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**TRIBAL GAMING ORDINANCE
BISHOP PAIUTE TRIBE**

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GAMING ORDINANCE OF THE BISHOP PAIUTE TRIBE

Chapter 1 - Definitions

For the purpose of this Ordinance:

Section 101. "Commission" means the Bishop Paiute Gaming Commission established pursuant to Chapter 3 of this Ordinance.

Section 102. "NIGC" means the National Indian Gaming Commission established pursuant to the IGRA, 25 U.S.C. S 2704.

Section 103. "IGRA" means the Indian Gaming Regulatory Act, Pub. L. 100-497, 25 U.S.C. 5S 2701, et seq., including any amendments thereto. Where appropriate, "IGRA" also means regulations promulgated by the NIGC pursuant to the regulatory authority granted to the NIGC under the IGRA which are valid interpretations of the IGRA.

Section 104. "Tribe" means the Bishop Paiute Tribe, a federally recognized Indian Tribe.

Section 105. "BISHOP INDIAN TRIBAL- COUNCIL" means the BISHOP INDIAN TRIBAL COUNCIL, the duly elected governing body of the Tribe.

Section 106. "Applicant" means any person or entity having on file with the Commission an application for a gaming license pursuant to Chapter 9 of this Ordinance.

Section 107. "Application" means the completed forms and information requested by the Commission.

Section 108. "Class II Gaming" means Class II gaming as defined in accordance with the IGRA 25 U.S.C. S 2703 (7) (A).

Section 109. "Class III Gaming" means Class III gaming as defined in accordance with the IGRA, 25 U.S.C. S 2703 (8).

Section 110. "Compact" means any gaming compact between any state and the Tribe entered into pursuant to the IGRA, including any amendments thereto.

Section 111. "Gaming Facilities" means the buildings and associated real property within which Class II and Class II gaming and other associated commercial activities are conducted.

Section 112. "Gaming Operation" means all of the Tribe's Class II and Class III gaming operations conducted pursuant to the Ordinance. "Gaming Operation" means an economic entity that is licensed by the Tribe, operates the games, receives the revenues, issues the prizes and pays the expenses.

Section 113. "General Manager" means the individual who has responsibility for day-today : operations of a gaming operation.

Section 114. "Key Employee". Means the General Manager and the following persons:

(a) All persons performing one or more of the following functions in any gaming operations:

- (i) bingo caller;
- (ii) counting room supervisor;
- (iii) chief of security;
- (iv) custodian of gaming supplies or cash;
- (v) floor manager;
- (vi) pit boss;
- (vii) dealer;
- (viii) approver of credit;
- (ix) custodian of gaming devices including persons with access to cash and accounting records within such devices; or
- (x) croupier

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

C. If not otherwise included, the four most highly compensated persons in each gaming operation.

Section 115. "Lottery Board" means the California Lottery Board, its authorized officials, agents and representatives.

Section 116. "Management Contract" means any contract, subcontract or collateral agreement between the Tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of any gaming operation.

For purposes of this Ordinance, "collateral agreement" means any contract, whether or not in writing, that is related, either directly or indirectly, to a management contract, or to any rights, duties or obligations created between the Tribe (or nay of its members, entities or organizations) and a management contractor or subcontractor (or any person related to a management contractor or subcontractor), within the meaning of 25 U.S.C. S 502.5.

Section 117. "Net Revenues" means gross revenues of any Gaming Operation less amount paid out as, or paid for, prizes and total gaming-related operating expenses including debt service but excluding management fees paid to a management contractor within the meaning of 25 U.S.C S 2711 C..

Section 118. "Ordinance" means this, the Gaming Ordinance of the Bishop Paiute Tribe.

Section 119. "Owner or Controlling Person" means:

- (a) Any natural person having a direct financial interest in any management contract;
- (b) When a trust is a party to a management contract any beneficiary or trustee;
- (c) When a partnership is a party to a management contract, any partner.
- (d) When a corporation is a party to a management contract, any person who is a director or who holds at least 10 percent of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling; or
- (e) With respect to any entity with an interest is a trust, partnership or corporation that has an interest in a management contract, all beneficiaries, trustees, partners, directors or 10 percent shareholders of such entities.

