



**Professionalism**

**Accountability**

**Integrity**

**Respect**

**8/10/2022**

## **Squaxin Island Tribal Gaming Regulations**

### **Mission**

**Exercising Tribal sovereignty by governing and regulating gambling activities licensed or allowed by the Tribe.**

### **Vision**

**Squaxin Island Gaming Commission seeks to ensure a safe, fair and ethical gaming experience.**

**Squaxin Island TGRA**

**91 W. Hwy. 108  
Shelton, WA 98584**

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# ARTICLE I - GENERAL PROVISIONS

## 1.1 Purpose and Authority

The Squaxin Island Gaming Ordinance as adopted and amended by the Squaxin Island Tribe (Tribe) establishes the Squaxin Island Gaming Commission (Commission) as the regulatory body in regards to matters relating to the Tribe's Gaming Operations (TGO). The Gaming Ordinance authorizes the Commission to adopt, amend and repeal rules and regulations relating to its regulatory duties. These Regulations are intended to establish policies related to the proper regulation and supervision of such gaming and to ensure: (1) the honesty of TGO; (2) the qualifications of persons and entities involved in the gaming operation; (3) the protection of the revenue properly due and owing to the Squaxin Island Tribe from gaming activities; and (4) compliance with and enforcement of all applicable Federal, State and Tribal rules, regulations and policies. The following represents regulations duly adopted by the Commission.

The definitions of words and terms set out in the Squaxin Island Gaming Ordinance, as amended, the Squaxin Island and Washington State Tribal Gaming Compact, as amended, the Indian Gaming Regulatory Act (25 USC 2701), as amended, and the National Indian Gaming Commission Rules and Regulations, as amended, are all by reference incorporated herein, are hereby adopted. Additional, or clarification of definitions are included within this regulatory document and unless not otherwise precluded by law, and in the event there is conflict in regards to the definition of a word or term, priority and use shall be given in the following order: (1) the Squaxin Island Gaming Ordinance; (2) this regulatory document; (3) Squaxin Island Tribe and Washington State Compact; (4) the National Indian Gaming Commission (NIGC) rules and regulations; and (5) the Indian Gaming Regulatory Act (IGRA), 25USC 2701 et.seq.

Rule making process for regulations:

Changes and/or additions to these regulations are proposed by the Director of the Tribal Gaming Regulatory Authority (TGRA). The Chief Executive Officer of the TGO may request changes to these rules by submitting a written request for additions or changes to the Director of the TGRA. Rule approval process must allow for the following:

- A 30 day review of changes by TGO where comments may be provided to TGRA
- A 30 day drafting period where TGO provides feedback to TGRA
- A review from Legal Staff
- A review from the Commission
- Final Adoption vote -TGO and TGRA may present issues or reasons before the Commission.
  - TGRA will notify TGO of the date for vote and final adoption.



Unless an articulable exigent circumstance is communicated to the Commission, no rule will be changed or approved without abiding by the rule making process outlined above taking a minimum of 60 days for the process from the date of notification of rule changes proposed to TGO. In the event a rule is adopted before the rulemaking process is complete due to an articulable exigent circumstance, TGRA will initiate or complete the process as soon as practicable after adoption and consider in good faith any revisions proposed by TGO.

## 1.2 Definitions

**“Ancillary Sports Wagering Vendor”**- Any entity that provides necessary support services to sports wagering, support services include at least the following:

- Services related to the offering of mobile payment processing for use in Mobile Sports Wagering;
- Know your customer services for use in Mobile Sports Wagering; and
- Marketing services in which compensation for such services is, by contract, determined by the Tribe’s Sports Wagering revenue.

**“Bank”**- Inventory of cash and cash equivalents in the cage, pit area, cashiering locations and impress or floating bank that is assigned to TGO employee for the purpose of conducting transactions such as making change and paying winnings.

**“Campaign”** –Marketing activities that award prizes based on past play or other past criteria the nature of which is to focus on individuals or related focus groups. This might require player contributions but cannot require a contest of chance.

**“Cash”** – Legal tender in the form of currency such as coins and bills.

**“Cash Equivalents”** – documents, financial instruments other than cash, or anything else of representative value to which has a monetary value assigned or other items to which have an assigned exchange value. Cash equivalents include, but are not limited to:

- Checks, money orders, credit cards or gift cards
- Vouchers received from a Video Gaming Device (VGD) Player Terminal, Cashier Terminal, Off Track Betting (OTB) kiosk, Keno Kiosk, or Table Games Kiosk that have a printed denomination value (encrypted or unencrypted). Vouchers have a fixed wagering value, usually in the form of paper that can be used to acquire an equivalent value of credits or cash through interaction with a voucher system, such as a Player Terminal or Kiosk.
- Points awarded that may be redeemed for cash
- Gaming Cheques/Chips.
- Digital or paper promotional drawing tickets that can be redeemed for cash

**“Class I Gaming”** - Social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, Tribal ceremonies or celebrations.

**“Class II Gaming”** - Bingo or Lotto (whether or not electronic, computer, or other technologic aids are used); if played in the same location as Bingo or Lotto, Pull-Tabs, Punch Boards, Tip Jars, Instant Bingo, and other games similar to Bingo. Nonbanking card games played in conformity with State laws and regulation concerning hours, periods of operation, and limitations on wagers and pot sizes.

**“Class III Gaming”** - Any house banking game, including, but not limited to card games such as Baccarat, Blackjack (21), Poker, and Pai Gow (if played as house banking games); Roulette, Craps, Keno; any Slot Machines; any sports betting and pari-mutuel wagering including but not limited to wagering on horse racing, dog racing or Jai alai; and lotteries

**“Commission”** - The Squaxin Island Gaming Commission established by the Tribal Council, comprised of no more than five (5) members appointed by the Tribal Council.

**“Controlled Inventory”** – Inventory that is required by policy, rule or regulation to be under surveillance cameras including but not limited to Card and Dice, Storage of Electronic Gaming Machines, Pull Tab Packages and Bingo paper.

**“TGRA Director”** – The Director of the Squaxin Island Tribal Gaming Commission.

**“Compact”** - The Tribal-State Compact for Class III Gaming between the Squaxin Island Indian Tribe and the State of Washington, as amended.

**“Drop Box”** - a locked container attached to a game station or device, in which cash, duplicate fills and credits, requests for fills and credits, and station inventory forms shall be deposited in. The key to the contents is controlled by the Tribal Gaming Regulatory Authority.

**“Drop Cart”** – a cart that transports the drop boxes carrying cash or cash equivalents.

**“Establishment”** – all facilities and surrounding property under the control of the licensed gaming operations entity (the business organization), to include hotel, warehouse, parking lots and other activity locations.

**“Game Modification”** – Modifications made to approved rules or games. These are games that are in play or have been in play at the licensed facility. Includes Electronic Games (TLS, minders, etc.), Table or card game.

**“Game Services”** – the providing of any goods or services to the Tribe, whether on or off site, directly in connection with the operation of Class III or Class II gaming in a gaming facility, including equipment (Cash Counting Equipment, Cash Exchange Terminals or Locks), maintenance or security services for the gaming facility. Gaming services shall not include professional legal and accounting services. *Any component or software that reports on or associated with gaming systems or the product of those systems (cash or cashless) and requires maintenance from a service provider is providing a game service.*

**“Game Station”** – a gaming table or gaming device that is a location where wagers may be placed, a chance determined and a winnings credited.

**"Gaming"** - an activity in which a person stakes or risks something of value on the outcome of a contest of chance or a future contingent event, not under his or her control or influence, upon

an agreement or understanding that the person, or someone else, will receive something of value in the event of a certain outcome, but shall not include bona fide business transactions.

**"Gaming Activities"** - any Class I, Class II, or Class III gaming activity conducted by or under the jurisdiction of the Tribe, and shall include all activities of a Gaming Enterprise subject to the jurisdiction of the Tribe regardless of its nature.

**"Gaming Area"** – Area of the structure that TGO uses or conducts Class II and/or Class III gaming.

**"Gaming Employees"** - All employees of a gaming facility who manage, operate, maintain, set-up or have access to components of Class II or Class III Games, or the cash or cash equivalents associated with Class II or Class III games. **IIA and IIIA** gaming employees include but are not limited to:

- Key Employees
- Primary Management Officials
- Class III Gaming Employee or Class II Gaming Employee
- Dealers, Cashiers, Service Technicians, Bankers and Security Personnel

The Commission or TGRA may, at its own discretion, include other positions within the definition of "Gaming employee"

**"Gaming Equipment"** - all electronic, electro-mechanical, mechanical, or other physical components required to be utilized in the play of games. This shall include but is not limited to table game felt, chips, signage, gaming devices and Bingo paper.

**"Gaming Facility"** - A building located within the Tribal reservation or in the control of the Tribe that conducts Class II or Class III gaming activity

**"Gaming Devices"** - Any device or mechanism that the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance, including, but not limited to slot machines, video pull-tabs, video poker, and other electronic games of chance.

**"Game Rules"** – Rules of play for a gambling game that outlines consideration required for play, the element or method of chance, and the prize associated with the outcome. The game is characterized as a Class I, Class II or Class III game of chance.

**"Gaming Software"** – Software designed to operate on a gaming device that provides elemental operations for chance, consideration or prize. (RNG, determines outcome, records wagers or displays prizes)

**"Giveaways"** –Marketing activities that establish player tracking point values or attendance requirements needed to obtain for the patron to obtain a prize. These do not require the cashing-in of player tracking points. There is no cost and cannot require a contest of chance.

**"Incident"** – A reported accident, injury, event, occurrence not expected, or administrative / criminal violation suspected or evidenced.

**"IGRA"** - Indian Gaming Regulatory Act (25 USC 2701).

**“Internal Controls” (SICS)** – Operation’s procedures to ensure adequate controls over a gaming activity.

**“Key Employees”** - Class II or Class III gaming employees, including but not limited to those performing one or more of the following functions, are considered Key Employees:

- Bingo Caller
- Chief of Security
- Floor Manager
- Dealer
- Approver of Credit
- Counting Room Supervisor
- Custodian of gaming supplies or cash
- Pit Boss
- Croupier
- Custodian of gaming devices

Personnel responsible for maintenance or repair of gaming devices, including those with access to cash and accounting records pertaining to gaming devices.

Those not otherwise included, whose total compensation exceeds \$50,000 per year.

Those not otherwise included, who are among the four (4) most highly compensated in the gaming operation.

The Commission or TGRA may, at its own discretion, include other positions within the definition of “Key Employee.”

**“Major Sports Wagering Vendor”** – Any Person or entity that provides goods or services integral to sports wagering including following:

- Manager of the Tribe’s Sports Wagering activities pursuant to an agreement approved by the National Indian Gaming Commission;
- Primary Consultant who provides substantial sports wagering related services;
- Any manufacturer or distributor of the Sports Wagering Systems or a component thereof;
- Provider of book-making services; or
- Provider of Sports Wagering risk management services.

**“Management Company / Financiers”** - Persons or entities with which the Tribe enters into an agreement for financing, development, management, or operation of any Class II or Class III Tribal Gaming Operation.

**“Marketing Activities”** - activities designed to enhance popularity of the casino or specific gambling activities through player gifts, merchandise, incentives or contests whether the focus is general or on a specific group of patrons. Promotional Contests of Chance, Campaigns, Giveaways and Reimbursements are marketing activities.

**“Mid-Level Sports Wagering Vendor”** – Any entity that provides security or integrity services directly related to sports wagering to include:

- Integrity monitoring services;
- Services related to compilation, furnishing, or storage of official data for use in sports wagering;

- System security testing or certification services directly related to initial or annual testing or assessment of the sports wagering systems security;
- Services directly related to the creation and maintenance of a Geofence to ensure that wagers are placed within the premises;
- Player account management services, including software as a service (SaaS); and
- Any other provider of security or integrity services that the Tribal and State Gaming Agencies agree must be licensed and certified as a Mid-Level Sports Wagering Vendor because the provider's services are directly related to Sports Wagering.

**"Minimal Value"** - Also called relative minimum or **local minimum**. Minimal Value as interpreted for these regulations is less than \$50,000.00.

**"National Indian Gaming Commission" (NIGC)** - the Commission established under IGRA.

**"New Game"** – This is a game that has not been played at the licensed facility. Includes Electronic Games (TGS, minders, etc.), Table or card game.

