties stipulate and agree to a different date, the hearing shall be recorded and held no later than ten (10) calendar days from the date the Hearing Officer served or is deemed to have served notice of hearing upon the Contestant.
- (e) Any and all such hearings and proceedings conducted pursuant to this Section 1004 shall be auditorily recorded, and such recording shall be made a part of the Record of Hearing, as defined herein.
- (f) The Contestant shall have the right to confront his/her accuser and to appear personally before the Hearing Officer overseeing and administering the hearing, and to produce witnesses and evidence on his or her behalf, to examine and cross-examine witnesses, to rebut the evidence produced against him or her, and to present reasons, either in person or in writing, why the disciplinary action should not be taken.
- (g) The Contestant shall bear the burden of proof, by a preponderance of the evidence, and will be the first, and last, to present evidence at the hearing.
- (h) The Hearing Officer shall have the power to issue subpoenas compelling the attendance of witnesses at the hearing, and administer oaths to any witness(es). Such subpoenas may be issued for testimony and for witnesses to produce documents, objects, and things of any kind pertinent to the disciplinary action and contestation thereof.
- (i) The Attorney General's Office of the Colorado River Indian Tribes shall provide representation and shall so represent the TGA in hearings conducted pursuant to this Section 1004.

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- (j) Evidence that is deemed relevant and reliable by the Hearing Officer shall be admissible. The formal rules of evidence shall not apply.
- (k) No later than ten (10) calendar days after the conclusion of the hearing, the Hearing Officer shall issue a written decision as to what, if any, discipline will be imposed upon the Contestant. This Decision will be supported by findings of fact and conclusions of law. The Hearing Officer shall immediately serve a copy of his decision upon the Contestant, and the Executive Director.
- (l) No later than ten (10) calendar days after service of the written decision of the Hearing Officer, either the Director or the Contestant may appeal the Decision, in whole or in part, to the Chief Judge of the Tribal Court. The Appeal shall be in writing and shall contain all grounds and reasons, in fact or law, for the Appeal. The party opposing any such Appeal may file a written Response within five (5) calendar days from service of Appeal. All Appeals and Responses must be filed with the Chief Judge and served upon the opposing party.
- (m) The Tribal Chief Judge shall assign a current appellate judge of the Tribal Court to adjudicate the appeal, which shall be a summary proceeding wherein no materials outside the Record of the Hearing shall be considered.
- (n) For purposes of this Chapter, "Record of the Hearing" shall only include evidence presented at the hearing, the written Decision of the Compliance Officer, the appellate petition, and any filed responses.
- (o) No later than thirty (30) calendar days after receiving the notice of appeal, the assigned appellate judge will consider the written decision of the Hearing Officer and all written submissions of the parties. After due consideration of these materials, the assigned appellate judge will issue a final, non-appealable Order affirming, reversing, or modifying, in whole or in part, the written decision of the Hearing Officer.

Section 1005. Service, Computation of Time, and Ongoing Obligations of Licensee.

- (a) Time. Time will be computed in accordance with the CRIT Local Rules of Civil Procedure, Rule 21(a).
- (b) Service. The acceptance or retention of a License issued by the TGA in accordance with the provisions of this Code to participate in any Gaming Activity shall constitute the consent of the Licensee that service of any and all documents and things relating to such License may be made upon the Licensee within or without Tribal Lands, whether or not the Licensee is then a resident of, or has a place of business on Tribal Lands, in any action brought pursuant to, or in relation to this Code.
- (c) Ongoing Obligations of Licensee.
 - (1) It is the ongoing and continuing responsibility of every Licensee, or License Applicant, to furnish the TGA with all current contact information, including but not limited to all physical addresses, all email addresses, all phone numbers, all fax numbers, and Post Office Box numbers.
 - (2) A current residential address shall be provided by all Licensees, regardless of whether the Licensee receives mail to said residential address.
 - (3) All changes to contact information must be reported by the Licensee to the TGA within three (3) calendar days.
 - (4) The Licensee shall be unable to exercise the privileges of their Licensee in the event the Licensee fails to communicate to the TGA any changes or updates to their contact information.
 - (5) Failure by the Licensee to report to the TGA a change or update to the Licensee's contact information shall be deemed a violation of this Code and may be a basis for disciplinary action.