Section 120. "Person" means any individual or entity, including any corporation or general or limited partnership.

Section 121. "Premises" means "Licensed Premises" means any place facility, or location on the Tribe's Lands which Class II or Class III gaming is conducted.

Section 122. "Primary Management Official" means:

- (a) The person or persons designated in any Management Contract pursuant to Sec. 303 as having management responsibility of all or any part of any Gaming Operation;
 - (i) To hire and fire employees of any Gaming Operation or
 - (ii) To set up working policy for any Gaming Operation; or
- (b) Any person who has authority:
- (c) The chief financial officer or other person has financial management responsibility for any gaming operation.

Section 123. A "Relative" of a person includes any of the person's spouse or cohabitant, parents, and children.

Section 124. "Tribe's Lands" means:

All lands within the jurisdictional limits of the Bishop Paiute Reservation

Section 125. "Tribal Gaming Agency" means: That Tribal entity designated by the Tribe to represent the Tribe for "Association- business under the Compact.

Chapter 2 - ORDINANCE

The BISHOP TRIBAL COUNCIL, is the duly elected governing body of the Bishop Paiute Tribe, a federally recognized tribe ("Tribe"), does hereby ordain as follows:

Section 201. Purpose

The Bishop Paiute Tribe (hereinafter "Tribe") a Federally recognized Sovereign Indian Tribe hereby enacts this ordinance to authorize and set terms for Class II and Class III gaming operations on Tribal Lands.

Section 202. Gaming Authorized

Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, U.S.C. Section 2703 (7) (a) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 1, 2004) is hereby authorized. Additionally, all forms of Class III gaming set forth in any Compact between the Tribe and the State of California are authorized.

Section 203. Ownership of Gaming

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

Section 204. License Required

A Tribal license shall be required for each place, facility, or location on Tribal Lands where gaming occurs pursuant to 25 C.F.R. 522.4 B. (6).

Section 205. Use of Gaming Revenues.

- (a) Net revenue from Class II and Class III gaming shall be used for the following purposes: to fund Tribal Government, promote Tribal economic development, donate to charitable organizations, or help fund operations of local government agencies.
- (b) If the Tribe elects to make per capita payments to Tribal members, as permitted under IGRA. Per Capita payments shall be made only pursuant to a plan established by a Tribal Resolution or Ordinance passed or adopted by the Bishop Indian Tribal Council, which Resolution or Ordinance shall be approved by the Secretary of the Interior as required under the IGRA. The interest of minors and other legally incompetent persons as defined under State law are entitled to receive per capita payments will be protected and preserved as required by the IGRA. (25 U.S.C. 2710 B. (3).)

Section 20S.Audit

- (a) The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission
- (b) All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in Subsection A. above.

Section 207. Protection of the Environment and Public Health and Safety.

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

Section 208. License for Class I and Class III Key Employees and Primary Management Officials, and Gaming Employees and Non-Gaming Employees.

All gaming employees, non-gaming employees, key employees and primary management officials shall apply for and be granted a Tribal gaming license prior to employment in the gaming operation. The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to anyone employed at any Class I or Class III gaming enterprise operated on Indian Lands:

A. Definitions

For the purpose of this section, the following shall apply.

1. Key Employee means: A person who performs one or more of the following functions:

- (1) Bingo caller, supervisor, cashier
- (2) Counting room supervisor, personnel, drop team personnel.
- (3) Chief of security,
- (4) Custodian of gaming supplies or cash;
- (5) Floor Manager;
- (6) Pit Boss;
- (7) Dealer,
- (8) Croupier;
- (9) Any Cashier;
- (10) Approver of credit; or
- (11) Any employee engaged in finance or accounting functions;
- (12) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
- (13) 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

2. Primary Management Official means:

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

B. Application Forms

1. The following notice shall be placed on the application form for a gaming employee, non-gaming employee, or primary management official before that form is filled out by an applicant:

"In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C.2701 et seq. The purpose of the requested information is to determine the eligibility of

individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a gaming employee, non-gaming employee, primary management official or key employee position,"

"The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing application".

2. The following notice shall be placed on the application form for a key employee or primary official before an applicant fills out that form.