**"Non-gaming area"** – means the rooms, building or buildings or portions thereof in which Class II or Class III gaming is not conducted.

**"Non-gaming employees"** - All employees of TGO who are employed in a non-gaming area or in a non-gaming activity, such as the hotel, food and beverage or hotel housekeeping, will be required to obtain a license before being employed at the TGO. The Commission or TGRA may, at its own discretion, include other positions within the definition of "Non-gaming employee."

**"Ordinance"** - The Squaxin Island Gaming Ordinance as adopted.

**"Patron"** - Persons actually participating in the gaming activities and other persons present on gaming property.

**"Primary Management Officials"** - Persons associated with a Class II or a Class III gaming enterprise who are considered Primary Management Officials include:

- Persons with management responsibility for a management contract.
- Persons authorized to hire and fire employees.
- Persons authorized to set up working policy for the gaming operation.
- The Chief Financial Officer or others with financial management responsibility.
- The Commission or TGRA may, at its own discretion, include other positions within the definition of "Primary Management Official."

**"Prize"** – A cash value, free play credit, accommodations or merchandise.

**"Promotional Activity"** – Marketing activities that are "free entry" contests that Gaming TGO can perform and use to promote their businesses by awarding prizes based on an outcome of a contest. These activities may be conducted on gaming systems deemed compliant under the Tribal/State compact.

**"Promotional Game of Chance"** – Is a game of chance whereby the elements of prize and chance are present but in which the element of consideration is not present or an alternate

method of entry is available requiring no consideration. Additional entries may require a form of consideration.

**“Protective Areas”** - Monitored areas restricting access to specific personnel through a locked door or remote access through secured credentials (ie. Login/Password). Protective areas include, but are not limited to:

- Cashier Station
- Cage cashier drawers or Cash Dispensing Units
- Table games cheque rack Unmanned
- Poker dealer chip tray Unmanned
- Drop Boxes
- Non-gaming server room or remote access to a non-gaming server

**“Public Areas”** - Monitored and unmonitored areas open to the public. Access to these areas are free of barriers.

**“Reimbursements”** – Marketing activities that allow for patrons to cash in player tracking points accumulated for prizes. This requires players to use player account contributions and will not require a contest.

**"Reservation"** - all lands under the jurisdiction and control of the Squaxin Island Indian Tribe.

**“Restricted Areas”** - Monitored areas not open to the public, preventing immediate access through the use of physical barriers.

**“Sensitive Areas” or “Secured Areas”** - Monitored areas restricting access to specific personnel through a dual lock door that prevents access from a single person or remote access to specific personnel through secured credentials (ie. Login/Password) with a verification of licensure. Secure areas include, but are not limited to:

- Soft count rooms
- Vaults
- Game Server Room or remote access to a gaming server
- Drop carts

**“Sensitive Material”** – Gaming devices, gaming software and serialized cabinets are sensitive material. Individual components of gaming devices other than the cabinets are not sensitive material.

**“Suppliers, Distributors and Manufacturers”** - All companies, sole proprietors or publicly traded, that sell, lease, rent, or offer a manufactured product or service including nongaming vendors engaged in business with a Class II or Class III gaming facility.

**“Surveillance Required Activities”** – Activities that are required under policy, rule or regulation to be conducted under surveillance cameras including but not limited to Gaming activities (Craps, BINGO, Table Games, Electronic Gaming Play), Card and Dice destruction, Cashier Cage and Soft Count.

**"State"** - the State of Washington.

**“Temporary Game Rules” (Event Rules)** – These are rules for games that are modified for a limited amount of time for a specific event or purpose.

**"Tribal Council"** - the governing body of the Tribe, as set forth in the Tribe's Constitution and Bylaws.

**"Tribal Court"** - any court established by the Tribe to hear disputes or, if there is none, the Tribal Council.

**“Tribal Gaming Regulatory Authority” (TGRA)**– The entity authorized by Tribal law (Gaming Ordinance) to regulate gaming conducted pursuant to the Indian Gaming Regulatory Act. Established herein to regulate and monitor gaming activities, investigate wrongdoing, conduct background investigations, issue licenses, and perform other duties as required for the regulation of gaming on the reservation.

**“Tribal Gaming Commission” or “Tribal Gaming Commissioners”** – Appointed members of the Tribe that are empowered by the Tribal Council through gaming ordinance to hire or contract staff to regulate the gaming on Tribal lands. They administer policy, legislate and conduct hearings, actively regulating to maintain sovereignty by ensuring a safe, fair and ethical gaming experience for customers of the gambling activities.

**“Tribal Gaming Operations” (TGO)** – Gaming entity. The licensed management entity that conducts gaming activities on Tribal lands.

**“Tribal Minimum Internal Controls” (TMICS)** –Minimal requirements developed by the TGRA for TGO to use in the development of their Internal Controls (SICS). The TMICS will encompass Internal Control requirements from the NIGC Minimum Internal Controls (MICS), Tribal/State Compact and any other required Internal Control as determined by the TGRA.

**“Tribe”** - The Squaxin Island Tribe.

**“Vendor employee”** - All employees of a vendor that provides services to the facility.

**“Washington State Gambling Commission” (WSGC)** – This is the Gambling regulatory authority for the State of Washington.

### 1.3 Approval of Gaming Activities

#### A. Approval of Game Rules

All rules whether temporary or permanent that set out the rules of play must be submitted to the Tribal Gaming Regulatory Authority (TGRA) for approval before the game is placed in play. The TGRA Director will approve all game rules.

#### B. Approval of Gaming Equipment and Functionality

1. All gaming equipment must be submitted and approved by the TGRA. Some Gaming Equipment will require additional inspection prior to being placed for public play. Additional software or firmware submission and approvals may be required and approved by the TGRA. The TGRA Director will approve all gaming equipment and electronic games or functions associated with the equipment.

2. Gaming equipment must function and operate in compliance with all rules and regulations. Violation of this rule is subject to enforcement actions to include license suspension, fines or revocation.

C. Approval of Internal Controls

1. All gaming activities conducted must have Internal Controls (SICS) that outline controls that protect the assets, indicate responsibilities, articulate access and ensures the games integrity.
2. Internal Controls (SICS) must comply with the requirements of the Tribal Minimum Internal Controls (TMICS) as approved by the Commission. Changes in TMICS that result in changes in the SICS will require SICS to be changed and approved within 6 months of the approval of the TMICS. The TGRA Director will have the authority to extend this time based on the extent of changes required.
3. Internal Controls and any modifications to existing Internal Controls must be submitted and approved by the TGRA. The TGRA Director will provide SICS to the Commission and the TGRA Director will approve all Internal Controls. Existing Internal Controls, policies, procedures and directives deemed necessary to comply with TMICS presently existing shall be deemed approved and reaffirmed.
4. Any violation of approved Internal Controls is subject to enforcement actions to include license suspension, fines or revocation.

D. Approval of Policy, Procedures or Directives

1. All policies, procedures or directives referenced in Internal Controls or provide protection over cash or other assets are required to be submitted.
2. Policies, procedures and directives are deemed approved upon submission to the TGRA unless the TGRA Director or Deputy Director has an objection within 30 days of the submission.
3. Objections may be given if the policy, procedure or directive will hinder the ability for the TGRA to regulate the activity or is determined to be a risk to controlling assets.
4. Failure to submit or follow an approved policy, procedure or directive is subject to enforcement actions to include license suspension, fines or revocation.

E. Approval of Marketing Activities

All marketing activities must be submitted and approved by the TGRA. Some Gaming equipment will require additional inspection prior to being placed for public play. Additional software or firmware submission and approvals may be required as determined by the TGRA Director. The TGRA Director will approve all marketing activities.

F. Non-approved gaming activities



Operating gaming activities without approved rules or controls is a violation of this rule and subjected to enforcement actions to include license suspension, fines or revocation.

#### 1.4 Required Reporting

##### A. Immediate Reporting to TGRA

1. TGO will report all criminal or suspected criminal activity;
2. TGO will report any deaths or injuries;
3. TGO will report cash transactions between casino cage and patrons of \$2000.00 and over;
4. TGO will report payouts on a single wager of \$2000 and over;
5. TGO will report found drugs, gambling equipment, or weapons and/or components.

##### B. Upon Request

1. All records must be made available to the TGRA upon request unless processing is required by TGO and in that case within 72 hours.
2. The TGRA shall have full authority to enter the premises of a gaming operation to inspect, examine, photocopy and audit all papers, books and recordings, including computer records concerning any matter necessary to carry out the duties of the Commission.
3. The TGRA shall have the ability to access all areas of the gaming facility upon request and in compliance with Internal Control measures.
4. The TGRA, for purposes of these regulations, shall have full authority to demand and procure any records, documents or other information relating to gaming furnished to or maintained by any person or entity subject to its regulatory authority.
5. The TGRA shall maintain as confidential and not subject to disclosure to any unauthorized person any information, documents or records disclosed to or discovered by the TGRA.

##### C. Monthly Reporting

1. TGO will submit to TGRA Gambling Activity Reports (Table, TLS, Keno, Bingo, Pull Tabs)
  - a. Gross Receipts;
  - b. Prizes Paid;
  - c. Hold %;
  - d. Any variances (Expected/Reported –v- Actual (Soft Count)); and
  - e. Any corrections
2. The Commission requires TGO to submit a report to the Tribal Council and Commission monthly. The report shall include a financial statement for the month

just ended and a cumulative statement for the then current fiscal year with comparisons to relevant budgets.

D. Other Reporting to TGRA

1. TGO will report variances in defined thresholds as defined in SICS to TGRA.
2. TGO will report violations to internal controls, rules and regulations to TGRA.
3. TGO is required to report all vendors exceeding \$25,000 in gross in sales per year. Report is required to be received by January 31st for Suppliers, Distributors and Manufacturers business conducted for the previous year.

1.5 Criminal Laws, Rules and Procedure Compliance

Licensees must comply with all Federal, State and Tribal criminal laws and rules. Licensee's whose job description is addressed in Internal Controls and whom has access to Internal Controls for their position must comply with those Internal Controls and Procedures submitted approved. Failure to do so will subject licensees to fines, suspensions or revocation of their license in accordance to the Tribal Gaming Enforcement policies.

1.6 Rule Interpretation

Rules will be interpreted to reflect consistency with all other rules and regulations giving authority to the TGRA. The rules will be interpreted in light of current policy and purpose established by the TGRA. The rules will be interpreted in good faith in accordance with the ordinary meaning given to the terms of Gaming Ordinance, Compact and NIGC Rules.

1.7 Tribal Sovereignty

The Squaxin Island Tribe, by enactment of this chapter, intends to assert Tribal sovereignty and jurisdiction on the Squaxin Island Tribe Indian Reservation and over all lands subject to its jurisdiction and to preempt any civil regulatory power or law, if any, except as authorized under the Tribal-state compact or applicable federal law.

1.8 No Waiver of Sovereign Immunity

Nothing in this chapter shall be deemed to constitute a waiver of sovereign immunity on the part of the Squaxin Island Tribe, its agencies, or any entity created by either as to any assets or property of any nature whatsoever or the adjudication of any federal rights or immunities.

1.9 Cooperation with Law Enforcement

The TGRA staff shall fully cooperate with law enforcement officials of Squaxin Island Tribal Police, the State of Washington, the Bureau of Indian Affairs, the Federal Bureau of Investigation, and other law enforcement agencies to the extent required by the Tribal-State Compact, IGRA or other applicable Federal, State and Tribal law.

1.10 Severability

If any phrase, clause, part, sentence, provision, or section of this chapter is found to be invalid by any court with valid jurisdiction the remainder of this chapter shall not be affected, shall

remain in full force and effect, and shall continue in effect as if the invalid provision(s) were not a part hereof.

1.11 Amendment

These regulations are subject to revision, repeal, or amendment by the Commission.

1.12 Effective Date

These regulations shall become effective upon approval and adoption by the Commission.

