

Section 317. Due Process, Appealing Commission Actions

Any Gaming Commission decision resulting in approving, disapproving, revoking, suspending, limiting or conditioning a license, or the imposition of other sanctions under this code shall be made by the Gaming Commission. Should an applicant or licensee disagree with the determination of the Gaming Commission. The Gaming Commission shall schedule a hearing within thirty (30) days from the date an applicant files his/her written appeal with the Gaming Commission.

Section 318. Gaming Commission Findings

Following such hearing, the Gaming Commission shall within three (3) working days reach a determination concerning:

A. The accuracy of the facts presented at the hearing;

B. Whether the license in question should be granted, denied, reinstated, suspended, revoked, conditioned, or limited; and

C. Whether any other action recommended to the Gaming Commission including, but not limited to fines and forfeitures, should be taken.

Section 319. Notification of Gaming Commission Decisions

Within ten (10) working days following this determination, the Gaming Commission shall inform the subject in certified written notice of the determination. All decisions of the Commission shall be subject to appeal to the BISHOP INDIAN TRIBAL COUNCIL, appeals must be received within fifteen (15) working days following the Gaming Commission's decision. The BISHOP INDIAN TRIBAL COUNCIL shall hold a hearing within ten (10) days following receipt of request for appeal from subject, the decision of the BISHOP INDIAN TRIBAL COUNCIL will be the final decision.

Section 320. Authority and Duties of the Commission.

The Commissioners shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all purposes of this Code relating to the regulation of all gaming activity. In all decisions, the Commissioners shall act to promote and ensure integrity, security, honesty, and fairness of the operation and administration of all gaming activity. The Gaming Commission duties shall include the Gaming Commission Regulations and the following:

A. The Commission shall have the primary responsibility for developing policies, guidelines and regulations for Class I and Class III gaming on the Tribe's Lands, including any amendments to this Ordinance, and for recommending to the BISHOP INDIAN TRIBAL COUNCIL for adoption.

B. The Commission shall monitor all Class II and Class III gaming on the Tribe's Lands and all Monthly reports and annual audits of such activities to insure that such activities conform to the provisions of this Ordinance and other applicable laws and regulations of IGRA, NIGC and any State/Tribal Compact.

C. Except as otherwise provided, the Commission shall issue and deny gaming licenses in accordance with Chapter 2 & 3 of this Ordinance. Each Commissioner shall read this Ordinance and keep current on all bulletins and notices received from Federal and State Agencies.

D. The Commission shall investigate all alleged violations of this Ordinance and recommend

actions to the BISHOP INDIAN TRIBAL COUNCIL.

- E. The Commission may recommend to the BISHOP INDIAN TRIBAL COUNCIL penalties for violations of this Ordinance in accordance with Chapter 11 of this Ordinance and any other actions to enforce the provisions of this Ordinance or to enjoin or otherwise prevent any violation of this Ordinance or other laws relating to gaming on the Tribe's Lands.
- F. The Commission shall prepare and recommend an annual budget for the purpose of allocating funds to the Commission for its necessary activities and expenses, which must be approved by the BISHOP INDIAN TRIBAL COUNCIL. The Commission may in accordance with any approved budget employ such staff as it deems necessary to fulfill its responsibilities under this Ordinance, and may retain legal counsel and other professional services including investigative services to assist the Commission with respect to any of the issues over which the Commission exercises jurisdiction.
- G. In addition to any procedures required under the Tribe's property and procurement manual or other policies, all contracts or non-contract purchases relating to gaming in the amount of \$25,000 or more shall be subject to approval by the BISHOP INDIAN TRIBAL COUNCIL upon the recommendation of the Commission.
- H. Be designated as the Tribal Gaming Agency as defined in Section 2.20 of the Compact and Section 125. of this Ordinance.
- I. The Commission shall have the primary responsibility of the Surveillance Department and shall develop minimal standards, policies and guidelines for rules of procedure for this Department.
- J. The Commission, performing its function as the Tribal Gaming Agency, is empowered by this Ordinance to impose fines or other sanctions against gaming licensees or other persons who interfere with or violate this Gaming Ordinance, including its regulatory requirements and obligations under IGRA, this Ordinance and the Compact. For further reference, as to the scope of the Commission's authority for the imposition of sanctions and/or fines.
- K. Negotiating contracts for payments by the Tribe for the provisions of security, surveillance, outside independent auditing services. Such contracts must be approved by the Tribal Council and shall not constitute a waiver of jurisdiction by the Tribe;
- L. Correspond with the National Indian Gaming Commission and do whatever is necessary to ensure compliance with the rules and regulations of that agency. Specifically, the Commission with the approval of the Tribal Council shall arrange for an annual outside audit of authorize gaming and will provide a copy to the National Indian Gaming Commission.
- M. The Commission will assure that all gaming activity is conducted in a manner which adequately protects the environment and the public's health and safety;
- N. The Commission will ensure that background investigations are conducted pursuant to Section 209 on all primary management officials, key employees, gaming employees and non-gaming employees of any gaming establishment and that oversight of such officials and their management is conducted on an on-going basis. The Commission will make suitability determinations on the granting of Tribal licenses for all of the gaming operation employees. The Commission shall immediately notify the National Indian Gaming Commission of the

issuance of such license for primary management and key employees. The Commission will review all license applications and background investigations to ensure that no person shall be eligible for employment if that person's prior activities, criminal record (if any), or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming or jeopardized the integrity or reputation of the Tribe or its Gaming Operation. The Commission shall notify the National Indian Gaming Commission of the results of such background checks before the issuance of such license to primary management officials and key employees.

