

GAMING CODE

CONFEDERATED TRIBES
OF THE
UMATILLA INDIAN RESERVATION

GAMING CODE

TABLE OF CONTENTS

| | | |
|---------------|--|----|
| CHAPTER 1. | GENERAL PROVISIONS | 1 |
| SECTION 1.01. | Title | 1 |
| SECTION 1.02. | Findings..... | 1 |
| SECTION 1.03. | Purposes | 1 |
| SECTION 1.04. | Defined Terms | 1 |
| SECTION 1.05. | Gaming Authorized and Regulated..... | 5 |
| SECTION 1.06. | Use of Revenues from Class II and Class III Gaming Activities | 5 |
| SECTION 1.07. | Gaming Facility | 6 |
| SECTION 1.08. | Minimum Age for Gaming Patrons and Employees, Gaming by Employees Prohibited | 6 |
| SECTION 1.09. | Prizes..... | 6 |
| SECTION 1.10. | Agent for Service of Process..... | 7 |
| CHAPTER 2. | ADMINISTRATION | 7 |
| SECTION 2.01. | Gaming Commission | 7 |
| SECTION 2.02. | Licensing..... | 9 |
| SECTION 2.03. | License Fees: Application Fees and Renewal..... | 11 |
| SECTION 2.04. | License: Qualifications and Requirements | 11 |
| SECTION 2.05. | National Indian Gaming Commission Review of Employee Licenses..... | 21 |
| SECTION 2.06. | License Suspension and Revocation..... | 22 |
| CHAPTER 3. | CLASS II GAMING | 24 |
| SECTION 3.01. | Definitions..... | 24 |
| SECTION 3.02. | Authorization to Conduct Class II Gaming | 25 |
| SECTION 3.03. | Management Contracts | 25 |
| SECTION 3.04. | Games Permitted..... | 25 |
| SECTION 3.05. | Bingo Game Cards..... | 25 |
| SECTION 3.06. | Player Limitation | 25 |
| SECTION 3.07. | Hours of Operation; Notice to Commission | 25 |
| CHAPTER 4. | CLASS III GAMING..... | 26 |
| SECTION 4.01. | Exclusive Ownership by Tribes | 26 |
| SECTION 4.02. | Facility License | 26 |
| SECTION 4.03. | Management Contracts | 27 |
| SECTION 4.04. | Games Permitted..... | 27 |
| SECTION 4.05. | Regulation and Inspection..... | 27 |
| SECTION 4.06. | Hours of Operation | 27 |
| SECTION 4.07. | Prohibition of Extension of Credit and Authorization of Check Cashing on Gaming Floor | 27 |
| CHAPTER 5. | RECORDS AND AUDITS..... | 28 |
| SECTION 5.01. | Records Maintenance..... | 28 |
| SECTION 5.02. | Independent Audits | 28 |
| CHAPTER 6. | DISPUTE RESOLUTION | 29 |
| SECTION 6.01. | Resolution of Disputes Between Gaming Facility Customer and Manager | 29 |
| SECTION 6.02. | Crimes; Penalties | 29 |
| SECTION 6.03. | Civil Penalties | 30 |
| SECTION 6.04. | Enforcement..... | 30 |
| CHAPTER 7. | VALIDITY OF CODE | 31 |
| SECTION 7.01. | Severability | 31 |
| SECTION 7.02. | Repeal of Inconsistent Tribal Law | 31 |
| SECTION 7.03. | Effective Date of Code..... | 31 |

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended Through Board Resolution No. 11-061 (June 27, 2011) – Approved By NIGC August 9, 2011*

APPENDIX A. LEGISLATIVE HISTORY

APPENDIX B. NATIONAL INDIAN GAMING COMMISSION APPROVAL

GAMING CODE

CHAPTER 1. GENERAL PROVISIONS

SECTION 1.01. TITLE

This Code shall be known as the Confederated Tribes of the Umatilla Indian Reservation Gaming Code.

SECTION 1.02. FINDINGS

The Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation, finds that:

- A. The Confederated Tribes of the Umatilla Indian Reservation has the exclusive authority to regulate Class I and II gaming activities on Indian Lands as defined at 25 U.S.C. § 2703 (4) (b) within the Umatilla Indian Reservation.
- B. The Confederated Tribes of the Umatilla Indian Reservation is authorized to operate, license and regulate Class III Gaming on Indian lands, as defined at 25 U.S.C. § 2703 (4) (b), within the Umatilla Indian Reservation, provided it has entered into, and operated Class III Gaming consistent with, a compact entered into between the Tribes and the State of Oregon.
- C. It is essential to the health, safety and general welfare of the Confederated Tribes of the Umatilla Indian Reservation and the visitors to Umatilla Indian Reservation that standards and regulations be promulgated to govern the conduct of gaming activities on Umatilla Indian Lands.

SECTION 1.03. PURPOSES

The purposes of this Gaming Code are to:

- A. Provide standards and regulations governing the conduct of gaming activities on Umatilla Indian lands within the Umatilla Indian Reservation;
- B. Promote Tribal economic development;
- C. Enhance employment opportunities for Tribal members;
- D. Strengthen the economy of the Confederated Tribes of the Umatilla Indian Reservation; and
- E. Generate revenue for use in improving the health, education and general welfare of enrolled members of the Confederated Tribes of the Umatilla Indian Reservation.

SECTION 1.04. DEFINED TERMS

- A. Use of a Defined Term. Whenever a term that is defined in this section is used in this Code, it shall be capitalized to indicate the term is one defined by the Code.
- B. Definitions.
 1. "Act" or " I.G.R.A." means the Indian Gaming Regulatory Act, 25 U.S.C §2701 et seq.
 2. "Bingo" means the game of chance (whether or not electronic, computer or other technological aids are used in connection therewith) which is played for Prizes, including monetary Prizes, with cards bearing numbers or other designations; in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and in which the game is won by the first Person covering a previously designated arrangement of

- numbers of designations on such cards. "Bingo" includes, if played at the same location, pull tabs, lotto, punch boards, tip jars, and other games similar to Bingo.
3. "Board of Trustees" means the governing body of the Confederated Tribes of the Umatilla Indian Reservation as set forth in Article VI of the Tribes' Constitution and Bylaws.
 4. "Class I Gaming" means all forms of gaming which are defined as "Class I Gaming" in I.G.R.A., which includes social games played 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.
 5. "Class II Gaming" means all forms of gaming which are defined as "Class II Gaming" in I.G.R.A., and shall include, but not be limited to, the following forms of gaming: Bingo, lotto, pulltabs and punch boards, tip jars and Non-Banking Card games, when played in conformity with 25 U.S.C. § 2703 (7).
 6. "Class III Gaming" means all forms of gaming that are not Class I Gaming or Class II Gaming, as defined in I.G.R.A.
 7. "Class II Gaming Contract" means a contract for the provision of any goods or services for the conduct of Class II Gaming.
 8. "Class III Gaming Contract" means a contract that involves a Major or a Sensitive Procurement.
 9. "Class II Gaming Contractor" is any individual, business or other Entity that applies for or is a party to a Class II Gaming Contract.
 10. "Class III Gaming Contractor" is any individual, business or other Entity that proposes to consummate, or in fact consummates, a Class III Gaming Contract.
 11. "Compact" means the Compact by and between the Confederated Tribes of the Umatilla Indian Reservation and the State of Oregon, as it may be amended from time to time, setting forth an agreement for operation of Class III Gaming on the Umatilla Indian Reservation within the State of Oregon.
 12. "Consultant" means any person, other than an employee, who provides advice or expertise to the Tribal Gaming Operation concerning the operation or management of the Tribes' Class III gaming activities for compensation. "Consultant" does not include a person engaged for the purpose of training or teaching employees of the Tribal Gaming Operation if the contract for those services is no greater than ninety (90) days in duration.
 13. "Contractor Key Employee" means any officer or any person who can substantially affect the course of business, make decisions, or is in a sensitive position in an organization or corporation that is a Class III Gaming Contractor or an applicant for a Class III Tribal gaming license, and for purposes of §2.04.B.4, includes any officer or person who can substantially affect the course of business, make decisions or is in a sensitive position in an organization or corporation that is a Class II Gaming Contractor or an applicant for a Class II Tribal Gaming License.
 14. "Controlling Interest" means fifteen percent (15%) of the equity ownership of a company.
 15. "Entity" means any organization, including any division, department or other unit therein, and includes, but shall not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, commission, bureau, department of governmental agency