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

3. Existing gaming employees, non-gaming employees, key employees and primary management officials who have not filled out application with the privacy act notice or false statement notice as described in section 208., B, 1 and 2 above shall be notified in writing that they shall either:

- (a) Complete a new application which contains the appropriate privacy act notice and/or false statement notice; or

- (b) Sign a statement that contains the privacy act and/or false statement notice.

- C. Background Investigations: No license shall be granted to any person or entity who has been determined to be a person or entity whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or by the carrying on of the business and financial arrangements incidental thereto.

D. License Application Minimum Requirements:

1. The Tribe shall request from each license applicant all of the following information:

- (a) Full name, other names used (oral or written), security number(s), birth certificate, place of birth, citizenship, gender, all languages (spoken or written);

- (b) Currently and for the previous 10 years; business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;

- (c) The names and current addresses of at least three personal references, including one personal references who was acquainted with the applicant during each period of residence listed under paragraph (a) (ii) of this section;
- (d) Current business and residence telephone numbers;
- (e) A description of any existing and previous business relationships with the gaming industry, including ownership interest in those business;
- (f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interest in those business;
- (g) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (h) For each felony for which there is an ongoing prosecution or a conviction, the charge, he name and address of the court involved, and the date and disposition if any;
- (i) For each misdemeanor conviction or ongoing prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- (j) For each criminal charge (excluding minor traffic charges), whether not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (a) (viii) or (a) (ix) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- (k) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (l) A current photograph
- (m) Any other information the Tribe deems relevant; and
- (n) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R., 522.2 (h). Fingerprints shall be required for employees defined as key employees and primary management officials only unless otherwise requested by the Tribal Gaming Commission.

NOTE:

The Bishop Paiute Gaming Commission will take fingerprints of applicants via LifeScan electronically which allows submission of the appropriate information to the FBI which meets FBI Appendix F Certification NIST Format. In lieu of the Bishop Paiute Gaming Commission fingerprint process the law enforcement agency that will take the fingerprints of applicants for key employees and primary management official positions will be the Inyo County Sheriff's Department, City of Bishop and/or the City of Bishop Police Department, City of Bishop, CA. Should the Bishop Paiute Gaming Commission elect to use the in lieu

of process, the Bishop Paiute Gaming Commission has executed a memorandum of understanding with the NIGC to process fingerprint cards through the FBI, as shown in Attachment A. The BPGC shall also sent a letter to NIGC requesting the number of fingerprint cards needed by the Tribe. Fingerprints processed through the N1GC must be taken on fingerprint cards bearing NIGC's ORI number. If the NIGC is responsible for processing the fingerprints. printed cards must be sent directly from the law enforcement agency that takes the fingerprints to the NIGC,

Section 209. Background Investigation of License Applicants Pursuant to Section 522.2 B. of the Rules and Regulations of the National Indian Gaming Commission.

The Tribe shall conduct an investigation sufficient to make a determination under Section 2.11. below. In conducting a background investigation, The Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

- A. Pursuant to any approved compact between the Tribe and the State of California any applicable procedures for Tribal licensing and/or State licensing or certification of all gaming Employees for the conduct of Class III gaming are hereby adopted and incorporated by reference.
- B. The minimum procedures for conducting background investigations on license applicants are:
 - 1. Criminal history check;
 - 2. Civil history check;
 - 3. Financial and credit check;
 - 4. Reference check;
 - 5. Previous business and employment check;
 - 6. Relative check;
 - 7. Business and personal associates check;
 - 8. Education verification;
 - 9. Document the disposition of all potential problem areas noted and disqualifying information needed.
 - 10. Any other investigation deemed necessary or appropriate by the Tribal Gaming Office.
- C. The Tribal Gaming Commission is primarily responsible for the conduct of the background investigation and suitability determination in consultation with the National Indian Gaming Commission;
- D. The Tribal Gaming Commission shall be responsible for conducting, reviewing and either approving or disapproving the investigative work;
- E. The Tribal Gaming Commission is responsible for reporting the results of the background investigation to the National Indian Gaming Commission for key employees and primary management officials only.
- F. For the purpose of obtaining necessary fingerprints for processing, the Tribal Gaming Commissioner and designated agents shall have Tribal law enforcement authority.
- G. Suitability determination and selection of Gaming Commission members is more specifically set forth later in this ordinance.