- O. Hiring pursuant to the approval of the Tribal Council, such professional, clerical, technical and administrative personnel as may be necessary to carry out the provisions of this code.
- P. Inspect, review and copy all records, documents, equipment and facilities, or anything else necessary and pertinent to enforcement of any provisions of this code.
- Q. Make decisions and execute any sanctions on persons subject to the jurisdiction of this Code, as deemed necessary, appropriate and lawful.

Section 321. Right of Inspection

The Commission and his/her agents, inspectors, and employees have the authority:

- A. To inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are used, manufactured, sold or distributed;
- B. To inspect all equipment and supplies in, upon or about a gaming establishment, or inspect any equipment or supplies wherever located, which may, or have been used in the gaming establishment;
- C. Summarily seize and remove from a gaming establishment (or wherever located) and impound such equipment or supplies for the purpose of examination, inspection, evidence, or forfeiture;
- D. To demand immediate access to and inspect, examine and audit all papers, books, and records for applicants and licensees, and require verification of income and all other matters affecting the enforcement of the policy of or any of the provisions of this Code;
- E. To seize and impound any patron's winnings which the Commission has reason to believe may have been won or obtained in violation of this Code pending a civil forfeiture hearing on such seizure;
- F. The Commission shall each have full power and authority to issue subpoenas and compel the attendance of witnesses for hearing at any place within the Reservation, to administer oaths and to require testimony under oath. Any process or notice may be served in the manner provided for service of process and notices in civil action. The Commission may pay such transportation and other expenses of witnesses as it may deem reasonable and proper. Any licensee failing to comply with any subpoena shall be subject to immediate revocation of their gaming licenses.

Section 322. Confidentiality of Information

Each member of the Tribal Gaming Commission and each employee of the Gaming Commission shall be required to sign a confidentiality agreement, and will be responsible for ensuring the strictest standards of confidentiality with respect to information. All information provided to the Gaming Commission and all information obtained by the Gaming Commission in the performance of its duties, shall be kept confidential and shall not be disclosed to any person or organization without the written consent of the Gaming Commission. The Commission may refuse to reveal, in any court proceeding the identity of any informant, or the information obtained from the informant, or both the identity and the information.

Section 323. Powers of Delegation

The Bishop Paiute Gaming Commission may organize itself into a functional division as it may deem necessary and from time to time alter such plan of organization, as it may deem expedient. The Gaming Commission shall establish its own budget in conjunction with the Chief Financial Officer of the Tribe for operation and acquire such furnishings, equipment, supplies, stationery, books, motor vehicles, and other things as it may deem necessary or desirable in carrying out its functions, and incur such other expenses within the limit of funds available to it, as it may deem necessary subject to the approval of the Bishop Indian Tribal Council. The Gaming Commission shall employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Gaming Commission may require. The Commission shall keep and maintain a file on all applications for licenses under this chapter, together with a record of all actions taken with respect to such applications. The Commission shall keep and maintain such other files and records as they deem appropriate.

Section 324. Sanctions.

Any person who engages in activities on property subject to the provisions of this Gaming Code without a license, in violation of any license or terms imposed thereon, in violation of terms of suspension, or in violation of the Code, including any person who unlawfully trespasses upon any premises licensed by this Code without the consent of the licensee and/or the Gaming Office shall be in violation of this Code and be subject to sanctions in accordance with the provisions of Section 3.25 hereinafter.

Section 325. Limitations Period

No fine shall be assessed nor any action taken for any violation under preceding section unless the action is initiated within two (2) years of the commission of the offense.

Section 326. Violation of Code - Punishment

Any violation of this Code may be punished by a fine of not more than five thousand dollars (\$5,000.00) for each separate count or violation. Each day of violation shall constitute a separate count or violation under this Code. A violator may also be required to pay costs, storage fees, and auction or sales fees. All property used or which may be used in activities in each and every separate violation of this Code may become the property of the Tribe; persons may be prohibited from trespassing on premises licensed under this Code, licenses may be suspended, revoked, or limited and the gaming establishment may be closed. All such action shall be taken at the discretion of the Gaming Commission, subject to the right of appeal to the Bishop Indian Tribal Council. Winnings received that have been found to be in violation of this Code shall be forfeited and become property of the Tribe.