## **ARTICLE II - DIRECTOR & STAFF (POWER AND DUTIES)**

### **2.1 Director – Powers and Duties**

There is hereby created within the Commission the position of Director. The TGRA Director shall be hired, and subject to removal, by the Commission. Consistent with Tribal policies and procedures the TGRA Director shall be annually evaluated on job performance. The TGRA Director shall be responsible for the day to day operations of the TGRA, and is subject to the same moral and ethical standards outlined in these regulations. The TGRA Director shall have the final decision making authority in all areas of operations and activities of the TGRA except in those areas where the gaming ordinance or these regulations reserve the authority to the Tribal Council or the Commission. All policies shall be reviewed and approved by the Gaming Commission. The TGRA Director shall devote his or her entire time and attention to the duties of the office and, unless otherwise restricted, it shall be the duty of the TGRA Director to:

- A. Supervise, approve procedures and administer the operation of the TGRA in accordance with the provisions of IGRA, NIGC, gaming compact, the gaming ordinance, these regulations and directives from the Commission.
- B. Attend meetings of the Commission or to appoint a designee to attend in the TGRA Director's place.
- C. Engage and direct such personnel as employees or independent contractors as may be necessary to carry out the purposes and policies of these regulations.
- D. Confer with the Commission as necessary or desirable, but not less than once each month, with regard to the operation of the TGRA.
- E. Maintain and make available for inspection by any member of the Commission all books, records, files and other information and documents kept by the TGRA, including but limited to, a copy of all internal controls, policies and procedures currently in effect and being utilized by TGRA.
- F. Advise and recommend to the Commission rules, regulations, amendments to these Regulations, and such other directives and policies as the TGRA Director deems necessary to improve the operation of the Commission and the conduct of gaming;
- G. Prepare and submit to the Commission on an annual basis, for its approval, a proposed budget for the succeeding fiscal year, which budget shall set forth a complete financial plan for all proposed expenditures and anticipated revenues of the Commission.
- H. Maintain and construct signature authority guidelines and expense policies and procedures for proper checks and balances of expenditures made by the TGRA.
- I. Have prepared and submitted to the Commission on an annual basis internal audits on Class II and Class III gambling activities certified by a Certified Public Accountant (CPA) and a Revenue Audit conducted by an outside independent CPA as required by the appropriate federal and state authorities.

- J. Act as liaison to the TGO, Little Creek Operations Board (LCOB), Tribal Council, and other third-parties, as directed.
- K. Submit approved Squaxin Island Tribal Gaming Ordinances and subsequent revisions within 15 days of adoption, to the National Indian Gaming Commission, in accordance with 25 CFR Part 522.
- L. Perform any other lawful acts which the Commission may direct in order to carry out the purposes and provisions of these regulations.
- M. Signature authority on all purchases \$0-\$24,999.
- N. Approve TGO policies and procedures, gaming equipment, games, marketing activities and SICS that comply with TMICS as adopted by Commission.
- O. Act as the Emergency Incident Commander for the “Establishment” with the authority to direct and impose restrictions on TGO in the event of an emergency incident. Will act under the direction of the Area Commander of Tribe in Tribal wide emergencies to make available establishment resources to the Tribe while balancing the economic importance of operations to the long term impacts from an emergency or disaster. Such actions will ensure the physical safety of personnel and patrons and protect the property of the establishment in the event of an emergency.

## 2.2 Staff – Powers and Duties

All staff, including the TGRA Director, shall have the following general powers and duties in addition to any specific powers and duties granted elsewhere in these regulations to:

- A. Inspect, examine, investigate, hold or impound any premises where gaming is conducted, any devices or equipment designed for or used in gaming, and any books and records in any way connected with any gaming activity.
- B. Require any person licensed pursuant to these regulations, upon demand, to permit an inspection of the licensed premises, gaming equipment and devices, or books or records; and to permit the testing and the seizure for testing or examination purposes of all such devices, equipment, books and records.
- C. Serve all warrants, notices, summonses or other processes relating to the regulation of gaming.
- D. Inspect and examine without notice all facilities, TGO and premises where gaming is conducted or devices or equipment used in gaming are located, manufactured, sold or distributed, and to summarily seize, remove and impound, without notice or hearing, from such premises any equipment, devices, supplies, books or records for the purpose of examination or inspection.
- E. Conduct investigations into the character, record and reputation of all applicants for gaming licenses, all licensees and such other persons as the TGRA may determine pertaining to gaming.
- F. Investigate violations of all laws and regulations pertaining to gaming.

- G. Assist or aid any other peace officer in the performance of his or her duties upon official request.

## ARTICLE III - LICENSING

### 3.1 Licensing Program

Regulating the activities constitutes the issuances of licenses for gaming and non-gaming vendors, manufacturers, suppliers, employees, and TGO/facilities. The Commission authorizes the Director to administer licensing functions per this regulation. The licensing program is an investigative licensing process in which all applicants are assessed and evaluated against the standards and requirements of applicable law.

In the event of exigent circumstances, the Tribal Gaming Director may temporarily license a non-gaming company or non-gaming individual based on preliminary information after which the Licensing department will conduct a review and make a final assessment to the Director.

All persons employed in Class II or Class III gaming activities, as defined in the Gaming Ordinance, either within or outside of a gaming operation, and, unless exempted, employees in a gaming operation in a non-gaming position, must be licensed (temporary, provisional or conditional) prior to beginning employment or conducting business with a gaming operation.

All companies (sole proprietors or public traded), financiers, facilities and persons employed by those companies or by the facilities in Class II or Class III gaming or non-gaming related activities on the reservation must be licensed (temporary, provisional, or conditional) prior to beginning employment or conducting business with a gaming operation unless otherwise exempted.

Any nonexempt person or entity extending financing, either directly or indirectly, to the TGO shall first be required to obtain a license.

The TGRA is authorized to issue a license to any persons and/or entities meeting the requirements established by the TGRA which may include obtaining certifications or licensing from other entities.

### 3.2 Required Licenses

An annual license is required for all licenses indicated in this regulation except non-gaming employee licenses will be biennial.

### 3.3 License Types

#### A. Vendor License

TGRA is authorized to issue a vendor license to an organization that will allow them to conduct business associated with Gaming Activities or Non-Gaming Activities. Vendors include:

1. Management Company / Financiers
2. The Federal government, commercial lending institutions, and Tribal governments that extend financing (directly or indirectly) to the gaming operation are exempt from the licensing requirements, unless otherwise required by the TGRA.

3. No management contract shall be granted to a management company if any elected official of the Tribe or a member of the Commission serves on the board of directors or holds (directly or indirectly) ten percent (10%) or more of the issued and outstanding stock of the corporation, or ten percent (10%) or more of the beneficial interest in any partnership, trust, or other entity, in any such corporation, partnership, trust or other entity that has a financial interest in or management responsibility for such contract. No license shall be granted if an elected official of the Tribe, member of the Commission, or a member of any other committee or agency of the Tribe holds a financial interest in or management responsibility for any other agreement between the management company and the Tribe.
4. No management company shall be granted a license should the TGRA determine that such company, or its agents, have unduly interfered with or influenced to their advantage any decision, or process of Tribal government relating to the gaming operation, or has deliberately or substantially failed to abide by the terms of the management contract, or the Squaxin Island Gaming regulations promulgated therein.
5. The TGRA, at its discretion, may require any employee, officer, or director of a management or financing company to be licensed individually should the interest of the Tribe be served by such licensing. At TGRA request, the management or financing company shall require such persons to apply to the TGRA for a license in accordance with the laws and regulations in effect at that time.
6. Non-Gaming Suppliers, Distributors and Manufacturers:  
TGO is required to submit Due Diligence procedures they will follow that identify:
  - a. Legality of the business;
  - b. Legitimacy of the business; and
  - c. Longevity of the businessProcedures should include verifications made to Washington Secretary of State, Better Business Bureau, Labor & Industry, Department of Revenue and risk assessment services.
7. Gaming Suppliers, Distributors and Manufacturers are required to be licensed by SIGC and the Washington State Gambling Commission (WSGC):
  - a. Persons or entities supplying legal, accounting, or outside auditing services are exempted from this requirement.
  - b.
  - c. Sports Wagering Vendors (Major Sports Wagering, Mid-Level Sports Wagering, and Ancillary Sports Wagering vendors) are required to be licensed by the TGRA as a Vendor. Sports Wagering Vendors will be required to be certified by WSGC.



## B. Facilities License

1. The TGRA is authorized to issue a license to any such facility upon determination of proper Internal Controls, Operating Procedures, Security Measures and Inspection of Gaming Equipment and Operation thereof. The licensing inspection may include, but is not limited to, security and surveillance procedures and equipment; and compliance with all applicable law and regulations; including those relating to safety, food handling, and environmental matters.
2. Facility License (Vendor) will be valid for one (1) year from date of issuance unless otherwise revoked, suspended or invalidated.
3. Class II and Class III Gaming shall only be conducted in tribally owned, operated and vendor licensed facilities only.
4. Other gaming activity may be conducted at facilities located on the Tribal reservation as authorized by the Commission.
5. The TGRA may inspect a licensed gaming facility at any time, with or without prior notice.

## C. Employee License

TGRA is authorized to issue an employee license to persons that will allow them to provide products or services to a licensed facility or work for a licensed facility.

1. Gaming License - License is only good for the position for which it was issued. Gaming employees may perform non-gaming duties that do not conflict with gaming responsibilities or circumvent internal controls that require separation of duties.
  - a. All Gaming employees of the Gaming Facility will be required to obtain a Gaming License.
  - b. All Key-Employees will be required to obtain a Gaming License.

### 2. Non-Gaming License

All Non-gaming employees of the TGO will be required to obtain a Non-gaming employee License. A non-gaming employee may work in multiple non-gaming job positions.

### 3. Gaming Vendor Employee License

Any employee of a licensed vendor that accesses a gaming system, equipment or device installed at a licensed gaming facility, physically or remotely, is required to obtain a Gaming Vendor Employee License.

### 4. Non-Gaming Vendor Employee License

Non-gaming vendor employees will be required to be licensed or obtain a visitor badge daily, if they require physical access to non-public areas of the facility. Remote access server duties to non-gaming systems and services and will not be entering the facility in the course of their work

and will not be required to be licensed. However, remote access requires a login and password unique to the person providing service and store the session time and date of access.

5. Non-Gaming under 21 License

- a. Applicants under the age of 21 and over 18 are required to obtain a non-gaming employee license.
- b. Tribal Youth Program Employees are required to obtain a non-gaming employee license but are exempted from a background review. Youth program employees are only employable in the functions and duties of the hotel or resort. They may not work in excess of 8 hours a day and are prohibited from working evenings between 6PM and 6AM. Youth Program Employees may not clean hotel rooms. They are prohibited in providing any services to the gaming areas of the casino.
- c. Employees must proceed to their assigned employment area without loitering in any area in which gaming activity occurs. Breaks are to be observed in non-gaming areas such as employee break rooms, restaurants or other designated areas. Failure to comply is subject to enforcement actions to include license suspension, fines or revocation.

3.4 License Application

A. Requirements

1. Each applicant for a license (or renewal of a license) shall submit a License/Renewal Application Form provided by the TGRA, and shall complete the application form under penalty of perjury.
2. Applications must be completed in full and include all information and attachments requested.
3. Completed applications must be submitted to TGRA with required attachments and applicable fees.
4. Licenses will not be issued until the TGRA is satisfied that the applicant is completely qualified pursuant to applicable laws and regulations.
5. Prior to issuing a license, a thorough investigation and review of all the information available will be conducted by the TGRA to the degree deemed necessary to confirm the qualification of the applicant.

B. Application Forms

1. The TGRA shall provide application forms and instructions, as applicable, to any person or entity requesting a gaming license or renewal forms must be completed.
2. A Privacy Notice form will be included with the verbiage required by the NIGC as contained in the latest rules and regulations published and a Notice Regarding False Statements.

3. A Licensee Responsibility Agreement form that outlines the responsibilities of the licensee to report changes in their criminal history, contact information and any other changes of information the TGRA requires as a part of the licensing process must be completed.
4. A Release of Information Authorization / Waiver of Privilege and a Waiver of Liability form must be completed.
5. Application form shall include questions concerning:
  - a. Personal background information;
  - b. Past employment history;
  - c. Participation in legal or illegal activities in the State of Washington or other jurisdictions including foreign countries;
  - d. Criminal history information; and
  - e. Other information deemed appropriate by the Director of the TGRA for evaluation of the applicant and such information as required by NIGC, IGRA, Compact and/or the Tribe's gaming ordinance to be submitted under penalty of perjury.
  - f. Application for a renewal of a license form may, at the discretion of the Director, include more questions.