- except that "Entity" shall not include the Confederated Tribes of the Umatilla Indian Reservation.
16. "Gaming Commission" or "Commission" means the Tribal Gaming Commission, created by this Code.
 17. "Gaming Facility" means the building constructed by the Tribes on Tribal trust lands within the Umatilla Indian Reservation immediately north and east of exit 216 on Interstate 84, and any other building in which Class II and/or Class III gaming is conducted on Indian lands pursuant to this Code.
 18. "Gross Receipts" means the total receipts from the conduct of gaming activities.
 19. "High Security Employee" means any natural person who participates in the operation or management of the Class III Tribal Gaming Operation, whether employed by the Tribes or by a person or entity providing on-site or off-site gaming operation or management services to the Tribes, including but not limited to: Tribal Gaming Operation administrators, managers and assistant managers, Gaming Facility surveillance or security personnel, dealers, croupiers, shift supervisors, cage personnel (including cashiers and cashier supervisors), drop and count personnel, Consultants, Video Lottery Terminal technicians, junket representatives, information technology staff with access to Class III Gaming Systems, including online accounting systems; and any other person whose employment duties require or authorize uncontrolled access to areas of the Gaming Facility related to Class III gaming and which are not otherwise open to the public. The Tribal Gaming Commission or its inspectors shall not be considered "High Security Employees."
 20. "Indian Lands" or "Umatilla Indian Lands" means all lands within the exterior boundaries of the Umatilla Indian Reservation; and any lands title to which is either held in trust by the United States for the benefit of the Confederated Tribes of the Umatilla Indian Reservation or individual Tribal member or held by any Indian tribe or individual Tribal member subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.
 21. "License" or "Licensed" means a Tribal gaming License, or having a valid Tribal gaming License, issued by the Confederated Tribes of the Umatilla Indian Reservation by the Tribal Gaming Commission pursuant to this Code.
 22. "Lottery" means any scheme for the disposal or distribution of property, by chance, among Persons who have paid or any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share or any interest in such property upon any agreement, understanding or expectation that it is to be distributed or disposed of by lot or chance, whether called a Lottery, raffle or gift enterprise, or by whatever name the same may be known.
 23. "Low Security Employee" means any employee of the Tribal Gaming Operation whose duties require the employee's presence in any area of the Gaming Facility where Class III gaming activities take place, but who is not a High Security Employee and who is not involved in the operation of Class III gaming.
 24. "Major Procurement" means any procurement action or contract for the following products, systems or services used in Class III gaming:
 - a. The printing of tickets;
 - b. Any goods or services involving the receiving or recording of number selections or bets in any Class III Gaming, including but not limited to online accounting systems, Keno systems, other random number generating systems, and off-track betting systems;

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended Through Board Resolution No. 11-061 (June 27, 2011) – Approved By NIGC August 9, 2011*

- c. Any goods, services, or products used for security or to determine outcomes; or
 - d. Video devices or other equipment, except equipment specifically included in the definition of Sensitive Procurement;
 - e. A contract or license to use a patented game or game product;
 - f. Accounting systems or surveillance systems;
25. "Net Revenues" means gross gaming revenues of an Indian gaming operation less
- a. Amounts paid out as, or paid for prizes; and
 - b. Total gaming-related operating expenses, excluding management fees.
26. "Non Banking Card Games" means any card game in which two or more Players play against each other and the Players do not wager against the house. Non-Banking Card Games played in conformity with State law regulating hours of play, wagers and pot limits is Class II Gaming. All other Non-Banking Card Games are Class III games.
27. "Owner" means any person or entity that owns 5% or more of the equity ownership of a company alone or in combination with another person who is a spouse, parent, child, or sibling.
28. "Player" means any Person participating in gaming activity, who is participating with the reasonable expectation of, or for the chance of, receiving a Prize of some value.
29. "Primary Management Official" means any person whether employed by the Tribes or the Tribal Gaming Operation, who:
- a. Has administrative or high-level management responsibility for part or all of the Class III Tribal Gaming Operation, whether as an employee or under a management contract;
 - b. Has authority:
 - i. To hire and fire supervisory employees of the Tribal Gaming Operation; or
 - ii. To set up or otherwise establish working policy for the Tribal Gaming Operation; or
 - c. Is the chief financial officer or other person who has financial management responsibility for the Tribal Gaming Operation.
30. "Prize" means any U.S. currency, cash or other property or thing of value awarded to a Player or Players, or received by a Player or Players as a result of their participation in a gaming activity.
31. "Secretary" means the Secretary of the Interior.
32. "Sensitive Procurement" means any procurement action or contract that is not a "Major Procurement," for Class III gaming equipment (such as cards, dice, keno balls, roulette wheels, roulette balls, chips, tokens, VLT or keno paper, gaming tables, table layouts or the like), or any other products that are not used directly in the conduct of Class III gaming, but that directly affect the integrity, security, honesty, and fairness of the operation and administration of the Tribes' Class III gaming activities such as

replacement parts for Video Lottery Terminals (bill acceptors, printers), locks and keys for secure storage areas or gaming devices, or individual surveillance cameras.

33. "State" means the State of Oregon.
34. "Tribal Court" means the Umatilla Tribal Court.
35. "Tribal Gaming Operation" means any Class II or Class III Gaming operation conducted on Umatilla Indian Lands.
36. "Tribal Gaming Operation Key Employee" shall have the meaning as set forth in 25 C.F.R. §502.14 and for employees of the Tribal Gaming Operation shall include all those employees defined herein as Low Security Employees, High Security Employees and Primary Management Officials.
37. "Tribes" means the Confederated Tribes of the Umatilla Indian Reservation within the State of Oregon, recognized by the Secretary of the Interior, and having special rights of self government. Tribes shall also include Tribal agencies and officials.
38. "Video Lottery Terminal" or "VLT" means any electronic or other device, contrivance, or machine where the game outcome decision-making portion of the overall assembly is microprocessor controlled wherein the ticket or game outcome is displayed on a video display screen, electronically controlled physical reels, or other electronic or electro-mechanical display mechanism and that is available for consumer play at the device upon payment of any consideration, with winners determined by the application of the element of chance and the amount won determined by the possible prizes displayed on the device and which awards game credits. Such device also displays both win amounts and current credits available for play to the player.

SECTION 1.05. GAMING AUTHORIZED AND REGULATED

- A. Class I Gaming is authorized on Indian Lands, and may be conducted by any Person. Class I Gaming shall not be regulated by this Code.
- B. Class II Gaming is authorized on Indian lands. Class II Gaming shall be regulated by the Tribal Gaming Commission and shall only be operated consistent with the provisions of this Code and I.G.R.A.
- C. Class III Gaming is authorized on Indian Lands. Class III Gaming shall be regulated by the Tribal Gaming Commission and shall only be operated consistent with this Code, the Compact and I.G.R.A.

SECTION 1.06. USE OF REVENUES FROM CLASS II AND CLASS III GAMING ACTIVITIES

Tribal revenues from Class II and Class III Gaming activities shall be used only to:

- A. Fund Tribal government operations, programs or businesses;
- B. Provide for the general welfare of the Umatilla Indian Reservation or Tribal members (if the Board of Trustees elects to make per capita distributions, the per capita distribution plan must be approved by the Secretary of the Interior prior to implementation as required by the Act);
- C. Promote economic development within the Umatilla Indian Reservation;
- D. Donate to charitable organizations.

SECTION 1.07. GAMING FACILITY

- A. To ensure that the environment and the public health and safety are adequately protected, the Gaming Facility shall be constructed and maintained in compliance with applicable Tribal and federal laws. The Tribes' laws that are applicable to and establish the environmental and the public health and safety standards for the Gaming Facility are:
 - 1. CTUIR Gaming Code;
 - 2. CTUIR Land Development Code;
 - 3. CTUIR Environmental Health and Safety Code;
 - 4. CTUIR Fire Prevention and Emergency Service Code; and
 - 5. Mission Community Water System Code.
- B. Tribal Codes and regulations governing health and safety standards applicable to the Gaming Facility shall be at least as rigorous as standards imposed by the laws and regulations of the State of Oregon.
- C. The Gaming Facility shall be subject to inspection to insure compliance with applicable public health and safety codes or regulations, annually or on such basis as the Tribal building inspector, health inspector or other appropriate tribal official enforcing such laws, or if none, the Tribal Gaming Commission, determines is necessary and appropriate.

SECTION 1.08. MINIMUM AGE FOR GAMING PATRONS AND EMPLOYEES, GAMING BY EMPLOYEES PROHIBITED

- A. No Person under the age of 18 years shall be permitted to play any Class II games.
- B. No Person under the age of 21 years shall be permitted to play any Class III games.
- C. No Person who is employed at a Class II or Class III Gaming Facility may play any game conducted therein while on duty or while in uniform.
- D. All employees of the Tribal Gaming Operation shall satisfy the following minimum age requirements:
 - 1. All employees whose job duties require them to be present in areas where Class III gaming takes place shall be at least 21 years of age, subject to the exceptions set forth in this subsection.
 - 2. Enrolled Indians at least 18 years of age may work in areas where Class III gaming takes place so long as alcohol is not served in areas where Class III gaming takes place.
 - 3. "Keno runners" taking bets from restaurant patrons in restaurants where alcohol is served shall be at least 18 years of age if the employee is an enrolled Indian, otherwise the employee must be at least 21 years of age.
 - 4. Employees of the Tribal Gaming Operation working in the vaults and soft count room shall be at least 18 years of age.