Section 327. Due Process Regarding the Enforcement Actions

The Gaming Commission shall promulgate regulations protecting due process rights of all individuals subject to the enforcement of this Code. Such regulations shall, at a minimum:

- A. Provide standards for emergency or summary suspension of license;
- B. Provide fair notice and opportunity for a hearing before the Gaming Commission regarding Any revocation or suspension of license, and regarding any enforcement action taken pursuant to this Code; and
- C. Provide the right to appeal, de novo, any Gaming Commission disciplinary or enforcement action to the Bishop Indian Tribal Council.

Section 328. Patron Disputes

- A. Refusal to Pay Winnings. Whenever the Gaming Facility Operator refuses payment of alleged winnings or machine credits to patron, and the Gaming Facility Operator and the 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 Facility Operator shall immediately notify the Gaming Commission. The Gaming Commission shall conduct an investigation as it deems necessary and shall determine whether payment should be made; or
 2. Less than five hundred dollars (\$500) and the patron and operator do not come to an agreement, the Gaming Facility Operator shall inform the patron of his or her right to request that the Gaming Commission conduct an investigation. Upon request of the patron, the Gaming Commission shall conduct an investigation if necessary and shall determine whether payment should be made.
 3. Notice to Patrons. The Gaming Commission shall mail written notice by certified mail, return receipt requested to the Gaming Facility Operator and the patron of the decision resolving the dispute within thirty (30) days after the date that the Gaming Commission first receives notification from the Gaming Facility Operator or a request to conduct an investigation from the patron. Such notice shall include an explanation of the decision.
 4. Effective Date of Decision. The decision of the Gaming Commission is effective on the date it is received by the aggrieved party as reflected on the return receipt.
 5. Review of Decision. Within thirty (30) days after the date of receipt of the written decision, the aggrieved party may file a petition with the Bishop Indian Tribal Council. Upon receipt of the petition the Chairperson of the Bishop Indian Tribal Council shall immediately forward a copy of the petition to the Gaming Commission. The Bishop Indian Tribal Council shall promulgate procedures to determine whether patron disputes are eligible for a hearing and for the conduct of any hearing. The Bishop Indian Tribal Council shall take into consideration the prior decision and other documentation provided to it by the patron, the Gaming Commission. The Chairperson of the Bishop Indian Tribal Council shall then issue a written decision ana mail it to the parties pursuant to the procedure set forth in Section 327 (B). The Decision of the Bishop Indian Tribal Council shall be final and binding upon the patron and the Gaming Facility Operator and shall not be subject to judicial review, the dispute resolution or other legal action.

Section 329. Independence of the Gaming Commission

The Gaming Commission, Gaming Commission Employee's members of the Council and their immediate families shall receive no personal compensation, gift, reimbursement or payment of *any* kind from any person doing or wishing to do. business with the Tribe relating to gaming nor with any person wishing to obtain an unfair advantage in any authorized wager on gaming. Any property received in violation of this provision, including cash payments, shall be immediately forfeited to the Tribe and the offending persons shall be prosecuted to the fullest possible. The Gaming Commission shall cooperate to the fullest extent possible with any Federal or State law enforcement agency to pursue prosecution under applicable Federal or State law.

Chapter 4. - LICENSING PROCEDURES

Section 401. Issuance of a Tribal Gaming License.

The Gaming Office shall consult with appropriate law enforcement officials concerning any gaming licenses it may issue. If, after issuance of a gaming license by the Gaming Commission Office, reliable information is received that a licensed employee does not meet the standard established under Section 2.11 of this Code, the Gaming Commission/Office shall suspend such license.

Section 402. Non - Transferability of License

Any license issued pursuant to the provision of this Code is valid only for the person or entity at the place of business shown on the face thereof. It is not assignable or otherwise transferable to any other person or entity for any other location without approval of the Gaming Commission.

Section 403. Granting of a License.

The Commission, upon completion of appropriate background investigation and suitability determination shall either grant or deny a license. The issuance of a license shall be done only provided that,

- A. A completed license application has been received;
- B. All applicable licensing fees have been paid and/or payroll deduction form signed.
- C. No objection has been raised by Federal or State Gaming Officials.

Section 404. Suitability Determination, License Denial.