- H. The investigative reports shall set forth, in detail the:
- a. Steps taken in conducting the background investigation;
 - b. Results obtained;
 - c. Conclusions reached;
 - d. The basis for those conclusions.

Section 210. Application Fee

The Gaming office shall set a fee for applications, background investigations and license. All such fees shall be made payable to the Bishop Paiute Gaming Commission and delivered to the Bishop Paiute Tribal Fiscal Office.

Section 211. Eligibility Determination.

The Tribal Gaming Commission shall review a person's prior activities, criminal record, in any and reputation, habits and associations to make a finding concerning the eligibility of a gaming license applicant. If the Gaming Commission determines that licensing of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, or jeopardizes the integrity reputation of the Tribe or its Gaming Operation, a license shall not be granted.

Section 212. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Official to the National Indian Gaming Commission

- A. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Gaming Commission shall forward to the National Indian Gaming Commission a completed application for a gaming license and conduct the background investigation and make determination referred to in Section 211.
- B. The Tribal Gaming Commission shall forward the report referred to in Section 213 to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.
- C. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license.

Section 213. Report to the National Indian Gaming Commission

- A. Pursuant to the procedures set out in Section 209, the Tribal Gaming Commission shall prepare and forward to the National Indian Gaming Commission an investigative report for each background investigation. An investigative report shall include all of the following:
 1. Steps taken in conducting a background investigation;
 2. Results obtained;
 3. Conclusions reached; and
 4. The bases for those conclusions.
- B. The Gaming Commission shall submit, with the report, a copy of the eligibility determination made under section 211.

- C. If a license is not issued to an applicant, the Gaming Commission:
1. Shall notify the National Indian Gaming Commission;
 2. May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Records System.
- D. With respect to license applicants, the Tribal Gaming Commission shall retain applications for licensing and employment and reports (if any) or background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of denial or revocation of a license, or termination of employment, whichever is later.

Section 214. Granting a Gaming License.

- A. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, The Tribe may issue a license to such applicant.
- B. The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30day period under § A. of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
- C. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for who the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall consider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

Section 215. License Suspension

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

- A. The Gaming Commission shall notify the licensee of a time and place for a hearing on the proposed revocation of a license.
- B. After a revocation of the hearing, the Gaming Commission shall decide to revoke or to reinstate a gaming license. The Gaming Commission shall notify the National Indian Gaming Commission of its decision.

Section 216. Class III Gaming

In addition to the above, any Tribal-State licensing and/or certification requirement and procedures for Tribal licensing and/or State certification or licensing a Compact between the Tribe and State of California are adopted and incorporated herein by reference.

Section 217. Repeal

Upon approving this gaming ordinance by the Chairman of the National Indian Gaming Commission all prior gaming ordinances enacted by the Tribe are hereby repealed

Chapter 3
ADMINISTRATION AND ENFORCEMENT

Section 301. Unauthorized Gaming

Any person who commits any act of unauthorized gaming on this reservation shall be in violation of this Ordinance and shall be prosecuted in the appropriate court of competent jurisdiction. Prosecution for such a violation in other than Federal court is not meant to be exclusive; a finding of guilt or innocence shall not deprive the Federal government from jurisdiction.

Section 302. Ownership - Revenue To Benefit Tribe.

The Tribe shall have the sole proprietary interest in, and sole responsibility for, the conduct of the gaming activity. Such provision does not, however, limit the Tribe's ability to enter into a management contract wherein net profits are divided between the Tribe and other parties to the contract. The Tribe's share of net revenues will go entirely to the Tribe and will be used solely for the following purposes:

- a. to fund Tribal government operations or programs;
- b. to provide for the general welfare of the Tribe and its members;
- c. to promote Tribal economic development
- d. to donate to charitable organizations; or
- e. to help fund operations of local government agencies.
- f. Net revenues from the gaming establishment may be used to make per capita payments to members of the Tribe pursuant to a plan approved by the Secretary of Interior.

Section 303. Establishment of the Gaming Commission.