SECTION 1.09. PRIZES

- A. No Assignments. The right of any Person to a Prize is personal and may not be assigned.
- B. Unclaimed and Illegal Prizes.

1. Any unclaimed Prize of a Class II or Class III Gaming activity shall be retained by the Tribal Gaming Operation, and be available to the winner of the Prize, for ninety days after the Prize is available to be claimed except as follows:
 - a. Any Off Track Betting Prize must be collected within 90 days after the end of the race meet.
 - b. Any Keno Prize must be collected as follows:
 - i. Any ticket of 1 to 20 race Prize must be collected within 30 days of the date the Keno ticket is issued; and
 - ii. Any ticket of 21 and above race Prize must be collected within 365 days the Keno ticket is issued.
2. Any person who fails to claim a Prize during such time shall forfeit all rights to the Prize and the Prize shall become the property of the Tribes. The Gaming Operation shall provide patrons with adequate notice of the applicable redemption period for all Prizes.
3. Prizes are conditioned on lawful play of games and may not be awarded to a Player when obtained in violation of this Code or any regulations promulgated thereunder. Any prize won by a Person under the age of eighteen (18), or in the case of Class III games under the age of twenty-one (21), shall not be awarded to any underage Player playing in violation of section 1.08 of this Code. Any such Prize shall be awarded to the Tribes, and the approximate consideration paid by the underaged Player shall be refunded to the Player. Any dispute arising out of a decision regarding payment of a Prize pursuant to this provision must be resolved pursuant to section 6.01 of this Code and applicable regulations.

SECTION 1.10. AGENT FOR SERVICE OF PROCESS

The Chairperson of the Tribal Gaming Commission shall be designated as the agent for service of any official determination, order or notice of violation from the National Indian Gaming Commission. The Commission Chairperson shall promptly report any such service and provide copies of documents served by the National Indian Gaming Commission to the Chairman of the Board of Trustees, the Tribal Executive Director and the Wildhorse Chief Operating Officer.

CHAPTER 2. ADMINISTRATION

SECTION 2.01. GAMING COMMISSION

- A. Establishment and Composition
 1. There is hereby created the Tribal Gaming Commission.
 2. The Tribal Gaming Commission shall be comprised of a Chairman and four (4) members.
- B. Qualifications and Appointment
 1. The Gaming Commission Chairman and members shall be appointed by the Board of Trustees, and shall possess and demonstrate as minimum qualifications:
 - a. Knowledge and experience in the commercial gaming industry;
 - b. Familiarity with the Act;
 - c. Knowledge, experience or familiarity with law enforcement; or

- d. Experience in and knowledge of administration and administrative procedure.
 2. The Gaming Commission Chairman and all Commission members shall be from among the Tribes' General Council membership except that the Board of Trustees may appoint non-member Indians or non-Indians to the Gaming Commission because of their demonstrated expertise in critical areas of gaming regulation or law enforcement. At no time shall there be more than two Gaming Commissioners who are not members of the Tribes. It shall be an objective of the Gaming Commission to insure that Commission members enrolled in the Tribes shall be trained to assume full responsibility to regulate the Tribal Gaming Operation as soon as practicable.
 3. Appointments of the Commission Chairman and members shall be for a period of four (4) years, except that of the terms of the initial members one shall be for one year, one for two (2) years, one for three (3) years and two for four (4) years, respectively, which shall result in staggered appointments and provide continuity within the Commission. The Commission Chairman and all members may be re-appointed for one or more successive terms.
 4. No Person shall be appointed to the Gaming Commission unless the Board of Trustees is satisfied that:
 - a. He or she is a Person of good character, honesty and integrity, who's prior activities, criminal record, if any, reputation, habits and associations do not pose a threat to the public interest of the Tribes, its members or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conducting of gaming or the carrying on of the business and financial arrangements incidental thereto; and
 - b. He or she meets or exceeds the licensing standards of High Security Employees as set forth in this Code; and
 - c. He or she has no interest in any private gaming activity on Umatilla Indian Lands or any activity which may have interests in conflict with the Tribal Gaming Operation.
 5. Prospective Gaming Commission members shall be subject to a financial and criminal background check similar to the background investigation conducted on Primary Management Officials and High Security Employees. The background investigation shall be conducted by the Gaming Commission or the Umatilla Tribal Police Department as directed by the Board of Trustees. The background investigation report shall be provided to the Board of Trustees prior to final appointment of the prospective Commission members to the Gaming Commission.
 6. The Gaming Commission Chairman and members may be removed for good cause, after written notice and opportunity to be heard by the Board of Trustees. Good cause shall exist when any condition occurs or is discovered which would exclude a Person from appointment. The decision of the Board of Trustees shall be final.
- C. Duties and Powers. The Gaming Commission shall administer the provisions of this Code and shall have all powers necessary therefore. In exercise of its duties, the Commission shall:
1. Promulgate such rules and regulations as may be necessary and desirable for the proper implementation of this Code;
 2. Identify and define the rules of play for each Class II and Class III game permitted;
 3. License, inspect and oversee all gaming activities on Indian lands, persons employed in such , and contractors in a business relationship with the Gaming Operation with respect to such activities;

4. Conduct or cause another Entity to conduct background investigations of Tribal Gaming Operation Key Employees;
 5. Insure the Tribal Gaming Operation is operated in compliance with this Code, the Compact, I.G.R.A., and all relevant laws;
 6. Carry on a continuous study and investigation of Class II and Class III Gaming on Indian Lands for the purpose of:
 - a. Ascertaining any defects in or abuses of the standards and regulations in this Code or applicable rules and regulations;
 - b. Formulating recommendations for changes in the standards and regulations in this Code and any and all applicable rules and regulations;
 - c. Preventing abuses and evasions of the standards and regulations prescribed by this Code and applicable rules.
 7. To exercise the duties and powers set forth in section 9(A) of the Compact;
 8. To adopt, implement and enforce Minimum Internal Control Standards (MICS) applicable to the Tribal Gaming Operation that are consistent with and at least as stringent as the MICS required under the Compact and by regulation of the National Indian Gaming Commission;
 9. Report to the Board of Trustees on any matters related to gaming which are deemed by the Gaming Commission to constitute an emergency requiring immediate action and to take such action as the Commission deems necessary to address such an emergency provided that the action taken is consistent with the authority delegated to the Commission under this Code. The Commission shall also report to the Board of Trustees on the emergency action it undertakes as soon as practicable;
 10. Take any action it deems necessary and appropriate for violations(s) of this Code, applicable rules and/or regulations, including but not limited to License suspension, revocation, prosecution, referral for prosecution, or civil suit; and
 11. Employ such employees as are necessary to carry out the specific and general powers and duties of the Commission. Commission employees shall meet all License requirements of High Security Employees.
- D. Compensation. The Commission Chairman, Commission members, and Commission employees shall be reasonable compensated, as determined by the Board of Trustees in the annual Tribal budgeting process. The compensation shall be paid from the Tribes' income from gaming activities.

SECTION 2.02. LICENSING

A. Authority to License.

1. The Tribal Gaming Commission shall have the sole and exclusive authority to License and regulate Class II and Class III Gaming operations on Umatilla Indian Lands which are now, or may hereafter, be permitted by federal law, this Code and the Compact.
2. Class I Gaming shall not be regulated by this Code and no Licensing shall be required for Class I Gaming.