### 3.5 Incomplete Applications

An initial application is not considered complete until the TGRA receives all information requested, including applicable fees. Incomplete applications are rejected. An application is considered incomplete if:

- A. The applicant fails to provide all information requested on the application form and/or attachments within ten (10) business days of original receipt;
- B. The applicant fails to provide supplemental information requested during the licensing investigation within ten (10) business days following the date of the request or within such other time as the TGRA may direct;
- C. The applicant fails to submit proper fees as defined in the Tribal Gaming License Fee Schedule established by the TGRA;
- D. The applicant fails to pay fines or fees imposed for violations or for costs incurred by the TGRA in conducting investigations into backgrounds, suitability, and qualifications for receiving a license or license renewal above and beyond the Fee Schedule. Estimates of fees will be given upon request and the Director may waive this requirement to pay;
- E. The applicant fails to sign application, notices, waivers or any document requiring applicant's signature; or
- F. Applicants failing to submit any of the requested supplemental information or completed application to the TGRA within ten (10) business days following the date of

the request or within such other time as the TGRA may direct shall be subject to denial of the license sought, and/or revocation of any license held.

### 3.6 Signatures Required

The persons indicated below must sign applications, attesting under oath that the information provided in the application and any accompanying materials is true, accurate, and complete. The signature may be electronic by checking an electronic acknowledgment box and entering the name or initials of the applicant.

Applicant	Signature Required
Corporation (profit or non-profit)	The highest ranking officer or official of the corporation
Sole Proprietorship	The principal owner
Partnership	All partners
Limited Partnership	General Partner
Vendor Representative	Individual seeking the license
Individual	Individual seeking the license

### 3.7 Additional Signatures

The TGRA may also require the signature of those listed below on the application.

- A. The Chair or members of the Board or Trustees.
- B. The person in charge of financial records.
- C. Any person with a substantial interest in the applicant's business, organization, or corporation.

### 3.8 Release of Information / Waiver of Privilege

Applicants must provide a release of information and waiver of any privilege in connection with the release of information to conduct licensing, regulatory review and investigation in order for the TGRA to obtain information that otherwise may be privileged.

### 3.9 Waiver of Liability

- A. Applicants must expressly waive liability as to the TGRA, the Tribe, its officers, employees and agents, and release said entities and individuals from any causes of action, suits, judgments, claims, and demands resulting from processing applications for a gaming license, including background investigations, or disclosure or publication of the information acquired by the TGRA during licensing, including background investigation, or related inquiry or hearing.

- B. Any failure by the TGRA to ensure that an applicant has expressly waived liability shall not be, nor shall it be construed as being, an admission that any liability would attach to the above identified persons and entities, or that there would be any liability in the absence of any such Applicant liability waiver.

### 3.10 Continuing Duty to Provide Information

- A. Applicants and licensees have a continuing duty to provide any materials, assistance or other information required by the TGRA, and to fully cooperate in any investigation conducted by or on behalf of the Commission. Any information relevant to the license applicant or licensee's suitability for gaming shall be provided to the TGRA, with or without a formal request. Information provided on the license application that is inaccurate, or subject to change, requires that applicants and licensees promptly notify the TGRA of such changes or inaccuracies. Failure to do so may result in denial, suspension or revocation of a license.
- B. Should, subsequent to a formal request to respond or produce information, evidence, or testimony, an applicant or licensee, or person associated with the applicant or licensee, refuse or fail to comply with such request, the TGRA may deny the application or revoke the license.
- C. Facility licensee is required to inform TGRA of any situation that will present a hazard or danger to employees or patrons as soon as the hazard is discovered.
- D. Facility licensee must submit contract obligations exceeding \$20,000.00 prior to final implementation and include language requiring that the vendor must obtain and maintain licensure from TGRA if determined to be required.

### 3.11 Criminal Actions Filed Against an Applicant or Licensee

Each applicant or licensee shall report to the TGRA any criminal arrest of, or criminal charges filed by, or against the applicant when applying for a license or from the licensee within seventy-two (72) hours of the filing of such actions or incidents. Noncriminal traffic infractions need not be reported. The report shall consist of a complete copy of the original documents filed and an affidavit signed by licensee detailing the circumstances of such action or incident. The licensee shall notify the TGRA of the final disposition of the action or incident within thirty (30) days of disposition, and provide any court documents detailing disposition of actions or incidents. Failure to report may result in suspension or revocation of a gaming license.

### 3.12 Burden of Proof of the Applicant

The burden of proof, with respect to the granting of any gaming license, is at all times upon the applicant. No license shall be granted unless and until the applicant has satisfied the TGRA and Commission of their suitability to hold such license.

### 3.13 Determination of Suitability

During the investigation of the applicant, should the TGRA determine that the applicant poses a threat to the public interest, or to the effective regulation of gaming, or creates or enhances

the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of gaming, the license will be denied.

Any written or oral statement made in the course of a TGRA investigation, proceeding, or process by any member, employee or agent of the TGRA, or witness testifying under oath, which is relevant to the investigation, proceeding, or process, is privileged and shall not impose any liability for slander, libel or defamation, or constitute grounds for recovery in any legal action.

### 3.14 Withdrawal of Application

The applicant may withdraw an application for any license by submitting a written notice of withdrawal to the TGRA. That an application for a license has previously been withdrawn shall not prejudice any future application for a license from the TGRA.

### 3.15 License Background Investigation

Prior to licensing, the TGRA is responsible for conducting background investigations and may review an applicants' prior activities, criminal record, reputation, habits, and associations to make a finding concerning the licensing eligibility of the applicant. The applicant shall give full cooperation to the TGRA and in all aspects of its investigation.

### 3.16 Investigation Scope

All license applicants are subject to a complete background investigation prior to granting of a license, except as otherwise provided herein. The TGRA shall use all available resources that may contribute to overall thoroughness while conducting a background investigation.

#### A. Employee License

The scope of investigation includes, at a minimum, an investigation of applicant's criminal history, personal history, and financial history in order to detect unusual relationships or criminal associations, and to assess the applicant's suitability to hold a gaming license. Background investigations shall include, but are not limited to:

1. Verification (written or oral) of information submitted by applicant.
2. Interviews of professional references to verify applicant's report. Inquiries shall be of sufficient number and depth for the TGRA to make a finding concerning applicant's suitability for employment in or association with the gaming operation.
3. Review of criminal history information. Tribal applicants shown to have criminal backgrounds may be issued a conditional license upon approval of the Director.
4. Review of applicant's credit record. Applicants shown to be not responsible for financial obligations, may be issued a conditional license, subject to review after one year and approval from the Director.
5. Document disposition of all potential problem areas noted and any disqualifying information obtained for use in developing eligibility determination report.

#### B. Vendor License

The scope of investigation of vendor license applications includes, but is not limited to:

1. Review of criminal history of principles and owners and information related to employees providing gaming goods or services.
2. Verification of good standing with Department of Revenue
3. Verification of business license with the Secretary of State
4. Review and consideration of information obtained through:
  - a. Internet searches – online content review;
  - b. Better Business Bureau – complaints and resolutions; and
  - c. Labor and Industries – complaints, safety issues.

### 3.17 Denial, Revocation, fines for Gaming Licenses or denial of License Renewals

The Director may deny an application for a license, revoke, suspend or fine a licensee or deny a license renewal to any applicant or licensee who does not satisfy all applicable requirements for licensure of Tribal or Federal Law, or the State Compact, which grounds for denial or renewal shall include, but not be limited to:

- A. The applicant has made a material misrepresentation or omission of fact on the application for license or renewal, or has otherwise made a misrepresentation of, or failed to disclose, a material fact to the TGO, the TGRA, the NIGC, or Washington State Gambling Commission (WSGC).
- B. The applicant or licensee poses a threat to the public interest or to the effective regulation of gaming.
- C. The applicant poses a safety risk.
- D. Has violated, failed, or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by the Squaxin Island Gaming Ordinance, regulations promulgated thereunder, the Compact, or other applicable laws or regulations.
- E. Has failed to provide information reasonably required to investigate his/her application for a license, or has furnished information that is untrue or misleading in connection with such application.
- F. Has demonstrated willful disregard for compliance with ordinances, statutes, administrative rules, or court orders at the Tribal, Local, State, or Federal level.
- G. Knowingly causes, aids, abets or conspires with another to cause any person to violate any applicable laws or regulations.
- H. Has obtained a license by fraud, misrepresentation, concealment, or through inadvertence or mistake, or has had a Tribal or state gaming license revoked.
- I. Knowingly fails to report to the Commission a known violation of applicable laws or regulations involving gaming activities or employees.

- J. Has been convicted of a Class A Felony, sex crime, Class B Felony in the last 7 years, Class C Felony in the last 5 years, Gross Misdemeanor or Misdemeanor in the last year, assault or of any crime involving moral turpitude or a gaming activity.
- K. Poses a threat to the effective regulation of gaming or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gaming activities, as demonstrated through the person's prior activities, criminal record, reputation, habits, or associations.
- L. Is the subject of an outstanding gross misdemeanor warrant or felony arrest warrant, or is currently on probation for the conviction of a crime.
- M. Fails to provide an updated address for the delivery of licensing related information to include but not limited to a notice of hearing.
- N. Fails to pay a fine levied by the TGRA or other legal or regulatory agency.
- O. Commits any other act that the TGRA determines constitutes a sufficient reason in the public interest for denial, suspension, or revocation of a license.

Denial of licensure is required for any Gaming Employee applicant that fails to obtain WSGC certification through the WSGC class III gaming certification process that includes FBI criminal history checks that are conducted through the submission of fingerprint cards obtained by TGRA of the Gaming Employee applicant. WSGC is a recognized law enforcement entity providing certification services to the TGRA. The certification tells the licensing entity of the TGRA that the applicant is licensable in accordance with the adopted standards of the WSGC and that the criminal records disclosed by the applicant is accurate to those that the FBI criminal history check produces. Those standards are outlined in RCW 9.46.075 as adopted in 1981 for Washington State and would include failure to disclose criminal history on a gaming application as a condition that would prevent issuance of a certification.

### 3.18 NIGC Reporting

Within sixty (60) days of a gaming employee license applicant reporting for work as a primary management official or key employee in the gaming operation, a completed application must be forwarded to the NIGC by the TGRA. Prior to issue of such a license, the NIGC must receive a report on each background investigation from the TGRA. Investigative reports shall, at a minimum, include the following:

- A. Steps taken in conducting the background investigation;
- B. Results obtained;
- C. Conclusions reached; and
- D. The basis for those conclusions.

NIGC may notify the TGRA of any objections to the issuance of a Gaming Employee License within the thirty (30) days from when the NIGC receives the application. If the NIGC requests further information concerning the applicant, the (30) day period will be extended to ensure the NIGC has a full 30 days to consider the application.



The TGRA will reconsider the application upon the receipt of a statement itemizing objections to the issuance of a license to a license applicant from the NIGC. A final decision is issued by the TGRA after full reconsideration of the application and any additional information. The TGRA will notify the NIGC of the final determination and status of the license within forty five (45) days of receiving the objection from the NIGC.

A key employee or primary management official not licensed after ninety (90) days may no longer be employed by a gaming operation.

### 3.19 Approval

The TGRA Director is the delegated licensing authority from the Commission. Upon his/her consideration and review he/she may approve or deny a license. If required, the NIGC will be notified as indicated in 3.18 above. All other decisions and reasons for decisions will reside with the TGRA and documented in licensing files other than appeals or conditional licensing requests and such decisions will reside with the Commission.

### 3.20 License Issuance

The TGRA will have the authority to issue a license while pending completion of investigation and approval by the TGRA Director per Tribal Gaming Licensing Policy and Procedures. A license may not remain valid for more than ninety (90) days unless approved by the TGRA Director.

No gaming license will be issued if the individual has a reputation, habit or associations that pose a threat to the effective regulation of gaming or the failure to provide any information reasonably required to investigate the application for Tribal licensure or to reveal any fact material to such application, or has furnished any information which is untrue or misleading in connection with such application may result in license denial including failure to obtain State Certification as required by Compact.

All licensed employees must wear their license badges so that they remain visible while on duty.

A conditional gaming or non-gaming license may be granted to a Squaxin Island Tribal member who has demonstrated an attitude of regret and rehabilitation upon the careful consideration and decision of the Commission. No gaming license shall be issued in violation of the Gaming Ordinance, these regulations or other applicable law.