The Gaming Commission may grant a license to any applicant who has been convicted of any felony or gaming offense, [per Tribal/State Compact Section 6.4.4(c), (d)] or [Tribal Gaming Commission Regulation Section 003 §X. (5), & (6)]. The Gaming Commission may deny a license to any applicant (employee or vendor), or may suspend or evoked the license of any employee or vendor who:

- A. Has knowingly and willfully provided false statements or information or omitted material information on his or her license application; or
- B. Is determined to be a person whose prior activities, criminal record if any, or reputation, habits. and associations pose a threat to the public interest or the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, and methods, and activities in the conduct of gaming or the carrying on of the business and

financial arrangements incidental thereto, or jeopardized the integrity or reputation of the Tribe or its Gaming Operation; or

- C. Has violated, failed *or* refused to comply with the provisions of this Ordinance, the Compact, or any provision of any Federal, State, or Tribal Gaming Regulations, or when any such violation has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;
- D. Knowingly causes, aids, abets, or conspires with another to cause any person or entity to violate any of the laws of this Tribe, State or the applicable rules of the Tribe, State or Gaming Office, or the provisions of the Compact;
- E. Has obtained a State Gaming License or certification or Tribal Gaming license by fraud, misrepresentation, concealment or through inadvertence or mistake;
- F. Has been convicted of, or forfeited bond upon a charge of, or plead guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payment or reports to any Government, whether Tribal, State or the United States; or of any crime, whether a felony or misdemeanor, involving any gaming activity, misappropriation funds or physical harm to individuals or moral turpitude;
- G. Makes misrepresentation of, or fails to disclose material fact to the Federal, State, of Tribal Gaming Regulatory authorities;
- H. Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under subsection (f) of this section; provided that the Gaming Commission may defer decision upon application during the pendency of such prosecution or appeal;
- I. Has had a gaming license issued by any State or Tribe in the United States revoked or denied;
- J. Has demonstrated a willful disregard for compliance with Gaming Regulatory authority in any jurisdiction, including suspension, revocation, or denial of application or forfeiture of license;
- K. Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal laws of any state if such pursuit creates probable cause to believe that the participation of such person in gaming or related activity would be detrimental to the proper operation of an authorized gaming or related activity in this State. For the purposes of this paragraph, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;
- L. Is a career offender or a member of a career offender organization or an associate of a career offender or career offender organization in such a manner which creates probable cause to believe that the association is of such a nature as to be detrimental to the proper operation of the authorized gaming or related activities in this State. For the purpose of this paragraph, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purposes of economic gain utilizing such methods as are deemed criminal violations of Tribal law, Federal law or the laws and the public policy

of this State. A career offender organization shall be defined as *any* group of persons who operate together as career offenders;

- M. Is a person whose prior activities, criminal record, if any reputation, habits and associations pose a threat to the public interest of the Tribe or to the effective regulation and control of Gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods. and activities in the conduct of gaming, or the carrying on of the business and financial arrangements incidental thereto; or
- N. Fails to provide any information requested by Gaming Commission office within fourteen (14) days of the request for the information.

Section 405. License and Regulation of Class III Gaming Activities: Tribal - State Compact Compliance.

The Gaming Office shall follow every and all of the requirements for licensing and regulation of Class III gaming pursuant to the terms and conditions of any Compact between the Tribe and the State of California.

Section 406. Failure of Applicant to Disclose Material Information.

An applicant licensing shall make true and full disclosure of all information to the Gaming Commission necessary or appropriate to carry out the policies of the Tribe relating to licensing and control of the gaming operation. It is the duty of applicants to disclose all information material to whether the applicant s involvement with gaming would jeopardize or compromise the Tribal interest, whether or not the applicant has been specifically requested to provide the information. It shall constitute a violation of this Code to fail to disclose to mislead or to misstate any such material information to the Gaming Commission.

Section 407. Temporary Employment Licenses.

The Gaming Commission may issue a temporary license to any person or entity applying for a license to work. in or do business with a licensed gaming establishment, which shall be valid pending the completion of a background investigation of the applicant. In no event shall such temporary license be valid for longer than 180 days.

Section 408. Parameters of Licenses.

Violation of any material provision of this Code or any Gaming Commission regulations by a licensee, its agent, or employee shall be deemed contrary to the public health, safety, morals, good order and general welfare of the BISHOP PAIUTE TRIBE and the inhabitants of the BISHOP PAIUTE INDIAN RESERVATION, and shall be deemed grounds for refusing to grant or renew a license, suspension or revocation of a f1icense, or shall constitute grounds for the imposition of sanctions by the Gaming Commission and/or Office. If the Commission elects to resolve disputes in a manner other than revocation of a license. such agreement shall be made in writing and supersede any conflicting provisions of this section. so long as the agreement provides a reasonable avenue for the Tribe to ensure a licensee's compliance with all other aspects of this Gaming Code. Acceptance of a gaming license or renewal on the part of the licensee's agreement to be bound by all regulations and conditions of the Gaming Commission or Gaming Commission Office and by the provisions of this Code as the same are now, or may hereafter be amended or promulgated, and to cooperate fully with the Gaming Commission and/or Office. It is the responsibility of the licensee to keep informed of the contents of such regulation. amendments, provisions, and conditions, and ignorance thereof will not excuse violations. All licenses shall have not more than a two-year duration and will require renewal thereafter in accordance with procedures set forth by the Gaming Commission.

Section 409. Licensing of Vendors.