B. Types of Licenses to be Issued.

1. The Gaming Commission shall issue the following Licenses for gaming on Umatilla Indian Lands:
 - a. Primary Management Official License
 - b. High Security License
 - c. Low Security License
 - d. Facility License
 - e. Class III Gaming Contractor's License
 - f. Class II Gaming Contractor's License
 - g. Other Licenses necessary and appropriate.
 2. Licenses shall be issued for Class II or Class III Gaming, and shall indicate the type and class of License on the face of the License. A combined Class II and Class III License may be issued if appropriate.
 3. No Class II or Class III Gaming may be offered or conducted on the Umatilla Indian Reservation unless and until the Tribal Gaming Commission has issued a Facility License to the gaming facility offering such gaming. The Commission shall issue a separate Facility License for each gaming facility offering Class II or Class III Gaming.
- C. Privacy Act Notice on Application Forms.
1. The following notice shall be placed on the License application form before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. § 2701 it seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.
 2. Applicants shall be notified in writing that they shall either:
 - a. Complete a new License application form that contains a Privacy Act notice;
or

- b. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.
3. The following notice shall be placed on the License application form before that form is filled out by an applicant:

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

SECTION 2.03. LICENSE FEES: APPLICATION FEES AND RENEWAL

- A. Any Person making application for a Tribal gaming license pursuant to this Code shall submit his or her application, required forms and information, and an application fee, as established by the Tribal Gaming Commission pursuant to this Code.
- B. A licensee shall, at least sixty (60) days prior to the expiration of their License, make application for renewal, as required by the Gaming Commission, and shall submit the application, required forms and information together with a renewal fee to be established by the Tribal Gaming Commission.
- C. The Commission shall have the authority to establish the License application fees provided in this section by regulation. The basis for any such License fee shall reflect the costs incurred by the Tribal Gaming Commission associated with the issuance of Gaming Licenses, including background checks. Where the Commission finds that fees based on such costs may impose undue burdens on a significant proportion if a class of License applicants, it may establish fees for that class of applicants that are less than the amount that reflects such costs. The Commission may also waive a license fee in individual cases of hardship.
- D. The Commission shall be authorized to collect payment for License fees by lump sum payment, monthly payment plan, payroll deduction or any other means deemed appropriate by the Commission.

SECTION 2.04. LICENSE: QUALIFICATIONS AND REQUIREMENTS

- A. Licensing of Gaming Employees
 1. All Primary Management Officials, High Security Employees and Low Security Employees to be employed in the Gaming Facility shall be Licensed by the Tribal Gaming Commission in accordance with the provisions of this Code and the Compact. In exercising its authority to license employees at the Gaming Facility or any other licensed gaming facility, the Tribal Gaming Commission shall be responsible for the review of the applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of the licensing applicant for licensing, which is a prerequisite for employment in a tribally-licensed gaming operation, as required in 25 C.F.R. §558.2. Any licensed applicant determined by the Tribal Gaming Commission to be unsuitable for licensing, and therefore results in a license denial, shall not be employed at the Gaming Facility or any other tribally licensed gaming operation.
 2. All prospective employees of the Tribal Gaming Operation -- Primary Management Officials, High Security Employees and Low Security Employees -- shall provide to the Tribal Gaming Commission any required application fees and the following information:
 - a. Full name, including any aliases by which the applicant has been known;
 - b. Social Security number;

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended Through Board Resolution No. 11-061 (June 27, 2011) – Approved By NIGC August 9, 2011*

- c. Date and place of birth;
 - d. Citizenship;
 - e. Gender;
 - f. All languages spoken or written;
 - g. Residential addresses for the past five years;
 - h. Employment history for the past five years;
 - i. Ownership interests in any business for the past five years and address of any such business;
 - j. Description of any existing or previous business relationships; including prior employment, with any Indian tribe and, if applicable, any ownership interest in such business;
 - k. The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under subparagraph (g) of this paragraph;
 - l. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - m. The name and address of any licensing or regulatory agency with which the applicant has filed an application for an occupational license or permit, whether or not such license or permit was granted;
 - n. The name and address of any licensing or regulatory agency with which the applicant has filed an application for a license or permit relating to gaming, whether or not such license or permit was granted, and, if applicable, whether any such licensing or regulatory agency has taken any disciplinary action against the applicant;
 - o. Current driver's license number and any other driver's license held in the last five years;
 - p. For all ongoing criminal prosecution proceedings or convictions involving the applicant for any felony, misdemeanor or other criminal charge within 10 years of the date of the application, except for minor traffic offenses, the name and address of the court involved, the nature of the criminal charge, the date and the disposition or status;
 - q. A current photograph;
 - r. Any other information required by the Gaming Commission; and
 - s. Current business and residence telephone numbers.
3. In addition to the requirements of paragraph 2 of this subsection, prospective Primary Management Officials, High Security Employees and Low Security Employees shall provide a set of fingerprints.
 4. Background Investigation.

- a. The Tribal Gaming Commission shall forward the applicant information for prospective Primary Management Officials and High Security Employees to the Oregon State Police (OSP). The Tribal Gaming Commission shall perform, or cause to have conducted on its behalf, a background investigation and provide a written report of the completed background investigation including copies of all documentation presented to the Tribal Gaming Commission for use in making a license determination, unless prohibited by law, to OSP within a reasonable period of time, but in no event shall such time period exceed sixty (60) days without notice to OSP. OSP may review the report. OSP may also conduct a background investigation, or supplement the Tribal Gaming Commission's background investigation, but it shall notify the Tribal Gaming Commission prior to commencing such investigation. In the event that OSP conducts a background investigation, it shall provide a written report of the completed background investigation, including copies of all documents presented to OSP for its use in making a determination of Compact licensing compliance, unless prohibited by law, to the Tribal Gaming Commission within a reasonable period of time, but in no event shall such time period exceed sixty (60) days without notice to the Tribal Gaming Commission.
 - b. The Tribal Gaming Commission may forward the applications for Low Security Employees to the Oregon State Police or the Umatilla Tribal Police Department, as the Gaming Commission determines appropriate for a background investigation. If a law enforcement agency other than the Tribal Gaming Commission does the background check, it shall submit a written report on the background investigation done on the Low Security Employee within 30 days to the Tribal Gaming Commission.
5. Denial of Gaming License.
- a. Except as provided in section 7.A.6 of this Code, the Tribal Gaming Commission shall deny a gaming license to any High Security Employee or Primary Management Official who:
 - i. Has, within the ten-year period preceding the date of license application, been convicted of a felony on charges other than driving while suspended, whether or not any such conviction has been expunged, under the law of any federal, state or tribal jurisdiction, or is the subject of a civil judgment under the law of any federal, state or tribal jurisdiction that is based on facts that constitute the elements of a felony other than driving while suspended, in that jurisdiction, or if reasonably reliable information demonstrates that the applicant has engaged in conduct that constitutes the elements of such a felony, such that the conduct could be proved by a preponderance of the evidence;
 - ii. Has been convicted of a crime involving unlawful gambling under the law of any federal, state (or subdivisions thereof) or tribal jurisdiction, whether or not conviction of such a crime has been expunged, or is the subject of a civil judgment under the law of any federal, state or tribal jurisdiction that is based on facts that constitute the elements of a crime involving unlawful gambling in that jurisdiction or if reasonably reliable information demonstrates that the applicant has engaged in conduct that constitutes the elements of a crime involving unlawful gambling, such that the conduct could be proved by a preponderance of the evidence;
 - iii. Has associated in a direct business relationship, whether as a partner, joint venturer or employer, with any other person who has been convicted of a felony other than felony driving while suspended, or a

- crime involving unlawful gambling, under the law of any federal, state or tribal jurisdiction; or if reasonably reliable information demonstrates that the person has engaged in conduct that constitutes the elements of such a felony, or a crime involving unlawful gambling, such that the conduct could be proved by a preponderance of the evidence, which criminal activity is of such a nature that it could potentially affect the fairness, integrity, security or honesty of the Tribal Gaming Operation unless the prospective employee or official demonstrates that he or she did not and could not reasonably have been expected to know of the criminal activity or;
- iv. Was employed by any other person who has been convicted of a felony on charges other than felony driving while suspended, or a crime involving unlawful gambling, under the law of any federal, state or tribal jurisdiction, or if reasonably reliable information demonstrates that the person has engaged in conduct that constitutes the elements of such a felony or a crime involving unlawful gambling, such that the conduct could be proved by a preponderance of the evidence, if the prospective employee or official was in any way involved in the criminal activity as it occurred.
 - v. Has been subject to convictions or judicial finding of offenses, other than non-felony traffic offenses or felony driving while suspended, that demonstrates a pattern of disregard for the law, or if reasonably reliable information demonstrates that the applicant has engaged in conduct that demonstrates a pattern of disregard for the law, such that the conduct could be proved by a preponderance of the evidence and such conduct is of such a nature that it would affect the fairness, integrity, security or honesty of the Tribal Gaming Operation.
 - vi. For purposes of this section, “reasonably reliable information” shall mean information which would be admissible in a civil court proceeding over an objection under the Federal or Oregon Rules of Evidence. An arrest for a crime does not, by itself, constitute the basis for the denial of a gaming license.
- b. The Tribal Gaming Commission shall deny a gaming License to any prospective High Security Employee or Primary Management Official if:
 - i. The applicant fails to disclose any material fact to the Tribes or the State, or their authorized agents during a background or security investigation; or
 - ii. The applicant misstates or falsifies a material fact to the Tribes or the State during a background or security investigation.
 - c. The Tribal Gaming Commission may deny a gaming License to any prospective High Security Employee or Primary Management Official for any reason the Tribal Gaming Commission deem sufficient. Such decisions to grant or deny a gaming License shall be consistent with the principles set forth in section 6.A of the Compact. In determining whether to deny a gaming License to any prospective High Security Employee or Primary Management Official, the factors to be considered by the Tribal Gaming Commission shall include, but need not be limited to, the following:
 - i. The applicant has been convicted of any crime (other than a crime listed in section 2.04.A.5.a of this Code) in any jurisdiction;