The Bishop Paiute Gaming Commission is hereby established. The Gaming Commission shall consist of three (3) members appointed by a majority vote of the BISHOP TRIBAL COUNCIL. A Gaming Commissioner shall serve for four (4) years commencing on the first of the month of their appointment and may be removed from office prior to the end of their term only for just cause and by a unanimous vote of the BISHOP TRIBAL COUNCIL. In order to establish any staggered terms, the Gaming Commission Member shall be appointed as follows: That two (2) the Gaming Commissioners appointed shall be designated by the BISHOP TRIBAL COUNCIL to serve an term of four (4) years, the other initial Gaming Commissioner serve a term of two (2) years. Thereafter, all successive terms of appointment shall run for four (4) years. Vacancies shall be filled within thirty (30) days of term limit by the BISHOP TRIBAL COUNCIL.

The BISHOP INDIAN TRIBAL COUNCIL shall establish such application procedures as it appropriate for members of the Tribe interested in serving on the Commission including

verification of application. The, Tribal Chairperson shall have the power to vote if only four members are present.

Section 304. Selection of Chairperson

The Gaming Commission Board shall appoint a Gaming Commission Chairperson, who shall chair all necessary hearings and meetings. If the Chairperson determines that meetings must be continued or postponed, the Chairperson may set the time and date for additional meeting/hearing times. The Chairperson shall communicate the scheduling of all meetings/hearings with the Gaming Commissioners.

Section 305. Quorum - Majority Vote

A quorum shall consist of two (2) members of the Gaming Commission present at a meeting duly called, shall constitute a quorum. All decisions shall be made by a majority vote of the Gaming Commission. The Commission Chairperson shall have the power to vote.

Section 306. Meetings and Hearings

The Gaming Commission shall not meet more than twice per month unless deemed necessary by the chairperson or at special request by the Commission. Should additional meetings be necessary, the Commissioners shall concur on mutually agreeable dates and times. Meetings and hearings shall take place on the Bishop Paiute Reservation. Meetings and hearing proceedings shall have official minutes recorded by the secretary or administrative assistant of the Gaming Commission. Records of board meetings and hearings shall be exempt from state subpoena.

Section 307. Gaming Commission Qualifications for Membership.

In order to qualify for appointment to the Commission, an applicant must satisfy all of the following requirements:

- A. Be a member of the Tribe.
- B. Be age 21 or older.
- C. Have at least a high school diploma. California High School Proficiency or GED equivalent education and have knowledge of or experience in the gaming industry.
- D. Have no prior record of conviction of, or entry of a plea of guilty or no contest to, any of the following in any tribal, county, state or federal court, unless he or she as been pardoned:
 1. A violent felony or felony as defined by the State of California as on one involving moral turpitude. A violent felony, as an example, does not include but not limited to any crime relating to a motor vehicle such as vehicular manslaughter or driving under the influence.
 2. Fraud, embezzlement or theft leading to conviction, judgment" or plea of nolo contendere. If there is any conflict between this subsection and D. (1) above, this subsection shall prevail.
 3. A violation of any provisions of any state gaming regulations, any rule promulgated by thee Lottery Board, California Horse Racing Board or other appropriate state regulatory body of any state, or this Ordinance or any other ordinance of the Tribe regulating or prohibiting gaming.

4. A conviction (as set out in D.) above will not preclude eligibility if the offense was entered as a judgment of more than ten (10) years prior to application submitted for the Commission position .
- E. The applicant has fulfilled all applicable requirements of IGRA and the Compact.
- F. Satisfactory proof that the applicant is of good character and reputation and is financially responsible
- G. A BISHOP INDIAN TRIBAL COUNCIL member may be appointed as a Commissioner during his/her Council term, up to ninety (90) days.
- H. Not be a relative of any member of the BISHOP INDIAN TRIBAL COUNCIL at the time of appointment. For the purpose of this section "relative" or immediate "family member" shall be defined as mother, father, son, daughter, brother, sister.
- I. Not be employed by any Gaming Operation.
- J. Not be a Primary Management Official or Owner or Controlling Person with respect to any Management Contract.

Section 308. Term.

Each Commissioner shall serve for a term of four (4) years commencing on the first of the month of their appointment after the Commissioners have been selected in accordance with Section 303.