The Gaming Commission Office may authorize, require, and issue such licenses as the Gaming Commission Office by regulation may provide, to any person or entity to engage in the selling, distributing, or otherwise supplying of gambling equipment or paraphernalia, gaming services, and any other equipment, supplies, material, etc. for use in connection with the licensed Gaming Facility or operation.

Section 410. Licensing of Gaming Facility.

Each Tribal Gaming Facility shall be licensed by the Gaming Commission. Prior to the issuance of a facility licensee the Gaming Commissioner shall:

- A. Determine that the facility is constructed in conformance with all applicable building codes;
- B. Ensure that Security and Surveillance systems are in place adequately provide for the safety and security of employees and patrons and for the protection of Tribal assets;
- C. Ensure that all employees are properly licensed and that the facility is otherwise in compliance with all applicable gaming laws and regulations.

Section 411. License Fees.

Licensing fees shall be established by the Commission and approved by the Tribal Council.

Section 412. Gaming Commissioner and Commission Employees.

The Gaming Commissioner's and Gaming Commission employees shall not require licensing unless otherwise provided for by a Compact. However, eligibility for employment will be at least as stringent as that for any licensing of a management contractor or primary management official.

**Chapter5
Management Contract**

Section 501. Management Contract

The Tribe or chartered corporation established for the purpose of operating Tribal gaming may enter into any contract or other agreements to further its gaming interest, including one or more Management Contracts. Each Management Contract shall designate the person or persons having responsibility for management of all or part of any Gaming Operation. Management Contracts and other gaming-related contracts shall contain such provisions as are required under Tribal Gaming Commission Regulations, IGRA and the Compact, shall be submitted to the NIGC or other appropriate state regulatory body for approval if required by the Compact. All such contracts shall be effective pending review by the NIGC, other appropriate federal regulatory body, and/or the Lottery Board or other appropriate state regulatory body.

Chapter 6

Auditing, Fiscal Oversight, and Internal Controls

Section 601. Minimum Procedures for Control of Internal Fiscal Affairs.

The Gaming Commission shall promulgate regulations for internal controls and fiscal audits of all gaming operations. At a minimum, those regulations shall:

- A. Prescribe minimum procedures for safeguarding the gaming operation's assets and revenues, including recording of cash and evidences of indebtedness and mandatory count procedures. Such procedures shall establish a control environment, accounting system, and control procedures that safeguard the assets of the organization, assures that operating transactions are properly recorded, and encourage adherence to prescribed policies;
- B. Prescribe minimum reporting requirements to the Gaming Commission;
- C. Provide for the adoption and use of internal audits by Commission auditors and Certified Public Accountants licensed to practice accounting in the State of California.
- D. Ensure that a uniform code of accounts and accounting classification are formulated to assure consistency, comparability and effective disclosure of financial information. Such code shall require that records be retained that reflect statistical drop (amount of cash wagered by patrons), statistical win (amount of cash won by the gaming operation) and the percentage of statistical win to statistical drop, or provide similar information, for each type of game or each gaming device;
- E. Prescribe the intervals at which such information shall be furnished;
- F. Provide for the maintenance of documents (i.e., checklists, transaction forms, programs, reports, etc.) to evidence all internal work performed as it relates to the requirements of this section; and
- G. Provide that all financial statements and documentation referred to in section (f) be maintained for a minimum of five (5) years.

Section 602. Gaming Commission Oversight of Internal Fiscal Affairs.

The Gaming Commission shall, by regulation ensure the conduct of audits of the financial statements of all gaming operations at least annually. Such audits must:

- A. Be made by outside independent Certified Public Accountants holding a permit issued by the State of California to practice public accounting, such accountants shall be selected by and contracted with the Gaming Commission.
- B. Include an opinion that the financial statement fairly and accurately presents the financial condition of the gaming operation in accordance with generally accepted accounting principals (GMP) and in accordance with the Governmental standards of Accounting and the gaming auditing standards established by the American Institute of Certified Public Accountants;
- C. Disclose whether the accounts, records and control procedures maintained by the gaming operation are as required by the regulation promulgated by the Gaming Commission; and
- D. Provide for preliminary review of the internal control structure upon adoption of the

policies and procedures by the entity, provide an opinion regarding the adequacy of controls, to disclose any deviation from prescribed rules and regulations, and report such findings to the Gaming Commission, Tribal Council and Management.

Section 603. Gaming Commission's Right to Conduct Audit.

The Gaming- Commission shall be able to retain its own staff auditors and accountants, or contract an accountant(s), to conduct its own audits of any gaming operation.

Section 604. Prohibition Against Embezzlement.

Any delay, maneuver or action of any kind which in the opinion of the Gaming Commission is effectuated by any licensee to unlawfully divert gaming or other proceeds properly belonging to the Tribe shall constitute grounds for taking sanctions against that licensee. If the Gaming Commission finds an unlawful diversion was conducted or attempted, it shall sanction the licensee. Sanctions may include fining, revoking, suspending, limiting or refusing to renew the license, or prosecution

Chapter 7 Authorization of Gaming

Section 701. Prohibition Against Gaming.