- ii. The applicant has associated with persons or businesses of known criminal background, or persons of disreputable character, that may adversely affect the general credibility, honesty, integrity, security, fairness or reputation of the Tribal Gaming Operation; or
 - iii. There is any aspect of the applicant's past conduct that the Commission determine would adversely affect the honesty, integrity, security or fairness of Tribal Gaming Operation.
 - d. The Tribal Gaming Commission shall deny a License to any prospective Low Security Employee who does not meet the criteria established in section 2.04.A.5.a(i) and (ii) of this Code. The Tribal Gaming Commission may deny a License to any prospective Low Security Employee, who does not meet the criteria established in section 2.04.A.5.a(iii)-(v) of this Code. Decisions to grant or deny a Low Security Employee License shall be consistent with the principles set forth in section 6.A of the Compact.
 - e. The Tribal Gaming Commission may reject an application if the applicant has not provided all of the information requested in the application.
- 6. Denial of employment or a license by the Tribal Gaming Commission is final. The Commission, at its discretion, may develop regulations to provide applicants who have had their license application denied or who have had their license revoked the opportunity to reapply. Acceptance or denial of a request to reapply by the Commission will be at the Commission's sole discretion. The Commission's decision will be final and will not be subject to appeal.
- 7. Waiver of disqualifying criteria.
 - a. If a prospective Primary Management Official, High Security Employee, or Low Security Employee is disqualified for licensing or employment under the provisions of section 2.04.A.5 of this Code, and the Tribal Gaming Commission believes that there are mitigating circumstances that justify waiver of the disqualifying factor(s), the Tribal Gaming Commission shall set forth the basis for its waiver decision in writing which decision should specifically identify the factors listed under subparagraph (c) below, and the facts, which justify the waiver. At either party's written request, the Tribal Gaming Commission and the State shall meet and confer within 15 days concerning the waiver request.
 - b. The waiver decision of the Tribal Gaming Commission shall be transmitted to the Oregon State Police for its review and approval as set forth in the Compact. The Tribal Gaming Commission may appeal any failure by the Oregon State Police to approve a waiver request by the Tribal Gaming Commission as permitted by the Compact or other applicable law.
 - c. Waiver of disqualification of licensing or employment may be based on one or more of the following circumstances:
 - i. Passage of time since conviction of a crime;
 - ii. The applicant's age at the time of conviction;
 - iii. The severity of the offense committed;
 - iv. The overall criminal record of the applicant'
 - v. The applicant's present reputation and standing in the community;

- vi. The nature of the position for which the application is made;
 - vii. The nature of a misstatement or omission made in the application;
 - viii. Whether the applicant is an enrolled member of the Tribes or otherwise a resident of the Umatilla Indian Reservation who is enrolled or otherwise enrolled in another federally recognized Indian Tribe;
 - ix. In the event that the applicant was convicted of a crime that was due in part to alcohol or drug dependency, the applicant's participation in any treatment program for this dependency and/or the applicant's progress in recovery from this dependency;
 - x. Whether the offense committed is of such a nature that it could potentially affect the fairness, integrity, security and honesty of the Tribal Gaming Operation;
 - xi. Whether the Tribal Gaming Commission has personal or direct knowledge of the applicant;
 - xii. Whether the Tribal Gaming Commission has imposed any conditions on the applicant's license, such as a probationary period, restrictions on duties or specific kinds of supervision.
- d. No gaming employee license granted by the Tribal Gaming Commission shall be revoked or renewal denied solely because of criteria set forth in section 2.04(A)(5) of this Code that were not in effect when the employee was initially licensed, provided that the employee has been continually licensed. However, this provision shall not prevent revocation or denial of such a license under new licensing criteria based on conduct occurring after the effective date of those criteria.
8. Temporary licensing of employees.
- a. The Tribal Gaming Commission may issue a temporary License to High Security Employees fifteen (15) days after submission of the application to the Oregon State Police, or upon completion of a review of the employee's application and completion of a computerized criminal history check and credit check by the Tribal Gaming Commission, if the applicant would not be disqualified on the basis of the results of the application review and preliminary checks. The temporary License shall expire and become void upon completion of the full background check and award or denial of a permanent License.
 - b. The Tribal Gaming Commission may issue a temporary license to a Low Security Employee upon submission of the application to the Oregon State Police, or upon the Commission's completion of a review of the employee's application of a computerized criminal history check, which determines that the applicant would not be disqualified on the basis of the results of the application review and criminal history check. Any Low Security Employee shall be subject to immediate license revocation if the Tribal Gaming Commission determines that the employee does not meet the criteria established in subparagraph 2.04(A)(5)(d) of this Code.
 - c. No temporary license shall be granted under this Code to a Primary Management Official or to a Consultant performing or consulting on Primary Management Official functions or duties.

9. Background Investigation During Employment. The Tribal Gaming Commission may conduct, or cause to be conducted on its behalf, background investigations of any gaming employee at any time during the term of his/her License. If requested to conduct a background investigation pursuant to this subsection, the Umatilla Tribal Police shall report to the Tribal Gaming Commission any cause for the revocation of License and dismissal of any employee under the criteria established in section 2.04.A.5 of this Code, and furnish the Tribal Gaming Commission with copies of all relevant information. The Compact authorizes the Oregon State Police (whether at OSP's discretion or at the request of the Tribal Gaming Commission) to conduct a background investigation on a gaming employee during the term of their employment. The OSP shall promptly notify the Tribal Gaming Commission if their investigation forms the basis for the revocation or suspension of a gaming employee's license under the criteria set forth in section 2.04.A.5 of this Code, and the OSP shall furnish the Tribal Gaming Commission with all relevant information. The Tribal Gaming Commission shall review these reports and supporting materials and if the Tribal Gaming Commission concludes that good cause for License revocation is shown under the criteria established in paragraph 5 of this subsection A, the subject gaming License may be revoked. An employee's License shall be revoked if the Tribal Gaming Commission would have been required to deny a License to that employee under the provisions of section 2.04.A.5 of this Code.
 10. Duration of License and Renewal. Any employee License shall be effective for not more than three (3) years from the date of issue. The effective date and period shall be stated on the fact of the License. Applicants for renewal shall provide a renewal fee and updated information to the Tribal Gaming Commission but will not be required to resubmit historical data already provided.
 11. Employee License Revocation, Suspension and Conditions. Section 2.06 of this Code related to License suspensions, revocations and conditions shall apply to Licenses issued to employees.
 12. The decision of the Tribal Gaming Commission to grant a License to a Primary Management Official, High Security Employee or Low Security Employee is subject to the review and approval of the NIGC as provided in section 2.05 of this Code.
 13. The Tribal Gaming Commission shall insure that the Primary Management Officials maintain a procedural manual for employees that includes rules and regulations of conduct and disciplinary standards for breach of procedures and that prohibits violations of this Code, I.G.R.A., the Compact and other applicable law.
- B. Contracts with Manufacturers and Suppliers.
1. The Primary Management Officials shall enter into written contracts with all manufacturers or suppliers of goods or services related to the play of Class III games before conducting any business related to Class III games. The Primary Management Officials shall not consummate any contract for a Major Procurement until a background investigation has been conducted on the Class III Gaming Contractor as required under the Compact, and the Contractor has received the appropriate License from the Commission. Nothing in this section shall be construed as prohibiting the Primary Management Official from executing a contract for Class III goods or services with a person or entity that does not possess the necessary Class III Gaming Contractor's License so long as the Primary Management Official takes no further action to consummate or implement the contract until such time as the Contractor has received the appropriate License from the Commission.
 2. The Tribal Gaming Commission shall submit any proposed Class III Gaming Contract to the OSP for review and comment, and for a background investigation of the contract License applicant. The Tribal Gaming Commission may require that Class II

Gaming Contractor applicants be subject to a background investigation conducted by the Commission, the OSP or Tribal Police Department.