CHAPTER 11. DISPUTES; LIMITS OF CONTRACTUAL AND TORT LIABILITY TO PATRONS AND/OR OTHER PERSONS

Section 1101. Patron Disputes

The Tribal Gaming Enterprise shall notify the Tribal Gaming Agency of every dispute with a patron; moreover

- (a) Whenever the Gaming Enterprise refuses payment of alleged winnings to a patron, and the Gaming Enterprise and patron are unable to resolve the dispute to the satisfaction of the patron, and the dispute involves:
 - (1) at least five-hundred dollars (\$500), the Gaming Enterprise shall immediately notify the TGA; or
 - (2) less than five-hundred dollars (\$500), the Gaming Enterprise shall inform the patron of his or her right to request that the TGA shall conduct whatever investigation it deems necessary and shall determine whether payment should be made.
- (b) The TGA shall provide to the Gaming Enterprise and affected patron written notice by certified mail, return receipt requested, of its decision resolving the dispute within thirty (30) calendar days after the date that the TGA first receives notification from the Gaming Enterprise or a request to conduct an investigation from the patron.
- (c) Within thirty (30) calendar days after the date of receipt of the written decision, the aggrieved party may file a petition with TGA requesting review of the decision. The TGA may set a hearing on the matter or may issue a decision based solely upon the prior decision and other documentation provided by the patron and the Gaming Enterprise. The TGA shall then issue a written decision and shall mail it to the parties by registered mail or certified mail, return receipt requested. If the dispute involves less than \$500, the decision of the TGA shall be final and binding upon the patron and the Gaming Enterprise. If the dispute involves \$500 or more, within sixty (60) days of the final decision of the TGA, said decision may be appealed to the Colorado River Indian Tribal Court. In disputes involving \$500 or more, the decision of the Tribal Court shall be final and binding upon the patron and the Tribal Gaming Enterprise.

Section 1102. Limits and Tort Liability

The Gaming Enterprise shall enjoy sovereign immunity as an entity of the Colorado River Indian Tribes' Government, but may waive such sovereign immunity and be subject to suit in Tribal Court with the express consent of the Tribal Council. The Gaming Enterprise may be sued for intentional or negligent tortious conduct, including wrongful death; however, the liability of the Gaming Enterprise in tort shall be limited to compensatory damages not in excess of the liability limits under the insurance coverage maintained by the Gaming Enterprise, and shall not include anticipated profits, damages for mental distress, punitive damages or any other measure of damages in excess of the actual sustained loss.

Section 1103. Limits of Liability for Tribal Gaming Agency

The Gaming Agency is entitled to absolute defense of sovereign immunity against any suit brought against it, except such suits and actions as are provided for in this Gaming Code, or such suits or actions for which the Tribes unilaterally agree to waive the sovereign immunity defense of the TGA.

Section 1104. Law Enforcement Services Plan

A written plan shall be prepared to provide comprehensive and effective means to address criminal and undesirable activity at any Gaming Facility ("Law Enforcement Plan" or "Plan"). Preparation of the Plan shall be the responsibility of a committee comprised of one representative each from the Tribal Gaming Agency, the Tribal Police Department, the Tribal Court, the Tribal Court, the Office of the Attorney General, and the Tribal Gaming Enterprise. The administrative heads of the foregoing agencies shall designate a representative, subject to the approval of the Tribal Council by a majority vote.