#### A. Conditional License

The Commission may grant a conditional license based on criminal or credit information that is reported as part of the application and investigation process. The conditional will outline more restrictions or conditions that is imposed on the licensee. Failure to comply with those conditions will cause the immediate suspension of the gaming license by the TGRA. A conditional may only be granted by the Commission and only to enrolled Tribal members.

#### B. License Renewal

Applicants renewing a license are required by the Commission to submit updated information to the TGRA as requested on the license renewal application. Historical data already available to the TGRA need not be re-submitted.

Unless otherwise provided, all licenses shall be valid for a time period determined by the TGRA unless revoked, suspended, or otherwise invalidated prior to expiration.

#### C. Loss or Destruction of License

Any license issued by the TGRA is the property of the TGRA. Licensees are expected to demonstrate reasonable care and protection with regard to the license and/or license badge.

Upon the loss or destruction of any license granted by the TGRA, application for a duplicate copy of the license must be made to the TGRA by the licensee. Such application shall include the circumstances under which the license was lost or destroyed and must be submitted in person to the TGRA by the licensee.

Fees associated with the replacement of a license shall be defined in the Tribal Gaming Fee Schedule. Badges damaged as a result of normal wear and tear will be replaced at no charge provided the badge and/or damaged pieces are returned with the application.

#### D. Transfer of Vendor License

Transfers of vendor licenses issued by the TGRA occur upon approval by the TGRA Director only under the following circumstances and conditions:

1. If the licensee is a corporation, except as provided in subsection (Note) below, a change in ownership of stock shall not be deemed a transfer of a license. Provided, that any change in the ownership of any stock in such corporation which results in any person or organization becoming the owner of a substantial interest therein, who was not the owner of a substantial interest immediately preceding the transaction, or which involves ten percent or more of any class of stock, shall be reported to the TGRA in writing and within ten days of the close of such transaction, together with such information concerning the person or persons receiving such stock as the TGRA Director may require.
2. Where a change in the ownership of the stock of any corporate licensee results in any person, together with any members of his or her immediate family, or results in any organization becoming the owner of a majority of the voting shares of that corporation who or which had not held a substantial interest in the corporation immediately prior to the change in ownership, gambling licenses held by that corporation shall immediately terminate and be void. In such cases a new license must be obtained from the TGRA prior to the operation of any gambling activity requiring a license.

NOTE: Transfers to persons owning or holding a substantial interest in any of the entities to which transfer is sought, not qualified to hold a gaming license, are not permitted. The license or licenses of any corporation in which a person holds or

acquires a substantial interest shall be revoked should such person not be qualified to hold a gaming or non-gaming license.

### 3.21 Confidential Licensing Information

All licensing information submitted as part of the application process becomes the property of the TGRA and is subject to inspection and disclosure unless otherwise protected under applicable laws or regulations, or an applicable exception.

Prior to providing information to the TGRA, an applicant may designate specific materials or documents the applicant reasonably believes to contain confidential information by clearly marking those materials or documents as "Confidential." Those materials and documents marked as "Confidential" shall not be subject to public disclosure or made part of the public record of the TGRA without first providing the applicant with written notice and an opportunity for a hearing before a quorum of the Commissioners regarding whether the materials, documents, or information should be made public.

For purposes of these regulations, "public disclosure" does not include disclosure to the WSGC, as required by the Compact or the NIGC. The Commission will balance the applicant's claimed confidentiality concerns against the materiality of the information to the license application, the public's right to be made aware of the information, and the Commission's need to include the information as part of the public record in order to maintain full accountability for the licensing decision. The Commission shall consider all facts and circumstances relevant to making a proper ruling. When issued, the decision of the Commission is final.

#### A. Arrest and Conviction Records

Information or statements regarding arrests, charges, or convictions of any person will not be disclosed to the public, except as relevant to the applicant or licensee's suitability in a hearing to appeal denial, revocation, or suspension of a license; or in another legal proceeding.

#### B. Identity of Persons Interviewed

The identity of each person interviewed in the course of a licensing background investigation shall be confidential.

### 3.22 Retention Requirements for Applications

Applications for licenses, including reports of background investigations, are retained by the TGRA in digital format for a period of no less than three (3) years from the date of license denial or termination of employment, whichever is later. Such records are made available for inspection by the NIGC upon request.

The TGRA retains license information for such employees, and to the extent necessary, after termination of employment or denial, suspension or revocation of the license. No investigative report or eligibility determination need be forwarded to the NIGC for non-gaming license applicants unless specifically requested by the NIGC and approved by the TGRA Director.

### 3.23 Fees and Fines

#### A. License fees

License fees are established and published by the TGRA in the Tribal Gaming Fee Schedule, and may be changed at any time without prior notice for any class of license. License application fees may include an amount sufficient to cover the reasonable costs of regulation and enforcement.

#### B. Investigation fees

In the event the cost of investigation and processing an application exceeds the fee established, the TGRA Director may require that additional fees be paid prior to license issuance.

#### C. Payment of fees

Applicants must comply promptly with any request for a deposit to cover the estimated cost of investigation and processing. Applicant's failure to pay any fee deposit when requested may result in denial, suspension, or revocation of the license. The TGRA, in its sole discretion, may delay the issuance of a license for a sufficient period of time to ensure that a check offered to cover such fees has been honored by the representative financial institution.

#### D. Waiver of fees

The TGRA Director reserves the right to waive or adjust license fees for a member of the Squaxin Island Tribe.

#### E. Fines

Fines may be imposed in lieu of license suspensions and are required to be paid. Failure to pay the fine within the required time frame may result in the suspension/revocation of the license.

### 3.24 Surrender of License

Upon receiving notification of the suspension, revocation, or termination of any license issued by the TGRA, the licensee is required to surrender and return it to the TGRA immediately upon receiving such notification, when such license remains in licensee's possession. Licenses (primary and replacement) of terminated or resigning employees must be returned to the TGRA upon termination or resignation. Gaming licenses (badges) issued by the TGRA are the property of the TGRA.

### 3.25 Denial, Suspension, or Revocation Licensee Rights

#### A. Upon receipt of notification of denial, suspension or revocation an applicant may petition for reconsideration to the Commission. The appeal process is as follows:

The Applicant or Licensee must submit a written request for a hearing to the TGRA Director within seven (7) days after the date of suspension, revocation or denial. The request must set forth the basis of the request for reconsideration. If request or

petition for reconsideration is not received by the TGRA within the time period prescribed, the decision shall be considered final and not subject to further reconsideration, appeal, or review by the Commission.

B. Hearing process

1. The TGRA Director must notify the Petitioner (Applicant or Licensee) of the date, time, and location of the hearing.
2. A hearing shall be held before a quorum of the Commissioners within thirty (30) days of receipt of the petition for appeal.
3. All hearings are closed to the public unless requested otherwise by the Petitioner, and a majority of the quorum of the Commission is in agreement. "Public" refers to any person not described as a Commissioner, TGRA staff, Petitioner's witness, or legal counsel for the Petitioner or the Commission.
4. The hearing shall be conducted in an informal manner and the technical rules of evidence shall not apply.
5. A Commissioner shall be appointed as the presiding official for the hearing and he/she will regulate the course of the hearing and rule on all issues relating to procedure, testimony and the introduction of evidence.
6. The Petitioner reserves the right to be present and to offer sworn oral or documentary evidence relevant to the hearing and may call witnesses to testify in the proceeding if such witnesses can provide relevant information. Witnesses testifying only to the Petitioner's character may not be called. The admission of evidence and testimony is based solely on its relevance, as determined by the Commission Chairperson.
7. All parties to the hearing shall be entitled to counsel or representation of their own choosing at their own expense.
8. The burden of proof is on the Petitioner to present all information that he/she considers applicable.
9. All hearings shall be recorded and retained by the Commission.
10. A quorum of the Commission shall consider the evidence presented by the Petitioner and Commission staff prior to making a final determination.
11. Within fifteen (15) days of the completion of deliberations, the Commission shall issue a written decision that either affirms or reverses the original decision of the TGRA Director. Any such decision may affirm and/or reverse in part, or place any terms and conditions in the decision, or on the licensee, as the Commission deems appropriate.
12. The Commission decision shall be considered the final agency decision, the party may appeal to the Squaxin Island Tribal Court, and is subjected to the rules of the Squaxin Island Tribal Court Rules of Civil Procedure (SCITC Sec. 4.24, et. seq.). The appeal to the Squaxin Island Tribal Court shall be held on the record created by the

Commission, and no further evidence or testimony shall be taken or considered by the Court.

13. Any party desiring to appeal the Commission decision must file a Notice of Appeal with the Squaxin Island Tribe Court Clerk no later than ten calendar (10) days from date of the Commission decision. The Notice of Appeal shall be served to the opposing party within five (5) calendar days of it having been filed with the Squaxin Island Tribal Court Clerk's office.
14. The Commission shall make appropriate arrangements in preparing the record for review by the Tribal Court, which shall include, but not be limited to, a transcript of the recorded hearing, and all exhibits and pleadings considered by the Commission at the hearing. By a certified statement, the Commission shall file the official record of the Commission hearing within forty-five days of the date of the Notice of Appeal. The party appealing the Commission decision shall be responsible for any and all costs associated with the preparation and filing of the record.
15. The Tribal Court shall affirm the Commission decision unless it finds such decision was arbitrary and capricious, or not supported by substantial evidence.
16. The required time periods outlined in the hearing process may be adjusted upon a documented vote of the Commission signed by the chair for any particular petition.

## **Article IV - Gaming Devices and Equipment**

### **4.1 Gaming Stations Safety and Security**

All game stations are required to be maintained in good working order and comply with all technical standards required as approved by the TGRA. Gaming stations must have all doors locked and secure while open to public. Gaming stations must be free of hazards to ensure the safety and welfare of the public when placed into play. Power and data cables must be covered to prevent easy accessibility to the extent required by the TGRA.

### **4.2 Drop Boxes**

Drop boxes are required for all game stations. Each drop box must be constructed to prevent easy access to contents. The drop box must be housed in a locked compartment that is attached to the game station.

The box shall have:

- A. One lock on the box securing the contents placed into the drop box, the key to which shall be different from any other key and controlled by the TGRA;
- B. An opening through which currency, coins, forms, records and documents can be inserted into the drop box;
- C. A method physical or electronic to correspond a drop box to a gaming station or device to which it is attached, and a method to indicate game, table number, and shift.

### **4.3 Transportation and Storage of Drop Boxes**

Drop boxes need to be stored and transported in a secure manner. Procedures of the drop along with drop routes need to be submitted to TGRA. The following is required when storing and transporting drop boxes:

- A. All drop boxes removed from the gaming stations shall be removed from their stations by a minimum of two (2) agents. At least one of whom is independent of the card/table games department. At least one security department member shall provide a general presence of personnel and provide live monitoring of the drop process and the transportation of the trolley where the drop boxes are stored and secured in to the count room.
- B. All drop boxes, not attached to a gaming station, shall be stored in the count room in an enclosed storage cabinet or trolley and secured in such cabinet or trolley by a separately keyed, double locking system. The key to one lock shall be maintained and controlled by the security department and the key to the second lock shall be maintained and controlled by the TGRA.
- C. Drop boxes, when not in use during a shift may be stored on or in the gaming stations provided that there is adequate security.

- D. Drop boxes, when required for maintenance, must be inspected by the TGRA prior to leaving the count room and again upon returning. The boxes may be stored in protective area.

#### 4.4 Installs and Movements

Gaming Server, Gaming Station, Game Theme, Point of Sale (POS), Controlled Inventory, Surveillance Required Activities, ATM's or signage installs and movements must be approved by TGRA prior to moving or installation at least 24 hours prior.

Facility Licensee must make a submission that includes the following 7 days prior to install or movement:

- A. Date and Time of the Request
- B. Date and Time of the proposed movement/install
- C. Schematics of the proposed floor layout (before and after).

#### 4.5 Table Games

Dealers are required to clear their hands any time they are going to the body or a body for any reason, or anytime the hands will drop below the table surface or in any way be restricted from sight.

Dealers must wear their approved uniform and ID badge (License) while they are working. The ID badge must be visually exposed to ensure proper identification is viewable by regulators, team members and the public.

Supervision of more than 6 tables by the pit supervisor is prohibited.