3. A background investigation shall be conducted by the OSP on all Class III Gaming Contractor license applicants. The Commission may conduct additional background investigation on License applicants as it deems necessary. The level of investigation will be determined by whether the individual procurement is classified as a Major Procurement or Sensitive Procurement. The level of investigation for a Major Procurement shall be more intense than that for a Sensitive Procurement.
4. All Class II and III Gaming Contract applicants, and any Owner or Contractor Key Employee of an applicant, shall provide all personal and business information required by the Tribal Gaming Commission and/or OSP to conduct the background investigation.
5. The Tribes shall not enter into any Class III Gaming Contract that does not grant the OSP or the Tribal Gaming Commission access to the contractor's business and financial records. The Tribes shall not enter into any Class II Gaming Contract that does not grant the Tribal Gaming Commission access to the contractor's business and financial records.
6. Criteria for Denial of Contract Licensing Application.
 - a. The Tribal Gaming Commission shall deny a Class III Gaming Contract License application for a Major or Sensitive Procurement if the applicant, or any Owner or Contractor Key Employee of the applicant has been convicted of a crime, or is the subject of a civil judgment based upon facts that constitute the elements of a crime described in section 2.04.A.5.a of this Code.
 - b. The Tribal Gaming Commission shall deny a Class III Gaming Contract License application for a Major or Sensitive Procurement if the applicant, or any Owner or Contractor Key Employee of the applicant, has associated in a business relationship, whether as a partner, joint venturer or employer, with any other Person who has been convicted of one of the crimes listed in section 2.04.A.5.a of this Code. The Tribal Gaming Commission shall deny a Class III Gaming Contract License to any applicant, if the applicant, or any Owner or Contractor Key Employee of the applicant, was employed by any other Person who has been convicted of one of the crimes listed in section 2.04.A.5.a of this Code, if the applicant, Owner or Contractor Key Employee was in any way involved in or aware of the criminal activity as it occurred.
 - c. The Tribal Gaming Commission shall deny a Class III Contract License application if:
 - i. The applicant fails to disclose any material fact to the Tribal Gaming Commission or the State or their authorized agents during a background or security investigation; or
 - ii. The applicant misstates or falsifies a material fact to the Tribal Gaming Commission or the State during a background or security investigation.
 - d. The Tribal Gaming Commission shall deny a Class III Gaming Contract License for a Major Procurement and Sensitive Procurement if any of the following is disclosed in the License application materials or the background investigation relative to the Class III Gaming Contractor's License applicant:
 - i. An association of the Class III Gaming Contractor with persons or businesses of known criminal background, or persons of disreputable character, that may adversely affect the general credibility, security,

- integrity, honesty, fairness or reputation of the Tribal Gaming Operation.
- ii. Any aspect of the Class III Gaming Contractor's past conduct that the Tribes or the Oregon State Police determines would adversely affect the integrity, security, honesty or fairness of the Tribal Gaming Operation.
 - iii. The Class III Gaming Contractor has engaged in a business transaction with a tribe that involved providing gaming devices for Class III gaming conducted by such tribe without a state-tribal Class III gaming compact in violation of IGRA; or
 - iv. A prospective Class III Gaming Contractor fails to provide any information requested by the Tribes or the Oregon State Police for the purpose of making any determination required by section 7.B.6 of the Compact.
- e. The Tribal Gaming Commission may deny any Class III Gaming Contract License application for any reason the Tribal Gaming Commission deems sufficient. Such decisions to deny a Class III Gaming Contract application shall be consistent with the principles set forth in section 6.A of the Compact. In determining whether to deny a Class III Gaming Contract application, the factors to be considered by the Tribal Gaming Commission shall include, but need not be limited to the reasons described in section 2.04.A.5.c.
- f. The Tribal Gaming Commission may deny any Class III Gaming Contract License application if:
- i. A person who is unqualified or disqualified to be a Class III Gaming Contractor owns, is an agent of or has any other interest in the applicant, regardless of the qualifications of the Person who seeks approval as a contractor;
 - ii. The applicant demonstrates inadequate financing for the business proposed under the type of contract for which application is made. In determining whether financing is adequate, the Tribal Gaming Commission shall consider whether financing is from a source that meets the qualifications set forth in section 2.04.A.5 of this Code, or section 2.04.B.6 of this Code and whether that financing is in an amount to ensure the likelihood of success in the performance of the contractor's duties and responsibilities; or
 - iii. The applicant or its employees fail to demonstrate business ability and experience to establish, operate, and maintain the business for the type of contract for which application is made.
- g. In evaluating whether to deny a Class III Gaming License application based on section 2.04.B.6.e or f, the Tribal Gaming Commission may consider the following factors:
- i. The nature and severity of the conduct that constituted the offense or crime;
 - ii. The time that has passed since satisfactory completion of the sentence, probation, or payment of the fine imposed;
 - iii. The number of offenses or crimes; and

- iv. Any extenuating circumstances that enhance or reduce the impact of the offense or crime on the security, integrity, honesty, and fairness of the Tribal gaming enterprise.
 - h. No person applying for a Class III Gaming Contract License shall own, manufacture, possess, operate, own an interest in, or gain income or reimbursement in any manner from Class III gaming activities or gaming devices in any jurisdiction unless the activities or devices are approved and certified by another state gambling or gaming control agency, or tribal gaming commission operating through an IGRA compact (where necessary because of the involvement of Class III gaming), National Indian Gaming Commission, or foreign country, that has jurisdiction to approve that activity, and such ownership, manufacture, possession, operation, or income is disclosed to the Tribal Gaming Commission.
 - i. The Tribal Gaming Commission may deny a Class III Gaming Contractor's License application associated with a Class III Gaming Contract not included within the definition of a Major Procurement or Sensitive Procurement, and a Class II Gaming Contract License based upon any of the criteria for denial of a Class III Gaming Contractor License as provided in this subsection.
 - j. The Tribal Gaming Commission may reject an application for either a Class II or Class III Gaming Contract License if the applicant has not provided all of the information requested in the application.
 - k. Notwithstanding section 2.04.B.6.a of this Code, if a prospective Class III Gaming Contract may not be consummated because of the requirements of this subsection, because a person previously associated with the Class III Gaming Contractor or an employee of the Class III Gaming Contractor has been convicted of a crime or a civil judgment entered against the Class III Gaming Contractor or its employee within the ten year period preceding the date of the proposed Class III Gaming Contract, based in whole or in part upon the conduct that allegedly constitutes a felony other than driving while suspended, the Tribes may enter into the proposed Class III Gaming Contract if the Class III Gaming Contractor has severed its relationship with the convicted or liable person or employee. Before the Tribes may enter into a Class III Gaming Contract under this subparagraph, the Oregon State Police and the Tribal Gaming Commission must agree that the relationship between the Class III Gaming Contractor and the convicted or liable person or employee has been severed. For purposes of this subparagraph, a relationship is severed if the convicted or liable person or employee has no continuing connection with the direction or control of any aspect of the business of the Class III Gaming Contractor, and the convicted or liable person or employee is no longer employed by the Class III Gaming Contractor in any capacity. The Class III Gaming Contractor has the burden of showing to the satisfaction of the Tribal Gaming Commission that a relationship has been severed.
7. Contractor Reporting Requirements.
- a. All Class III Gaming Contractors shall submit to the Tribal Gaming Commission and the State any financial and operating data requested by the Tribal Gaming Commission or the State. All Class II Gaming Contractors shall submit to the Tribal Gaming Commission any financial and operating data requested by the Tribal Gaming Commission.
 - b. The Tribal Gaming Commission, the State, or their agents reserve the right to examine contractor tax records and the detailed records from which the tax reports are compiled. The State's authority is limited to the tax records of Class III Gaming Contractors.

- c. All Class III Gaming Contractors shall notify the Tribal Gaming Commission and the Oregon State Police of the transfer of a controlling interest in the ownership of a Class III Gaming Contractor. For purposes of this subparagraph, a controlling interest is defined as 15% of the equity ownership of a company.
 8. Duration of License and Renewal. Any Contractor License shall be effective for not more than three (3) years from the date of issue. Applicants for renewal shall provide a renewal fee and updated information to the Tribal Gaming Commission but will not be required to resubmit historical data already provided.
 9. Contractor License Suspension, Revocation and Conditions. Section 2.06 of this Code related to License suspension, revocation and conditions shall apply to License issued to contractors.
- C. Fees for Review and Background Investigation of Employment and Class III Gaming Contractors' License Applications. The State shall be reimbursed its costs for approval of employee and contractor Licenses, in accordance with the terms of the Compact.
- D. Management Contracts.
1. The Primary Management Official shall provide the State and Tribal Gaming Commission at all times with a current copy of any management agreement with the Tribes that allows it to conduct Class III Gaming on the Umatilla Tribal trust land.
 2. The Primary Management Official shall furnish to the Tribes, the Tribal Gaming Commission and the State complete information pertaining to any transfer of controlling interest in the management company at least 30 days before such change; or, if the Primary Management Official is not a party to the transaction effecting such change of ownership or interests, immediately upon acquiring knowledge of such change or any contemplated change.