No person licensed by the Gaming Commission shall engage, conduct or condone any game unless such game is approved by the Gaming Commission and regulation for rules governing such game have been duly promulgated by the Gaming Commission and approved by the Tribal Council.

Section 702. Grace Period.

The prohibition contained in Section 701 shall not apply to those games already being played as of the date of enactment of this Code, provided however, that the licensee conform to the rules promulgate hereunder within five (5) days of such promulgation.

Section 703. Authorization of Gaming.

The Gaming Commission may authorize the playing of any Class II game not prohibited by the laws of the State of California. The Gaming Commission shall promulgate regulations for rules governing all authorized games, including regulations governing the equipment (chips, dice, cards, tiles, devices, etc.) used in such game. Any provision in the Tribe's Compact with the State of California providing for testing, notice to, and comment from the State, shall be complied with before any game is authorized by the Gaming Commission. When there is reasonable cause to question the classification of a game (i.e. Class " or Class III) the Gaming Commission shall authorize such games to be conducted as Class II, unless or until the National Indian Gaming Commission rules otherwise or until a court of competent jurisdiction has ruled otherwise.

Section 704. Approval of Gaming Equipment

The Gaming Commission shall have the discretion to review and approve all gaming equipment and other devices used in the gaming operation as to quality, design, integrity, fairness, honesty, and suitability.

Chapter 8 Barment or Exclusion of Individuals

Section 801. List of Undesirables.

The Gaming Commission may, by regulation, provide for the establishment of a list of persons who are to be excluded or barred from any duly licensed gaming operation. The list may include any person whose presence in the gaming establishment is determined by the Gaming Commission or BISHOP PAIUTE TRIBE to pose a threat to the interest of the Tribe, the gaming public, or to licensed gaming.

Section 802. Prohibition Against Listed Individuals.

It shall be a violation of this code for any licensed employee to knowingly fail to exclude or bar from the gaming establishment any person(s) placed on the list referred to in Section 801. It shall be a violation of this Code for any person whose name appears on the list referred to in Section 801 to enter or into or engage in any game at a duly licensed gaming establishment, and any such presence shall be considered trespassing.

Section 803. Prohibition Against Certain Individuals.

It is a violation of the Code for any licensee who knowingly fails to exclude or bar from the gaming establishment any individual who is under the age of eighteen years and engaging in gaming activity.

Chapter 9 Unlawful Acts

Section 901. It is Unlawful for any Person.

- A. To alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is determined but before it is revealed to the players;
- B. To place, increase or decrease a bet to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or knowledge of any event that affects the outcome of the game or knowledge that is the subject of the bet or wager;
- C. To aid anyone in acquiring such knowledge as set forth in subparagraph B., for the purpose of increasing or decreasing a bet or wager, or for the purpose of determining the course of play contingent upon the event or outcome;
- D. To claim, collect or take or attempt to claim, collect or take money or anything of value in or from a gambling game with intent to defraud, without having a wager contingent thereon, or to claim, collect or take an amount greater than the amount won;
- E. Knowingly entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gambling game;
- F. To increase a bet or wager after acquiring knowledge of the outcome of the game or event which is subject of the bet or wager, including past - posting and pressing bets;

- G. To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or event which is the subject of the bet or wager, including pinching bets; and
- H. To manipulate with intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purposes for the component, with knowledge or hope that the manipulation affects the outcome of the game or prize or with knowledge of any event that affects the outcome of the game or prize;
- I. To solicit funds or anything of value from any patron or employee;
- J. To unlawfully take or attempt to take any chips, coin(s), token(s), machine credits, currency, or anything of value from any patron or employee on the premise;
- K. To refuse to leave the gaming establishment when appropriately advised to do so by a member of Management, Security or the Tribal Gaming Commission;
- L. To damage or attempt to damage either intentionally or negligently any property, gaming device or equipment, or any article belonging to the Tribe, patron, employee or Tribal corporation;
- M. Under the age of 21 years of age to make any wager either directly or indirectly in any Class II or Class III gaming activity;
- N. To either intentionally or negligently cause injury or harm to any patron, or employee or threaten to do so;
- O. To possess any chips, tokens, cards, device, paraphernalia, etc., that could reasonable be concluded as useful in cheating, defrauding, manipulating or altering any game, gaming device equipment, machine, computer, or supplies;
- P. For any employee to aid, conspire, collude or assist in any way any other employee or patron to win or have any unfair advantage to win or otherwise acquire anything of value unfairly.

Section 902. Prohibition Against Electronic Aids

Except as specifically permitted by the Gaming Commission, no person shall possess with the intent to use, or actually use at any table game, either by himself or in concert with others any calculator, or computer or other electronic, electrical or electromechanically device to assist in projecting an outcome at any table game, to keep track, of or analyze the cards having been dealt, to change the probabilities of any table game or the playing strategies to be utilized.