CHAPTER 12. OFFENSES AND REMEDIES

Section 1201. Offenses

It shall be a violation of this Gaming Code for any Person to:

- (a) conduct or operate any Gaming Activity except, as provided in this Gaming Code;
- (b) receive, distribute, apply or direct any property, funds, proceeds or other asset of any Gaming Activity to the benefit of any Applicant or other Person, except as authorized by this Gaming Code or by any duly enacted resolution of the Tribal Council;
- (c) tamper with any equipment used in the conduct of Gaming Activity with the intent to cause any Person to win or lose any wager other than in accordance with the publicly published rules of such Gaming Activity;
- (d) commit any other act in connection with the conduct of any Gaming Activity with the intent to affect the outcome of any wager other than in accord with the public published rules of such Gaming Activity;
- (e) participate as a player in any Gaming Activity conducted by the Tribal Gaming Enterprise, while such individual is the Executive Director, a Hearing Officers of the TGA, a Director of the Tribal Gaming Enterprise;
- (f) participate as a player in any Gaming Activity conducted by the Tribal Gaming Enterprise, while such individual is listed as a person barred from any Gaming Facility, pursuant to Section 505(m) of this Code;
- (g) enter any Gaming Facility while bearing a firearm or other deadly weapon, provided that firearms may be carried by certified law enforcement officers authorized by the TGA to be on the premises, by any private security service retained to provide security at a Gaming Facility, or by armored car services; or
- (h) place any wager, directly or indirectly, in any Gaming Facility if under the age of twenty-one (21).

Section 1202. Civil Penalties

Any Applicant who violates any provision of this Gaming Code or the Compact shall be subject to civil penalties including exclusion from employment by a Gaming Facility Operator, exclusion from entrance at any Gaming Facility, exclusion from the Tribal Lands if a non-member of the Tribes, or a civil penalty of not more than \$10,000 for each such violation. Such penalty shall be within the jurisdiction and discretion of the Tribal Gaming Agency as set forth in Chapter 10 of this Gaming Code.

Section 1203. Civil Remedies

The Gaming Agency may, on behalf and in the name of the Tribes, bring any civil action in the Tribal Court to enforce the provisions of this Gaming Code or the Compact or to enjoin or otherwise prevent any violation of this Gaming Code, the Compact, or the Act occurring on Tribal Lands.

CHAPTER 13. MISCELLANEOUS

Section 1301. Amendments

This Gaming Code may be amended by action of the Colorado River Indian Tribes Tribal Council, upon recommendation from the Tribal Attorney General's Office and the Tribal Gaming Agency, and shall take effect immediately upon its approval by the Tribal Council.

Section 1302. Compliance with the IGRA

All Gaming Activity conducted pursuant to this Gaming Code shall comply with the terms and conditions of the IGRA.

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Section 1303. Interpretation; Severability

- (a) This Gaming Code shall be construed to the extent possible to be consistent with the applicable Compact(s).
- (b) To the extent this Gaming Code is inconsistent with federal law, or the Compact(s), the federal law or the respective Compact shall supersede.
- (c) Should any provision of this Gaming Code be determined invalid by a court of competent jurisdiction, those portions of this Gaming Code which are not determined invalid shall remain the law of the Colorado River Indian Tribes.
- (d) If there are conflicting interpretations among the Gaming Enterprise and the Tribal Gaming Agency of this Gaming Code, the Tribal Gaming Agency interpretation will be considered controlling.

Section 1304. Non-Liability

The Colorado River Indian Tribes declare that there is no liability on the part of the Tribes, its agencies, agents, or employees for any damage which may occur as a result of reliance upon or conformity with the requirements of this Gaming Code. The Tribes by adoption of this Gaming Code do not waive its sovereign immunity in any respect.

Section 1305. Prior Inconsistent Laws

Upon enactment of this Gaming Code, all tribal ordinances and regulations inconsistent with this Gaming Code, including the defunct Administrative Procedure Protocol, are hereby, expressly repealed to the extent of their inconsistency.

CERTIFICATION

The foregoing Gaming Code was on _____, duly approved by a vote of _____ for, _____ against, and _____ abstaining, by the Tribal Council of the Colorado River Indian Tribes, pursuant to authority vested in it by Article VI of the Constitution of the Tribes, ratified by the Tribes on March 1, 1975, and approved by the Secretary of the Interior on May 29, 1975, pursuant to Section 16 of the Act of June 18, 1934 (45 Stat. 984). This Gaming Code is effective on the date of its adoption.

COLORADO RIVER INDIAN TRIBES

COLORADO RIVER INDIAN TRIBAL COUNCIL

Amelia Flores, Chairwoman