SECTION 2.05. NATIONAL INDIAN GAMING COMMISSION REVIEW OF EMPLOYEE LICENSES

- A. Report to the National Indian Gaming Commission.
1. The Tribal Gaming Commission shall prepare and forward to the NIGC an investigative report on background investigations for each Primary Management Official, High Security Employee or Low Security Employee. The investigative report shall be submitted to the NIGC within 60 days after such employee begins work in the Gaming Facility. The investigative report shall include all of the following:
 - a. Steps taken in conducting a background investigation;
 - b. Results obtained;
 - c. Conclusions reached; and
 - d. The basis for those conclusions.
 2. The Tribal Gaming Commission shall submit to the NIGC, along with the background investigation report referenced in section 2.05(A)(1), a copy of the completed License application required under section 2.04(A)(2), and a copy of the License eligibility determination made under section 2.04(A) of this Code.
 3. If a License is not issued to an applicant, the Tribal Gaming Commission:

- a. Shall notify the NIGC; and
 - b. May forward copies of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System.
4. No Primary Management Official, High Security Employee or Low Security Employee may be employed at the Gaming Facility for longer than ninety (90) days without the necessary License.
 5. With respect to Primary Management Officials, High Security Employees and Low Security Employees, the Tribal Gaming Operation shall retain applications for employment for inspection by the Chairman of the NIGC or his or her designee for no less than three (3) years from the date of termination of employment. The Tribal Gaming Commission shall retain License applications and reports of background investigations for inspection by the Chairman of NIGC or his or her designee for no less than three (3) years from the last effective date of the License issued to such employees.
- B. Granting a Gaming License.
1. If, within a thirty (30) day period after the NIGC receives an investigative report, the NIGC notifies the Tribal Gaming Commission that it has no objection to the issuance of a License pursuant to a License application filed by a Primary Management Official, High Security Employee or Low Security Employee for whom the Tribal Gaming Commission has provided an application and investigative report to the NIGC, the Tribal Gaming Commission may issue a License to such applicant.
 2. The Tribal Gaming Commission shall respond to a request for additional information from the Chairman of NIGC concerning a Primary Management Official, High Security Employee or Low Security Employee who is the subject of an investigative report. Such a request shall suspend the 30-day period under subsection (B)(1) of this section until the Chairman of the NIGC receives the additional information.
 3. If, within the thirty (30) day period described above, the NIGC provides the Tribal Gaming Commission with a statement itemizing objections to the issuance of a License to a Primary Management Official, High Security Employee or a Low Security Employee for whom the Tribal Gaming Commission has provided an application and investigative report to the NIGC, the Tribal Gaming Commission shall reconsider the application, taking into account the objections itemized by the NIGC. The Tribal Gaming Commission shall make the final decision whether to issue a License to such applicant.

SECTION 2.06. LICENSE SUSPENSION AND REVOCATION

- A. Suspension and Revocation.
1. Any License issued by the Tribal Gaming Commission shall be suspended, without prior notice, if the National Indian Gaming Commission, after notification by the Tribal Gaming Commission of the issuance of a License, and after appropriate review, indicates that a Primary Management Official, High Security Employee or Low Security Employee does not meet the standards established and set forth herein, pursuant to 25 U.S.C. § 2710, and after notice and hearing may revoke such License.
 2. The Tribal Gaming Commission shall immediately suspend, and after notice and hearing, revoke the License issued pursuant to this Code to any Person or Entity who is or becomes ineligible to hold a License under this Code or who violates any provision of this Code, or of 25 U.S.C. § 2701 et seq., or of 18 U.S.C. § 1163 or regulations promulgated and adopted thereunder.

3. The Tribal Gaming Commission may suspend a License upon a finding of doubt about the continuing eligibility of a licensee pursuant to this Code. The Tribal Gaming Commission shall immediately notify the licensee of its decision to suspend the licensee's License and provide the licensee the opportunity in a hearing before the Commission to challenge the Commission's decision. The Commission is not required to hold a hearing if the licensee does not request one. If requested, the Commission shall hold a hearing within fifteen (15) days of receiving a request.
 4. The Tribal Gaming Commission may revoke a License pursuant to regulations promulgated by the Tribal Gaming Commission.
- B. Revocation Notice.
1. The Tribal Gaming Commission shall promptly notify in writing any Licensee whose License has been or will be revoked and shall include in said notice:
 - a. The effective date of the revocation;
 - b. The reason(s) for the revocation;
 - c. The right of the Licensee to appeal the revocation to the Tribal Court within ten (10) days of the Licensee's receipt of the revocation notice.
 2. A copy of the revocation notice shall be sent to the National Indian Gaming Commission.
- C. License Conditions.
1. The Tribal Gaming Commission may impose conditions on a License as necessary to protect the fairness, integrity, security and honesty of the Gaming Operation. Such conditions may be imposed on a License when it is initially granted or renewed or after it has already been issued.
 2. A decision imposing conditions on a License at the time it is initially granted shall not be subject to appeal.
 3. A decision imposing conditions on a License when it is renewed or after it has already been issued shall not be subject to appeal in the event the condition does not result in a job reclassification for the licensed employee.
 4. A decision imposing conditions on a License when it is renewed or after it has already been issued that results in a job reclassification for the licensed employee shall be subject to appeal to the Umatilla Tribal Court.
- D. Appeal of License Suspension, Revocation and Conditions.
1. A Licensee may appeal the revocation of his/her License pursuant to section 2.06.A and B of this Code or the imposition of a condition on his/her License as provided in section 2.06.C of this Code to the Tribal Court by sending a written notice of the appeal to the Tribal Court and the Tribal Gaming Commission no later than 10 working days after the Licensee receives notice of final action by the Commission.
 2. Upon receipt of the notice of appeal, the Tribal Court shall schedule a hearing on the appeal to be conducted within twenty (20) working days of receipt of the Licensee's notice of appeal. Written notice of the time, date and place of the hearing shall be delivered to the Licensee no later than five working days before the scheduled date of the hearing.

3. The licensee and the Tribal Gaming Commission may be represented by legal counsel at the hearing on the appeal. The Tribal Court's review of the Commission's decision shall be confined to the record developed by the Commission unless good cause is shown to examine additional evidence.
 4. The Commission's decision shall be affirmed by the Tribal Court unless the Court finds that the decision was: (1) unsupported by evidence; (2) arbitrary, capricious, or an abuse of discretion; or (3) contrary to law.
 5. The Tribal Court shall issue its decision no later than ten (10) working days following the hearing on the appeal. The decision of the Tribal court shall be final and conclusive, and no appeal to a higher court shall be allowed.
 6. A copy of the Tribal Court's decision regarding the appeal shall be sent to the Tribal Gaming Commission and NIGC.
- E. Application for Relicensing. No person, Entity or Contractor whose Gaming License has been revoked shall be eligible for a new License until 12 months after the effective date his/her License was revoked

CHAPTER 3. CLASS II GAMING

SECTION 3.01. DEFINITIONS

- A. Use of a Defined Term. Whenever a term that is defined in this section is used in this Code, it shall be capitalized to indicate the term is one defined by the Code.
- B. Definitions.
1. "Bingo" means Bingo as defined in section 1.04 of this Code.
 2. "Bingo Occasion" means a single session or gathering at which a series of successive Bingo games are played.
 3. "Card games" Non-Banking Card Games played in conformity with Oregon State law regulating hours, wagers and pot limitations. For purposes of this definition, Oregon State law does not include county or municipal laws or regulations.
 4. "Game Card" and "Bingo Game Card" means a Regular or Special Bingo Card.
 5. "Pull Tabs" means factory covered tickets which are purchased and opened by customers revealing a predetermined winning arrangement.
 6. "Punch Board" means a small board that has many holes, each filled with a rolled up printed slip to be punched out upon payment of a Player fee, in an effort to obtain a slip that entitles the Player to a designated Prize.
 7. "Regular Bingo Card" means a board card issued to a person upon payment of admission fee which affords a Person that opportunity to participate in all regular Bingo games played at a Bingo occasion.
 8. "Special Bingo Card" means a disposable, specially marked Bingo card which affords a Person the opportunity to participate in a special Bingo game for special Prizes, or a game card generated by and appearing on the screen of a computer employed by the Tribal Gaming Operation and assigned to a Player for a Bingo game(s).
 9. "Special Bingo Game" means any Bingo game which is not a regular Bingo game and which is played with special Bingo cards whether or not for special Prizes.

10. "Tip Jars" means a game of chance, wherein a Person upon payment of a fee, is permitted to reach into, or tip a jar containing printed slips, and extract one slip in an effort to obtain a slip that entitles the Player to a designated Prize.