#### 4.6 Shipping of Gaming Devices

Shipment of sensitive material to a licensed gaming facility must be approved by the TGRA prior to shipping. Requests for shipping the sensitive material must include:

- Name of company shipping
- Point of origin
- Name of the carrier company
- Detailed description of the items to be shipped.  
(To be able to uniquely identify material being shipped)
- Number of items
- Date of shipment
- Date of anticipated arrival

Gaming software may be shipped installed on gaming devices or shipped separately.

#### 4.7 Receipt of Gaming Equipment

Upon arrival at the gaming facility TGRA must be informed to inspect gaming equipment for tampering and accuracy of documentation. TGRA will verify approval of the equipment and verify software prior to being placed into play.



#### 4.8 Storage of Gaming Equipment

Gaming equipment must be stored in a protective area.

## **Article V - Marketing and Game Submissions**

### **5.1 New, Modification or Temporary Game Submission and Tournaments**

Required submission documentation:

- A. Title of the game –a referencing title that is not to be used by any other game. (Specific)
- B. Creation date - referencing the date rules were drafted.
- C. Proposed implementation date – referencing the proposed start date of the game.
- D. Overview – basic summary of the game.
- E. Game board and physical attributes – description of any physical aspects of game.
- F. Complete set of rules of play – The rules must adequately articulate the rules of play. To include the following:
  - 1. How to play - Step by Step instructions and how to win;
  - 2. Minimum and maximum wagers and how those are set if adjustable;
  - 3. Payout matrix based on wagers and outcome choices;
  - 4. Bonus options; and
  - 5. Disclaimers and right of review.
- G. Internal Controls
  - 1. Existing Internal Controls and any modifications.
  - 2. New Internal Control proposed if needed.
- H. Legal reference
  - 1. Regulations that pertain to the game.
  - 2. Verification of classification.
  - 3. Certification (If electronic gaming equipment).

### **5.2 New or Modification of a Promotional Game of Chance**

Required submission documentation:

- A. Title of the game –a referencing title that is not to be used by any other game. (Specific)
- B. Creation date - referencing the date rules were drafted.
- C. Valid period – days and times the temporary game rules will be in place.
- D. Overview –summary of the game.
- E. Entry requirements - There must always be a way for anyone to enter the promotional activity for free. Additional entries can be purchased or based on the accumulation of additional points or on the purchase of services, goods or merchandise.

- F. Game board and physical attributes – description of any physical aspects of game.
- G. Game objective – description of what would constitute a winner.
- H. Promotion rules – rules relating to promotions must be submitted and approved by TGRA and then be made available for patrons to view. The rules must clearly state the following:
  - 1. Who is offering the promotion;
  - 2. No purchase is necessary to enter the promotion; additional entries may be purchased or earned;
  - 3. Entry procedures;
  - 4. All eligibility requirements;
  - 5. The termination date and time for eligibility;
  - 6. The number (or while supplies last), value, and description of all prizes offered;
  - 7. The date winners will be chosen and how they are notified;
  - 8. The method by which winners are selected;
  - 9. Whether or not winners must be present for the drawing;
  - 10. Any publicity rights regarding use of the winner's name; and
  - 11. Disclaimers and right to review.

### 5.3 Campaigns

Required submission documentation:

- A. What is the criteria used to distribute the prize.
- B. How the patron can obtain the prize.
- C. Description of the prize.
- D. The cash value, if not awarded in cash.
- E. The cash value may not exceed \$10,000.00.
- F. Beginning and termination date if any.

### 5.4 Giveaways and Reimbursements

Required submission documentation:

- A. Who is eligible.
- B. How the patron can obtain the prize.
- C. The number of prizes available per customer.
- D. The number of prizes available in total.
- E. Description of prizes.

- F. The cash value, if not awarded in cash.  
The cash value may not exceed \$10,000.
- G. Any publicity rights regarding use of the winner's name.
- H. Beginning and termination date if any.

#### 5.5 Approval Process for Marketing and Gaming Submissions

TGRA will review submission documentation:

- A. Completeness of rules package.
- B. Ensure rules are clear.
- C. Ensure game is authorized by NIGC rules, Compact or Tribal Ordinance.
- D. Review Internal Controls for adequacy.
- E. Verify any certifications.
- F. Verify how rules will be posted.
- G. Forward rules to all TGRA departments:
  - 1. Licensing – ensure proper licenses have been obtained and Game owner contract determined and reviewed.
  - 2. Enforcement- verify adequate understanding of game and inspection plan.
  - 3. Surveillance – verify coverage of game, placement.
  - 4. Audit – verifies inclusion in any Audit schedule.
  - 5. IT – determines any technical needs.
- H. Approval

The TGRA Director will approve all tournament, promotional contests, campaigns, giveaway/reimbursement submissions and all new, modified and temporary game rule submissions.

#### I. Notification to TGO

The TGRA Director will notify TGO of the results and forward documents to TGO and other team members.

#### 5.6 Request for TGRA approval of activities

The time period required to submit for approval is 30 days prior to the activity.

#### 5.7 Players Club

- A. Players Club rules and restrictions must be posted or otherwise communicated to patrons prior to them joining.
- B. Player Club Rules must include at a minimum the following:

1. Eligibility Requirements
2. Use acceptance and restrictions
3. Point restrictions and adjustment policies
4. Liability and compliant process
5. User responsibilities and obligations

## **Article VI -Rules for Licensed Facilities/TGO**

### **6.1 Minors**

No person will allow anyone under the age of eighteen to participate in gambling activities.

### **6.2 Identification**

All persons will be required to have a valid identification while in the gaming facility and shall present it to Security, Agent or representative upon request. The ID will be validated for the following:

- Valid Age to be in the gaming facility while liquor is served and wagers made
- Valid Identity
- Individual is not on barring list (TGRA will supply)
- Valid for recording for jackpot wins

This will ensure the patron is of age, can legally play and collect winnings.

### **6.3 Drugs and Alcohol**

No person may enter a licensed facility in the possession of illegal drugs or open container of alcohol.

Licensees must not allow any person who appears to be intoxicated or under the influence of any narcotic or other substance to operate or play any gambling activity.

### **6.4 Detainment of individuals for Law Enforcement**

TGRA may detain any individual that they suspect has committed a criminal act for law enforcement. They may also detain a subject when attempting to identify individual to suspend the subject's gambling privileges (barring the individual from the licensed facility).

### **6.5 Signage – Display for the Gaming Facility**

- A. TGO must prominently display the current original or copy of facility gaming license TGRA has issued in a gaming area of their business premises.
- B. TGO must prominently display any liquor certification issued by the State or Tribe.
- C. TGO must prominently display at all public entrances a sign that indicates:
  1. Prohibition against weapons
  2. Prohibition against minors in gaming areas
  3. Security Staff reserves the right to search all bags
- D. TGO must post and have available rules of play for all games, contests or promotions and how a grievance can be filed. Rules posted must use a 12 point font that is consistent and readable. Signage indicating contest and promotion rules are available to patrons upon request will substitute for posting contest and promotion rules.
- E. Washrooms will have posters on proper hand washing techniques.

## 6.6 Emergency Lighting

In the event of loss power to lights, the TGO will have emergency lighting that must illuminate:

- A. Sensitive and secured areas to ensure visual oversight of revenues and gaming systems are protected.
- B. Protective areas to ensure access to the areas are properly monitored.
- C. Restricted areas as appropriate to prevent a safety hazard
- D. Public areas to ensure pathways can be navigated.

## 6.7 Security Personnel

- A. TGO will employ adequate levels of security to provide safety to guests, to revenues and provide the necessary Internal Control responsibilities.
- B. TGO is required to maintain security staff adequate for the safety and security of patrons and staff. Security should be able to respond to incidents in a timely fashion.
- C. TGO is required to maintain a security podium that is manned during all hours of operation accessible to the public.
- D. During special events or as directed by the TGRA, TGO will increase the number of security staff to ensure the safety of patrons and assets.
- E. Security staff is required to maintain a reporting system that adequately stores and records all security incidents.
- F. Security staff is required to notify TGRA upon discovery of any incident including but limited to:
  - 1. Traffic Accidents
  - 2. Crimes
  - 3. Medicals
  - 4. Loss of Controlled Keys
  - 5. Internal Control Failures
  - 6. Bomb and Physical Threats
  - 7. Found Currency
  - 8. Found Drugs or Drug Paraphernalia
- G. Security staff is required to notify TGRA of any of the below indicated events:
  - 1. Patron Incident Approaches
  - 2. Vehicle Incident Approaches
  - 3. Currency or Cheque Escorts
  - 4. Entering of Protective Areas or Sensitive/Secured Areas

5. Entering TGO Management Offices without management employees present
  6. Entering TGO HR Offices without HR employees present
  7. Discovery of any emergency vehicles on location
- H. Security Staff is required to submit and get TGRA Approval of Safety Protocols and procedures to include Personnel Protection Equipment (PPE's) and other equipment for the following incidents:
1. Known Drug use related activity (Medical Overdose suspected or Room contamination)
  2. Fire related activity
  3. Violent Offender (Assault)
  4. Robbery

#### 6.8 Emergency Personnel

TGO is required to maintain personnel trained to administer CPR and First Aid for all hours of operation. Such personnel must be able to be dispatched to a reported injury by TGRA.

#### 6.9 Public Pathways

TGO is required to ensure pathways are free of tripping and slipping hazards and must utilize what means are needed to prevent injury to patrons and employees.

#### 6.10 Restricted Areas

TGO must provide physical barriers to restrict the public from immediate access to restricted areas that are accessible to only employees. Such areas are required to post restricted access or employee only access signs. All persons in these areas must visibly wear their license badges or have a visitor's badge.

TGO personnel allowing entrance to restricted areas without verification of appropriate badging is in violation.

#### 6.11 Protected Areas

TGO must provide single lock doors to protected areas from universal employee access. Door locks will prevent access to non-authorized employees from accessing protected areas typically used to protect records, supplies and other areas defined under internal controls, compact and these rules. All persons in these areas must visibly wear their license badges.

In the event of a camera or monitoring failure such as a power outage, access to the area will be restricted to the manager assigned to that area or a specific employee the manager delegates. Manager will notify TGRA and Security of their delegate and Security will restrict key checkout to that delegate or manager during a camera failure event.

Licensees allowing for physical entrance to protective areas without verification of appropriate badging or accessing protective areas remotely without the proper authentication are in violation of this rule.



#### 6.12 Sensitive / Secured Areas

TGO must provide dual lock doors to protected areas from single departmental employee access. Door locks will prevent access to non-authorized employees by requiring a clear accountability between departments or individuals as required under internal controls, compact and these rules. All persons in these areas must visibly wear their license badges.

In the event of a camera or monitoring failure such as a power outage, access to the area will require notification to TGRA and authorization by TGRA prior to access.

Licensees allowing for physical entrance to restricted areas without verification of appropriate badging or allowing remote access to restricted areas without verification of licensing are in violation of this rule.

#### 6.13 Lost and Found

An area shall be designated as lost and found. The area will be under Internal Controls to maintain integrity and ensure product is returned to the proper owner or the destruction thereof. Cash or cash equivalents valued at \$100 or more or any contraband discovered requires immediate notification to TGRA.

#### 6.14 Required Policies and Procedures to be submitted and approved by TGRA

- A. Criminal activity policy - TGO must provide a safe environment for patrons by implementation of adequate policies in regards to all criminal incidents that occur on property. The adequacy of policies and actions will be evaluated by incident by the TGRA Director to ensure consistent and fair approach to criminal violations.
- B. Emergency preparedness procedures – TGO must maintain updated procedures for emergency evacuations of all departments to include at a minimum:
  - 1. Maintain updated procedures of auditing and recovery for all departments.
  - 2. Cash handling and securing.
  - 3. Power and gas procedures.
  - 4. Exit routes and Assembly areas.
- C. Food and water procedures – TGO must maintain procedures for food and water to include:
  - 1. Maintaining all food handling permits
  - 2. Food preparation
  - 3. Food storage
  - 4. Food servicing
  - 5. Water use and contamination
  - 6. Wastewater/sanitation systems

- D. Construction and maintenance policies and procedures – TGO must maintain updated procedures and policies for compliance with International building codes, Tribal building code and hazardous waste management.
- E. Key Control - TGO must maintain updated procedures for Key access, retention and destruction.