Section 309. Purpose and Authority of the Gaming Commission

The Gaming Commission shall exercise powers necessary to effectuate the purpose of this Code. The Gaming Commission may exercise any proper power and authority necessary to perform duties assigned to it by this Code, and is limited by the enumeration of powers in the Gaming Commission Regulations. The Gaming Commission shall promulgate rules and regulations for the operation of any gaming establishment and shall hear and resolve all disputes regarding any provision of this Code. In all decisions, the Gaming Commission shall act to promote and ensure the integrity, security, honesty, and fairness of the operation and administration of gaming and ancillary activities of the gaming operation. The Gaming Commission shall have the power' and authority to deny any application; to limit, condition, suspend, or restrict any license; make a finding of suitability or approval of a license, or find suitable the imposition of a fine upon any person or entity licenses, for just cause deemed reasonable by the Gaming Commission.

Section 310. Independence

In all matters within its preview and responsibilities, the Commission shall be and shall act independently and autonomously from the Tribal Chairman and Tribal Council. No prior or subsequent review by the Tribal Chairman and Tribal Council of any actions of the Commission shall be required or permitted, except as otherwise explicitly provided in this chapter.

Section 311. Compensation

Commissioners shall be paid the necessary travel expense to meetings, a stipend, and any pre-authorized expenses by the BISHOP INDIAN TRIBAL COUNCIL, or may be paid an additional

stipend as authorized by the Commission budget as approved by the BISHOP INDIAN TRIBAL COUNCIL

Section 312. Removal.

Any Commissioner may be removed by an affirmative vote of four (4) of the members of the BISHOP INDIAN TRIBAL COUNCIL acting at a meeting. The Tribal Chairperson shall have the power to vote if only 4 members are present. Such removal shall only be for just cause, including malfeasance, neglect of duty, unexcused failure to attend three successive meetings of the Commission, failure to continue to meet the qualifications for appointment to the Commission. Any Commissioner being considered for removal shall be provided notice in writing stating the grounds for removal and he or she shall have 30 days to provide an explanation to the BISHOP INDIAN TRIBAL COUNCIL in person or in writing, which explanation shall be considered by the BISHOP INDIAN TRIBAL COUNCIL in voting on the removal in question. All removal questions shall be considered by the BISHOP INDIAN TRIBAL COUNCIL at or after the end of the 30-day notice period at which the Commissioner and his or her attorney shall have the right to be present. All BISHOP INDIAN TRIBAL COUNCIL determinations to remove a Commissioner shall be final. Under emergency conditions a Commissioner can be suspended pending final outcome of the removal hearing.

Section 313. Vacancies

A vacancy on the Commission through death, written or declared resignation, or removal from office shall be filled by appointment by the BISHOP INDIAN TRIBAL COUNCIL, within thirty (30) days to complete the un-expired term.

Section 314. Monthly Report

The Gaming Commission shall make at least monthly reports to the Council within thirty (30) days after the close of the month for which the information is being required. The report shall at a minimum include a full and complete statement of auditing activities, expenses and all other financial transactions of the Commission and summary of all licensing and enforcement actions.

Section 315. Prior Notice of Action

In promulgating, amending, and repealing regulations, the Gaming Commission shall give prior notice of the proposed action to all licensees and other persons whom the Commission has reason to believe a legitimate and bona fide interest in such proposed action. Said notice shall inform such persons as to the general nature of the proposed action and advise them as to the manner in which comments on said proposed action shall be received by the Gaming Commission. In emergencies, the Gaming Commission may adopt, amend or repeal any regulation if at the time the Commissioners determine such action is necessary for the immediate preservation of the public peace, health, safety, morals, and good order or general welfare, together with a statement of facts' constituting the emergency; providing the Gaming Commission shall schedule emergency action for a regular hearing as soon as possible not to exceed thirty (30) days after any such emergency action.

Section 316. RequeSt for Gaming Commission Action

The General Manager of the gaming operation may file a petition in a manner and form approved by the Gaming Commission requesting the amendment or repeal of a regulation. Upon receipt of the petition, the Gaming Commission shall within thirty (30) days schedule the matter for Consideration by the Gaming Commission pursuant to this chapter, and shall immediately forward a copy of the petition to the Tribal Council. The Gaming Commission will consult with the Tribal Council before ruling on any petition and will schedule the matter for hearing only if the Tribal Council disagrees with the Gaming Commission.