Section 903. Violations and Sanctions

Any patron or employee who commits any violation of this chapter shall be deemed to have committed a violation of this code. If the Gaming Commission should have reasonable cause to believe any such violation was committed, it may impose licensing sanctions, fines, prosecution and exclusion.

Chapter 10

National Indian Gaming Commission

Tribal - State Compact

Sections 1001. National Indian Gaming Commission - Regulations

Notwithstanding any provision of the Gaming Code or any regulation promulgated thereunder, The Tribal Gaming Commission is fully empowered to comply with all regulations promulgated by the National Indian Gaming Commission, (NIGC), including but not limited to, all requirements to report ordinances, contracts, license applications, background checks, and other information to the National Indian Gaming Commission. The Bishop Paiute Gaming Commission shall also serve as the designated agent as required under the National Indian Gaming Commission regulation.

Section 1002. National Indian Gaming Commission - Assessment

Notwithstanding any provisions in the Gaming Code or any regulation promulgated thereunder, the Tribal Gaming Commission is fully empowered to ensure compliance with all assessments authorized by the National Indian Gaming Commission. Such assessment shall be directed to be paid by the gaming operation.

Section 1003. Compact with the State of California

Notwithstanding any provision in this Gaming Code or any regulation promulgated thereunder, the Gaming Commission is fully empowered to comply with the provisions of any compact between the Tribe and the State of California.

CHAPTER 11

Miscellaneous

Section 1101. Security

Each licensed gaming establishment must provide for reasonable security. All security personnel must be licensed by the Gaming Commission

Section 1102. Surveillance

The Gaming Facility shall provide surveillance equipment, supplies and space deemed necessary by the Tribal Gaming Commission for the reasonable protection of patrons, employees and Tribal assets. All surveillance systems, equipment, rooms, etc., shall be under the control and jurisdiction of the Tribal Gaming Commission. All surveillance staff shall be employees of and report only to the Tribal Gaming Commission.

Section 1103. Maintenance of Code and Regulations

Each licensee shall obtain, maintain and keep current a copy of the Gaming Code and regulation promulgated there-under, which shall be located at the premises used for the conduct of any licensed gaming activity. The code and regulation shall be produced by the licensee and shown to any authorized person upon demand. That licensee may not have a current copy of the Code, or each regulation the Gaming Commission, shall not in way diminish the licensee's obligation to abide by the Code and regulation.

Section 1104. Compliance with other laws

The construction, maintenance and operation of any facility in which gaming and related activities are to take place shall be in a manner which adequately protects the environment and the public health and safety and shall comply with any otherwise applicable and Federal laws relating to environmental protection and public health and safety.

Section 1105. Amendments

All provisions of this Gaming Code are subject to amendment by the Bishop Paiute Indian Tribal Council. All regulations promulgated by the Gaming Commission are subject to proper revision, repeal or amendment by the Gaming Commission.

Section 1106. Severability

If any provision of this Code, or its application to any purpose or circumstance, is held invalid by a court of competent jurisdiction, the full remainder of the provision, or the application of the provision through another person or circumstance, shall not be affected. If any provision of this Code is determined to be in conflict with any Federal or State Gaming laws or regulation, or future Tribal - State Compact, the applicable Federal or State laws and regulations or Compact provisions shall prevail as applicable to that conflicting provision of this Code only. The remainder of this Code shall remain valid and in effect.

Section 1107. Designated Agent

The designated agent for notice to any official determination, order, or notice of violation by the NIGC as required by 25 C.F.R. 519.1 is the Tribal Gaming Commissioner;

Section 1108. Law Enforcement

This Tribal Gaming Ordinance shall take effect when signed by the Tribal Chairman and upon receipt of approval of the Chairman of the National Indian Gaming Commission. Upon receipt of approval of the Chairman of the National Indian Gaming Commission the Tribal Gaming Ordinance shall supercede and replace any and all other "Tribal Gaming Codes, Ordinances, laws, resolutions previously adopted or enacted by the Councilor Chairman of the Bishop Paiute Tribe of Indians .

Section 1109. Right to Exclude any Person from the Premises at Ay Time.

Any person may be excluded from the premises for good cause at any time at the direction of any primary management official, general manager or authorized representative or Director of Security or Gaming Commission, pursuant to the authority conferred under this Ordinance and of the Tribal State Compact.

Section 1110. Permissible Alcohol Beverage.

No person shall have in his or her possession any opened alcohol beverage on any premises except for such beverage as are purchased from the Tribe or its authorized agents for on-sale consumption in accordance with licensing and other requirements and laws of the Tribe. Possession and consumption of such beverages is to be confined to such areas as are specifically defied by the BISHOP INDIAN TRIBAL COUNCIL.

Section 1111. Prohibited Substances.

No person shall have in his or her possession any substance prohibited by Tribal, Federal, State laws while on the premises.