#### 6.15 Approval of TGO and Restricted Areas

- A. All facilities will be licensed annually and as part of the licensing process the facility will be inspected to ensure the safety of the public and employees. Such inspections will include but not limited to:
  - 1. The inspection of food preparation, service and storage areas for compliance with health department regulations;
  - 2. The review of inventory systems that adequately inventories products and consumables to ensure the protections of assets;
  - 3. The review of records for accounting funds in accordance with accounting principles; and
  - 4. All facilities will have to budget for regulatory obligations including salary, benefits, equipment and accommodations; and
  - 5. The inspection of construction areas for the use of safety equipment, barriers and regulatory oversight needs.
- B. Failure to comply with these requirements will subject TGO to enforcement actions to include license suspension, fines or revocation. Repeated offenses may require the closure of affected areas or the failure to obtain license from TGRA.

#### 6.16 Space Requirements

To ensure proper regulatory oversight TGO will provide adequate secured areas for the TGRA to include:

- A. Administrative offices;
- B. Surveillance room;
- C. Server and storage rooms; and
- D. Detainment room.

#### 6.17 Reporting Requirements

To ensure compliance with regulatory Tribal, State and Federal obligations the facility staff are required to submit the following to TGRA:

- A. Any Contract over \$20,000.00;
- B. Job duties and responsibility changes of employees;

- C. Salary increases of employees exceeding \$50,000 per year; and
- D. Changes in game procedures.

## Article VII - Cash and Cash Equivalents

Cash and cash equivalent regulations are created to provide guidance for the protection of Tribal assets.

### 7.1 Physical Controls

- A. Secured areas and protective areas – these areas are subject to inspection and require approval from the TGRA prior to operation. TGRA will require the following:
  - 1. Proper camera coverage.
  - 2. Physical security in place to restrict access to area.
  - 3. Access list of personnel.
  - 4. Key controls.
  - 5. Log sheet (if applicable).
- B. Cash Drawer- TGO will provide dedicated cash drawers for all cash that is to remain clear of non-related cash transactional supplies.
- C. Cash Handling – TGO will provide a secure manner of collecting, transporting and transferring custody of cash and cash equivalents. Proper authorization must be followed for payments in excess of SICS established dollar threshold.
  - 1. All uncounted cash or cash equivalents must be kept in a secure area until it is opened in an area designated for the counting of those funds per approved internal controls or regulations.
  - 2. All uncounted cash or cash equivalents being transported through the gaming facility must be stored in a locked drop cart until it is in a secure area or it must be transported by hand by a member of the security department only after notification to surveillance.
  - 3. All banks must be secured and must balance for each shift.
  - 4. Unresolved variances must be reported to TGRA within 72 hours.
  - 5. All counted cash must be properly secured in a secure area.
  - 6. All Cash handling, transporting and secure procedures shall be submitted to TGRA for approval.

### 7.2 Reporting

- A. A report must be able to be generated at the request of the TGRA that shows the proper reporting of cash and cash equivalents in a specific area of the gaming operation.
- B. All Cash and Cash Equivalents must be properly reconciled, accounted for and reported in accordance with the regulations, internal controls, policies and procedures as well as Generally Accepted Accounting Principles (GAAP), which include financial accounting and reporting standards.

## Article VIII - Enforcement

Enforcement rules establish a regulatory means to encourage voluntary compliance and maintain a degree of consistency and fairness in regards to violations of rules, compact or internal control.

### 8.1 Enforcement Infractions and Documentation

The TGRA Director will establish a notification to licensee informing them of any violation, condition and duty required by Federal and State law, these regulations, and Internal Controls and policies adopted by the Commission. This notice may include the suspension or revocation of the license, and/or the imposition of a civil fine. The notification shall contain:

- A. The licensee name.
- B. Citation(s) noting the specific condition or duty that has been or is being violated.
- C. A description of the circumstances surrounding the violation, stated in a common and concise language.
- D. Proposed enforcement action (Verbal Warning, Written Warning, Pending Fine or Suspension).
- E. Notice of rights to appeal.

### 8.2 Suspension and Revocation pending appeal

The TGRA may deny, fine, suspend or revoke any application, license or permit pending appeal when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

- A. Has demonstrated disregard for complying with ordinances, statutes, rules or compact; or
- B. Has failed to pay fines or fees imposed by the Gaming Commission; or
- C. Fails to provide requested information from the Gaming Commission or Tribal Gaming Agency; or
- D. Has knowingly provided goods or services to an entity that illegally operates gambling activities; or
- E. Poses a threat to the effective regulation of gambling, or creates the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by:
  - 1. Prior activities;
  - 2. Criminal record;
  - 3. Reputation;
  - 4. Habits; or

## 5. Associations.

### 8.3 Closure of Facility

Suspension of the operator's license resulting in the closure of the TGO, or any part thereof, may only be made by resolution of the Commission, and only upon extraordinary circumstances, which includes but is not limited to:

- A. The TGO is being operated in such a manner as to warrant revocation of its license under applicable federal or state law.
- B. The TGO refuses to allow an authorized representative of the Commission, or authorized state or federal official, to enter and inspect the gaming operation and/or its books and records, as allowed and provided for by law.
- C. The TGO's facility is constructed, maintained or operated in a manner that threatens the environment or the public health and safety.

### 8.4 Civil Fines

The TGRA Director may assess a fine against any licensee for violation of any term, condition and duty required by Federal, State and Tribal law, these Regulations, and internal controls and policies adopted by the TGRA. The gaming operation licensee may be cited and fined for the conduct of its licensed employees, if the TGRA Director finds the conduct giving rise to the violation is the result of inadequate supervision or training of the licensed employee. The amount and criteria for assessing the fine shall be set by policy and by the decision of the Commission.

### 8.5 Administrative Investigation Fees

#### A. Circumstances to require expenses paid for investigations

Inspections and investigations may be charged to gaming licenses to support the continued regulatory oversight required by the TGRA. Such expense may include travel, lodging and meals that the TGRA rules to be acceptable and reasonable expenses for the investigation or inspection. Expenses must be approved by the TGRA Director before they are incurred.

#### B. Process

The following are the steps involved to bill licensee:

- 1. Agent will submit inspection or investigation plan to the Commission;
- 2. The plan must include the regulatory purpose and outline the specific review;
- 3. The plan must include the estimated time to complete;
- 4. Estimate of the cost of the inspection or investigation;
- 5. The plan will be reviewed by TGRA Management team and recommend billing amount to the Commission;
- 6. The Commission will review proposed billings at their regular Commission meeting;

7. The Commission will rule on the billings;
8. Agent will notify the licensee of the additional billings and the dates they will be incurred;
9. Licensee may surrender their license to avoid billings.

#### 8.6 Criminal Enforcement Barring

##### A. Circumstances affecting gambling privileges

Patrons and employees are expected to conduct themselves in a legal manner while on property. Criminal actions will subject the patron or employee to a formal process that may result in losing gambling privileges at all gambling facilities owned and operated by the Squaxin Island Tribe. The TGRA will investigate and/or involve local Law Enforcement in all criminal actions conducted on the TGO property.

##### B. Process

The following will be the steps involved in documenting and processing criminal actions:

1. TGRA will investigate and determine if local Law Enforcement is needed;
2. TGRA will record case detail and actions taken by local Law Enforcement, if known;
3. TGRA will initiate a gaming privilege suspension based on policy;
4. If suspect is an employee, TGRA will pursue actions against the license.

#### 8.7 Criminal Enforcement Arrest

Patrons and Employees are expected to conduct themselves in a legal manner while on property. Criminal actions will subject the patron or employee to a formal process that may result in losing gambling privileges at all gambling facilities owned and operated by the Squaxin Island Tribe. The Agency will investigate and/or involve local Law Enforcement in all criminal actions conducted on the gambling facilities property.

##### A. Circumstances leading to Arrest

Patrons and Employees are subject to arrest at the discretion of the TGRA when crimes are committed on Squaxin Island Tribal gaming properties.

##### B. Process

The following are the steps involved in notifying local law enforcement:

1. TGRA will seek out the victim of the crime;
2. TGRA will determine if victim wants to pursue prosecution (per policy);
3. TGRA will have local Law Enforcement, if requested, respond so that crime can be properly documented and prosecuted or adjudicated;
4. TGRA will make gaming privilege-suspension (per policy);
5. If suspect is an employee, TGRA will pursue actions against the license.

#### 8.8 Right to Appeal

Any gaming licensee who has his/her license suspended or revoked, or is civilly fined, has the right to appeal such suspension, revocation or fine to the Commission.

#### 8.9 Notice of Appeal

The licensee receiving a notice of violation may appeal the notice by filing a Notice of Appeal with the Commission. The Notice of Appeal must be received by the Commission no later than seven calendar days after date of the notice of violation. The Notice of Appeal shall contain the following information:

- A. A copy of the notice of violation being appealed.
- B. A statement by the licensee as to why the notice of violation is in error.
- C. A statement indicating the witnesses the licensee will call at the hearing, and a brief statement of their anticipated testimony.
- D. A copy of any and all documents or other evidence the licensee will present at the hearing.
- E. A statement of the relief the licensee seeks.
- F. Any other information the licensee believes would be of benefit for the Commission to consider.

The licensee may waive in writing his or her right to a formal hearing and instead elect to have the matter determined by the Commission solely on the basis of written submissions.

#### 8.10 Scheduling of a Hearing

A hearing shall be scheduled and occur no later than thirty (30) days from date of receipt of the Notice of Appeal, unless otherwise agreed to by the parties. The licensee shall be given a minimum of five (5) day written notice of the date, time and place for the hearing, said notice to be provided by both certified and regular mail. Mailing the notice may be waived if the licensee is personally served with the notice and an affidavit of service is filed with the Commission.

In the event the notice of violation involves the closure of the TGO, or any part thereof, the date of the hearing shall be expedited, and in no event shall the hearing occur later than three (3) days' date of the issuance of the notice of violation, with the requirement for the service of notice of hearing waived, said hearing to occur at a time and place by mutual agreement of the parties.

#### 8.11 Commissioners to Conduct Hearing

The Commission shall hear the matter being appealed, provided that a minimum of three (3) Commissioners are present and participate in the hearing. In the event three (3) Commissioners do not or cannot attend the hearing the matter will be continued and rescheduled, said rescheduled hearing date to occur no later than ten (10) days following the original date of the hearing.



#### 8.12 Conduct of Hearing

The hearing by the Commissioners shall be conducted as follows:

- A. The TGRA Director must notify the Petitioner (Applicant or Licensee) of the date, time, and location of the hearing.
- B. A hearing shall be held before a quorum of the Commissioners within thirty (30) days of receipt of the petition for appeal.
- C. All hearings are closed to the public unless requested otherwise by the Petitioner, and a majority of the quorum of the Commission is in agreement. "Public" refers to any person not described as a Commissioner, TGRA staff, Petitioner's witness, or legal counsel for the Petitioner or the Commission.
- D. The hearing shall be conducted in an informal manner and the technical rules of evidence shall not apply.
- E. A Commissioner shall be appointed as the presiding official for the hearing and he or she will regulate the course of the hearing and rule on all issues relating to procedure, testimony and the introduction of evidence.
- F. The Petitioner reserves the right to be present and to offer sworn oral or documentary evidence relevant to the hearing and may call witnesses to testify in the proceeding if such witnesses can provide relevant information. Witnesses testifying only to the Petitioner's character may not be called. The admission of evidence and testimony is based solely on its relevance, as determined by the Commission Chairperson.
- G. All parties to the hearing shall be entitled to counsel or representation of their own choosing at their own expense.
- H. The burden of proof is on the Petitioner to present all information that he or she considers applicable.
- I. All hearings shall be recorded and retained by the Commission.
- J. A quorum of the Commission shall consider the evidence presented by the Petitioner and Commission staff prior to making a final determination.
- K. Within fifteen (15) days of the completion of deliberations, the Commission shall issue a written decision that either affirms or reverses the original decision of the TGRA Director. Any such decision may affirm and/or reverse in part, or place any terms and conditions in the decision, or on the licensee, as the Commission deems appropriate.
- L. The Commission decision shall be considered the final agency decision, the party may appeal to the Squaxin Island Tribal Court, and is subjected to the rules of the Squaxin Island Tribal Court Rules of Civil Procedure (SCITC Sec. 4.24, et. seq.). The appeal to the Squaxin Island Tribal Court shall be held on the record created by the Commission, and no further evidence or testimony shall be taken or considered by the Court.
- M. Any party desiring to appeal the Commission decision must file a Notice of Appeal with the Squaxin Island Tribe Court Clerk no later than ten calendar (10) days from date of

the Commission decision. The Notice of Appeal shall be served to the opposing party within five (5) calendar days of it having been filed with the Squaxin Island Tribal Court Clerk's office.

- N. The Commission shall make appropriate arrangements in preparing the record for review by the Tribal Court, which shall include, but not be limited to, a transcript of the recorded hearing, and all exhibits and pleadings considered by the Commission at the hearing. By a certified statement, the Commission shall file the official record of the Commission hearing within forty-five days of the date of the Notice of Appeal. The party appealing the Commission decision shall be responsible for any and all costs associated with the preparation and filing of the record.
- O. The Tribal Court shall affirm the Commission decision unless it finds such decision was arbitrary and capricious, or not supported by substantial evidence.
- P. The required time periods outlined in the hearing process may be adjusted upon a documented vote of the Commission signed by the chair for any particular petition.

#### 8.13 Consent Order or Settlement

At any time after a licensee initiates an appeal with the Commission, the parties may jointly move to defer or continue the Commission hearing for a reasonable time to permit negotiation of a settlement of the whole or any part of the proceeding.

#### 8.14 Patron Complaint Procedure

The Commission may receive a complaint from a patron of the TGO who claims to be adversely affected by an act or omission of the enterprise which is asserted to violate the rules and regulations enforced by TGRA. The process and procedure for addressing such a complaint shall be as follows:

- A. Prior to lodging a complaint with the Commission, the patron must exhaust the internal complaint remedy procedures of the TGO.
- B. The TGO shall post a notice in the gaming facility advising patrons of its dispute resolution procedure and shall have complaint forms easily accessible to its patrons.
- C. After exhausting the TGO's process for resolving a complaint, and if the patron is not satisfied with the decision of TGO, the patron may file a complaint with TGRA by submitting a written complaint stating the facts or circumstances of the complaint with TGO. Said complaint must be filed within ten (10) days of the incident giving rise to the complaint, or ten (10) days' after notice of any decision reached by the TGO, whichever occurs later. The TGO shall immediately provide a copy of the complaint to the TGRA and shall have seven (7) days to prepare and deliver its written response to the customer and TGRA. The TGO shall provide a copy of the customer's statement and its response to the TGRA.
- D. The TGRA Director shall review the complaint and the TGO's response. The TGRA Director shall conduct whatever investigation he/she deems necessary, report his/her findings, and make a recommendation to the Commission. The Commission may set a

hearing on the matter or may make a decision based solely on the TGRA Director's recommendation and the documentation provided by the parties. The Commission shall issue a written decision and mail it to the parties by registered mail or certified mail, return receipt requested.

- E. The Commission shall fully consider and complete its final review of the dispute within thirty (30) days of receiving the patron's complaint.
- F. The liability of the gaming operator in any dispute under this section shall be limited to the amount of the alleged winnings or losses. No complainant shall be entitled to any other award, including but not limited to special or punitive damages or damages for mental distress.
- G. The decision of the commission shall be final and not subject to judicial review.

## Article IX – BLANK

## Article X – Patron Gaming Suspension

The TGRA Director shall have the power and authority to temporarily or permanently exclude any person from a gaming facility (Patron Gaming Suspension or Barring).

### 10.1 Patron Gaming Suspension (PGS) Types

Actions limiting a Patron's ability to participate in gambling activities or to be on the gaming property include:

- A. Temporarily - suspending the Patron and requiring that they immediately leave the Gaming property/properties for a defined period of time:
  - 1. 24 hour PGS - Removal of a patron from gaming property with the direction to not return to any of the gaming properties before the next gaming day. ("Gaming day" defined as 6AM on the calendar day following date of suspension.)
  - 2. 30 day PGS - Removal of a patron from the gaming property for a period of thirty (30) days with authority for the Patron to return to the gaming property after thirty (30) day time period has expired, conditional on further review prior to suspension expiration.
- B. Permanently - suspending the Patron from the gaming property/properties for a minimum of one (1) year:
  - 1. Permanent PGS (Barred or Barring) - Removal of a patron from the gaming property on a permanent basis without any authorization to return. A barred patron will not be permitted in or on the gaming property unless and until the Commission takes further action, subsequent to full review, to authorize re-entry.
  - 2. Self-Exclusion PGS - Patron has volunteered to suspend themselves and is requesting the Tribe to prevent them from re-entry into gaming properties operated by the Tribe.

### 10.2 Involuntary PGS 15 day review

If the PGS (barring) is involuntary and permanent, the individual being barred shall have the right to request a review by the Commission within 15 days of issuance. The written communication must be received by the Director requesting the commission to review within 15 days of the issuance of the PGS. The Commission shall render a decision based on the request for review and the facts on the case report. Except as otherwise provided in this chapter, the decision of the Commission is final and not subject to judicial review.

### 10.3 Variance Request

Any permanently barred or self-excluded individual has the right to request a variance for a set time and date to attend a non-gaming event. Such request will be at the discretion of the TGRA Director.

#### 10.4 Request for Reinstatement

Any permanently and involuntarily barred individual, after one (1) year from the date of barring or from the last violation of the barring whichever is longer, may petition the Commission for re-admittance to the facility, on good cause shown. Good cause may be demonstrated by evidence of rehabilitation, and evidence that the offending behavior is not likely to be repeated. The Commission shall have sole discretion to grant, deny, or grant re-admittance to the gaming facility with conditions. The decision of the Commission is final and not subject to judicial review.

#### 10.5 Request to Lift Self-Exclusion

Any patron who has requested a self-exclusion may, after one (1) year from the date of barring, petition the Commission for re-admittance to the facility, on good cause shown. Policies adopted by the Commission will dictate the requirements associated with good cause.

#### 10.6 No Appeal

The Commission shall have sole discretion to grant, deny, or grant re-admittance to the gaming facility to a self-barred patron with conditions. The decision of the Commission is final and not subject to appeal.

#### 10.7 Barred List

The Commission may establish a list of persons permanently barred from the gaming facility who pose a threat to the integrity of Tribal gaming activities because of their criminal history or association with one or more career offenders or career offender organizations. Upon request, the Commission will make available a list of barred persons to the Washington State Gambling Commission and its enforcement agency, as well as to any other enforcement agency deemed appropriate by the Commission to receive such information.

#### 10.8 Notice

The Commission shall notify the person permanently barred of the Commission's decision in writing, either by personally delivering the notice to the person or by mailing it by U.S. certified mail to the person's last known address.

#### 10.9 Circumstances Where Indicated

PGS from gaming properties may be applicable in situations including, but not limited to, the following:

- A. Patron causes, creates, or is party to a disturbance of any nature in or around the gaming property;
- B. Patron fails to comply with reasonable request from TGRA, enforcement authorities, security personnel, State personnel, TGO, or other authority;
- C. Patron behaves in a manner causing reasonable suspicion they are under the influence of alcohol or drugs;

- D. Patron fails to comply with a law or regulation of the gaming property, TGRA, Tribe or other applicable law;
- E. Patron acts in a manner that indicates lack of judgment or control, or causes a reasonable concern for the protection of persons or property; or
- F. Patron is arrested for violation of Tribal, State, Federal, or other applicable law or ordinance;
- G. Patron files a false report or claim to the Tribe, TGRA or the State of Washington.

#### 10.10 Process

The TGRA shall establish policies and procedures to identify roles and responsibilities of the TGO and the TGRA. The policies and procedures will support regulatory needs and support the policies of the Commission.

#### 10.11 Commission Review

The Commission will review petitions forwarded by the TGRA and may extend the waiting period for reinstatement. The Commission will make a final decision to grant or deny the reinstatement by the petitioner based on the Commission review. The Commission decision is final, without right to appeal.

Current Commission policies will be utilized for any reinstatement regarding self-exclusion.

#### 10.12 Violating a PGS

Patrons violating any form of PGS will not be permitted to collect winnings obtained or won through wagers placed while barred from the premises. They will be subject to arrest and/or immediate removal upon determination of the violation. All proceeds not awarded to patrons violating their PGS will be forfeited and donated to the Elders program for the Tribe.

## **Article 11 - Ethics and Behavior**

### **11.1 TGRA Employee Prohibition from Gaming**

No present or former TGRA employee shall be employed in any other capacity in the Tribal gaming operation unless the TGRA Director, upon petition approves such employment in a particular capacity upon a finding that: (i) surveillance and security systems will not be jeopardized or compromised by the proposed employment of the former TGRA employee in the capacity proposed; and (ii) errors, irregularities, or illegal acts cannot be perpetrated and concealed by the former TGRA employee's knowledge of the surveillance system in the capacity in which the former TGRA employee will be employed.

### **11.2 Allowing Employees to Gamble on Premises**

TGO will submit Internal Controls that outline each positions and indicate if that position allows for participation in gaming activities conducted at the facility.

### **11.3 Conflict of Interest Commissioner or TGRA "Employee"**

No Commissioner or TGRA employee may have a personal, financial or other interest or engage in a business or transaction or other activity, or incur an obligation of any nature that is in conflict with the discharge of the Commissioner's or TGRA employee's official duties.

Commissioners and TGRA employees shall seek to avoid the appearance of conflicts, as well as actual conflicts of interest. In the event a conflict of interest is identified, the conflict shall be disclosed to the Commission and the affected Commissioner or TGRA employee shall recuse him or herself from any matter related to the conflict of interest for the duration thereof.

Individual Commissioners and TGRA employees are considered to hold a position of public trust. Commissioners and TGRA employees are encouraged to conduct their personal and professional affairs in such a manner as to promote the best interests of the Commission. In order to properly meet their obligations under the Gaming Ordinance and these Regulations, and in order to avoid the actual or appearance of a conflict of interest, individual Commissioners and TGRA employees shall not engage in any of the following activities:

- A. Gambling at a facility licensed by the TGRA.
- B. Accepting complimentary items from any gaming operation or vendor, unless such items consist of ceremonial gifts or meals totaling less than \$50.00 in value.
- C. Accepting gratuities or any other thing of value from any licensee. If the Licensee happens to be a relative the Commissioner or TGRA employee may request to be exempted. In order to be exempted the individual Commissioner or TGRA employee may not have direct influence in licensing determinations or have a direct regulatory oversight. Policies may be utilized to mitigate perceived influence or control to ensure that such actions are above reproach.
- D. Providing contractual or management services of any kind to any gaming operation.



- E. Having or holding a direct or indirect ownership interest in any licensee/vendor doing business with LCCR, unless such interest is fully disclosed to and appropriate permission is obtained from the Commission.
- F. Speaking to public media as an official spokesperson for the Commission without first obtaining permission and approval of the Commission.
- G. Being a guest speaker or program participant representing the interests of the Commission without first obtaining permission and approval of the Commission.
- H. Engaging in any outside employment or activities which, as determined by the Commission, interferes or conflicts with the duties and responsibilities of a Commissioner.
- I. Engaging in any kind of conduct deemed to be unbecoming of a Commissioner or TGRA employee, as determined by the Commission.

#### 11.4 Minimum Age 21

TGRA Employees must be 21 years of age at the time of hire. Summer Tribal Youth program participants (ages 16-21) may be employed by the TGRA for the strict purposes of office related duties only and may not go into any areas where gaming is being conducted or viewed.

#### 11.5 Employment or Appointment

Commissioners, Director and all other TGRA employees must maintain and demonstrate the highest ethical behaviors. No applicant for employment will qualify if as an adult they have committed:

- A. A Felony;
- B. A Theft;
- C. An Assault;
- D. Any sexual crimes; or
- E. Forgery, Larceny, Extortion, or conspiracy to defraud

If the Director is charged with any of the above crimes while in office he will be immediately suspended until the Commission decides actions to take in regards to his employment. Furthermore, any crimes committed or accused of being committed must be reported to the Director or designee within 72 hours. The Director or designee will have sole discretion in determining if the employee will be suspended pending final determination from the courts or continue to work. Failure to maintain compliance with financial or other obligations set by courts or law enforcement entities will result in the immediate suspension and termination of employment, if the employee fails to report the non-compliance within 72 hours. The Director or designee will have sole discretion in terminating continued employment based on the employee's ability to maintain compliance over time. Repetitive failures will demonstrate the inability to comply over time. Commissioners that fail to comply with reporting requirements and/or conditions for appointment will be reported to the Tribal Council recommending removal.