Section 1112. Persons under the Influence of any Alcohol or Prohibited Substance.

No person under the influence of any alcoholic beverage or prohibited substance (unless prescribed) shall be allowed on any premises, unless authorized by Tribal Ordinance.

Section 1113. Firearms.

No person shall have in his or her possession any firearm on any premises. This section shall not apply to on duty law enforcement officers or security personnel employed by the Tribe in its gaming operation. Upon entry to any gaming operation, those carrying firearms shall register them at the cashier's office on a form prescribed for such purpose.

Section 1114. Disorderly Conduct.

No person shall engage in conduct which is violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly under circumstances in which the conduct tends to cause or provide disturbance on any premises.

Section 1115. Enforcement.

Any person who violates any of the above subsections shall be asked to leave the premises. If any person so requested to leave refuses to promptly leave the premises, any of the Tribe's authorized law enforcement officers or security personnel shall be called to escort such person from the premises.

Section 1116. Transportation Providers.

No person providing conveyance on Tribal Lands or whose destination is Tribal Lands, shall not be permitted to transport any gaming machines, without the consent of the Bishop Paiute Gaming Commission.

Section 1117. Agent for Process.

The agent for Service of Process shall be the Tribal Chairperson.

Chapter 12 - Rescinding of Prior Ordinances

This Tribal Gaming Ordinance shall supercede and replace any and all other Tribal Gaming Codes, Laws and Resolutions previously adopted or enacted by the Bishop Indian Tribal Council and any prior Ordinance dealing with the subject of gaming

Chapter 13 - Effective Date and Certification

This Tribal Gaming Ordinance shall take effect upon its adoption by a four (4) out five (5) vote of the BISHOP INDIAN TRIBAL COUNCIL at a duly convened meeting. Signed by the Tribal Chairman and upon receipt of approval of the Chairman of the National Indian Gaming Commission.

Dated: 27 Dec 06

As Amended: _____

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Leland Watterson, Chairman Bishop Paiute Tribe

29 Dec
Date



BISHOP TRIBAL COUNCIL

RESOLUTION NO. T2006-48

SUBJECT: Authorization of Tribal Council Chairman to sign approval of Amended Gaming Ordinance of the Bishop Paiute Tribe

WHEREAS, the Bishop Paiute Tribe is a Federally recognized sovereign Tribe (The Tribe) and as such is authorized to exercise its Sovereignty. By enacting its own laws governing its own affairs on the Bishop Paiute Reservation, and

WHEREAS, the Tribe wishes to engage in Class II and Class III gaming activity on its reservation Lands as authorized by 25 U.S.C. § 27702 (The Indian Gaming Regulatory Act), and

WHEREAS, pursuant to the Act and 25 CFR § 522, The Tribe must enact a Tribal Gaming Ordinance authorizing such desired gaming activity and after such enactment, the Tribe shall additionally be required to submit any such Ordinance to, and receive approval from, the Chairman of the National Indian Gaming Commission (NIGC), and

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Bishop Paiute Tribe hereby approves and enacts the attached amended Tribal Gaming Ordinance,

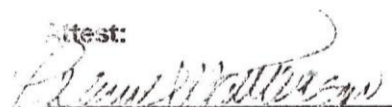
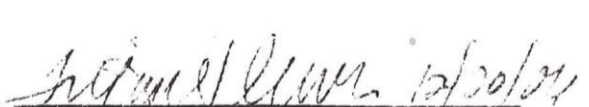
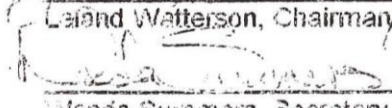
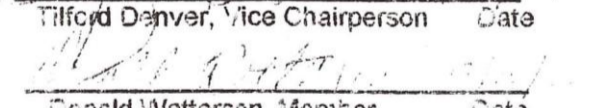
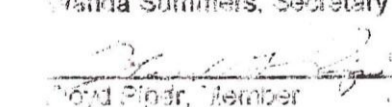
BE IT FURTHER RESOLVED, that the Tribal Council designates the Chairman of the Bishop Paiute Tribe, or in the absence the Vice Chairman, as authorized to affix his/her signature on the Ordinance signifying approval.

BE IT FURTHER RESOLVED, that upon Tribal Governmental approval of the Ordinance, the Bishop Paiute Gaming Commission is directed to engage in all additional necessary Communications with the National Indian Gaming Commission (NIGC) to secure the required approval of the Chairman of NIGC.

CERTIFICATION

This is certify that this resolution, at which a quorum was present, was approved by the Bishop Indian Tribal Council at duly called Bishop Tribal Council meeting on the 14th day of December, 2006 and that this resolution has not been rescinded or amended in any way,

Attest:

	
Leiland Watterson, Chairman	Tilfloyd Denver, Vice Chairperson
	
Wanda Summers, Secretary	Donald Watterson, Member
	
Lloyd Pinder, Member	