SECTION 3.02. AUTHORIZATION TO CONDUCT CLASS II GAMING

- A. Class II Gaming shall be owned and operated exclusively by the Tribes, and no License to own or operate any Class II Gaming shall be issued to any other Person or Entity. Class II Gaming on Umatilla Indian Lands shall only be authorized at the Gaming Facility.
- B. The Manager or operator of the Gaming Facility shall obtain a License as a condition of conducting a Class II Gaming activity in the Facility.

SECTION 3.03. MANAGEMENT CONTRACTS

The Confederated Tribes of the Umatilla Indian Reservation may enter into a management contract for the operation and management of Class II Gaming activities. Each such contract must comply with the provisions of this Code, other applicable provisions of Tribal law (including, but not limited to, Tribal Employment Rights Code), and provisions of federal law (including, but not limited to, 25 U.S.C. § 2711).

SECTION 3.04. GAMES PERMITTED

- A. The Tribes, or any Manager under contract to manage the Gaming Facility, may conduct Bingo and Non Banking Card Games.
- B. A schedule of the Class II games to be conducted must be conspicuously posted at each entrance to the Gaming Facility each week in which games will be conducted. The schedule must include a statement of the Prizes offered for each game.

SECTION 3.05. BINGO GAME CARDS

- A. The Manager of the Gaming Facility shall provide the game cards to be used for each Bingo game conducted and each card shall be marked to indicate that the issuing facility is the Gaming Facility.
- B. Special Bingo cards must be issued separately from regular Bingo cards, and must be specially marked to indicate the particular special Bingo game, including date, and the facility of issuance. In the case of computer-generated cards, the computer must be programmed to lock on a card at the start of the game, prior to calling of the first number or designated symbol, so as not to permit altering or changing of the card during the game, and every winning card be verified. A special Bingo card shall be valid only for the designated game.

SECTION 3.06. PLAYER LIMITATION

The number of persons permitted to play any Class II game shall be determined by the Tribal Gaming Operation as is appropriate, except that:

- A. The number of people permitted in the Gaming Facility or in any room in the facility shall not exceed the limitation of the number permissible under the applicable fire, building or other safety codes or standards.
- B. The number of people permitted to play any Bingo game shall not exceed the number of seats available in the room(s) in which the game is being played.

SECTION 3.07. HOURS OF OPERATION; NOTICE TO COMMISSION

- A. Class II Gaming may be conducted 24 hours a day, seven days a week, subject to approval by the Tribal Gaming Commission.

- B. Prior to operation of Class II Gaming or any change in hours of operation, the operator shall:
1. Notify the Tribal Gaming Commission of the proposed hours and days its facility will be open, and the hours and days gaming will be conducted.
 2. The proposed schedule shall be approved unless the Tribal Gaming Commission notifies the Tribal Gaming Operation of its objection within 15 days of its receipt of the proposed schedule.
 3. If the Tribal Gaming Commission makes objection, it shall state its reasons and the changes necessary, and the proposer may submit a revised proposal accommodating the Commission's objections, or may request an opportunity to rebut the objections.
 - a. Submissions of a revised schedule, incorporating and accommodating the objections, shall be deemed approved upon its submission.
 - b. If an opportunity to rebut is requested, a conference shall be set within fifteen (15) days. The Tribal Gaming Commission shall issue its decision, which shall be final and not subject to further appeal, within fifteen (15) days of the conference.

CHAPTER 4. CLASS III GAMING

SECTION 4.01. EXCLUSIVE OWNERSHIP BY TRIBES

Class III Gaming shall be owned exclusively by the Tribes.

SECTION 4.02. FACILITY LICENSE

- A. The Tribes shall apply to the Commission for a Facility License to conduct Class III Gaming at the Gaming Facility. If a Manager or operator is under contract to manage the Gaming Facility, the Tribe and the Manager or operator shall jointly apply for a Facility License.
- B. The application for a Facility License shall include:
1. Agreement by the applicant(s) to accept and abide by all applicable provisions of the Compact, this Code and all conditions of the Facility License.
 2. A description of the premises, and proof that the applicant(s) owns the premises, or lessee of the premises for the term of the License.
- C. The Commission shall grant an application for a Facility License if the application meets the requirements of section 4.02(B), and if granting the License is in the best interests of the Tribes.
- D. A Facility License shall be subject to reasonable conditions fixed by the Commission including but not limited to the following:
1. The Licensee and the Tribal Gaming Operation shall comply with all applicable Federal laws, and the applicable Tribal laws setting forth the environmental and public health and safety requirements identified in §1.07.A of this Code.
 2. The Licensee shall cooperate at all times with such law enforcement officials.
 3. The Gaming Facility shall be open to inspection by duly authorized Tribal officials and officials of the National Indian Gaming Commission at all times during regular business hours.
- E. The term of a Facility License shall not exceed three years.

- F. A Facility License may be suspended or, upon reasonable notice and a hearing, revoked, for failure to comply with any applicable Federal or Tribal law, or any condition of the Facility License, including but not limited to failure to comply with fire, safety or building codes. The Tribal Gaming Commission may also impose conditions on a Facility License. Section 2.06 of this Code related to License suspensions and conditions shall apply to the Facility License.

SECTION 4.03. MANAGEMENT CONTRACTS

The Board of Trustees may enter into a management contract for the operation and management of Class III Gaming activities. Each such contract must comply with the provisions of this Code, the Compact, other applicable provisions of Tribal law (including, but not limited to, Tribal Employment Rights Code), and provisions of federal law (including, but not limited to, 25 U.S.C. § 2711).

SECTION 4.04. GAMES PERMITTED

- A. The Tribes may conduct any Class III game or games permitted pursuant to the Compact.
- B. The Tribes may conduct any Class III game which is first legalized within the State of Oregon after the date of the Compact then in effect, or which heretofore becomes permitted on Indian Lands under federal law, pursuant to the Compact or amendments thereto.

SECTION 4.05. REGULATION AND INSPECTION

- A. Class III Gaming shall be regulated by the Tribal Gaming Commission, which shall adopt all necessary and appropriate rules and regulations for Class III Gaming including but not limited to:
1. Game rules and conduct
 2. Public display of rules requirements
 3. Gaming Facility requirements
 4. Permitted games specifications and requirements
- B. The Gaming Facility shall be open at all usual business hours for inspection by the Tribal Gaming Commission, and the appropriate members of the Indian Gaming section of the Oregon State Police.

SECTION 4.06. HOURS OF OPERATION

- A. Class III Gaming may be conducted 24 hours a day, seven days a week, subject to approval by the Tribal Gaming Commission.
- B. The Tribes shall submit, and the Tribal Gaming Commission shall approve, proposed hours of operation unless the proposed hours pose a risk to the health, welfare or safety of the public.

SECTION 4.07. PROHIBITION OF EXTENSION OF CREDIT AND AUTHORIZATION OF CHECK CASHING ON GAMING FLOOR

Except as provided in this section, all gaming conducted pursuant to this Code shall be conducted on a cash basis. Except as provided herein, no person shall be extended credit for gaming nor shall the Tribes permit any person or organization to offer such credit for a fee. Nothing in this Code shall restrict the Tribal Gaming Operation from cashing checks in any area where Class II gaming is conducted or in non-gaming areas of the Gaming Facility. The following shall not constitute an extension of credit and are permitted under this Code:

- A. Credits won by players who activate play on video games of chance after inserting coins or currency into the games;

- B. Installing or accepting bank card or credit card transactions in the same manner as is permitted at any retail business in the State; or
- C. Cashing checks anywhere in the Gaming Facility using a system or program that verifies availability of funds, functions the same as a debit card, secures funds in the name of the Tribal Gaming Operation, or when the check has been issued by an entity of the Tribes.

CHAPTER 5. RECORDS AND AUDITS

SECTION 5.01. RECORDS MAINTENANCE

- A. The Tribal Gaming Operation shall maintain accurate and up-to-date records for each gaming activity conducted.
- B. Records shall include records of:
 - 1. All financial transactions;
 - 2. All gaming machine testing, malfunctions, maintenance and repairs;
 - 3. Personnel matters including employee hire date, casino position(s) held, which records shall be maintained for a period of seven years after the employee's separation of employment except for employees who are members of the Tribes, whose personnel records shall be maintained indefinitely;
 - 4. Complaints of patrons and resolution thereof;
 - 5. Tribal Gaming Operation in-house investigations of incidents and accidents of any kind;
 - 6. Actions by Tribal Gaming Operation against Players or facility visitors;
 - 7. Actions by Tribal Gaming Operation against or in reprimand of employees;
 - 8. Tax records or information provided to the State or Federal government as required by the Compact or Federal law.

SECTION 5.02. INDEPENDENT AUDITS

- A. **Gaming Activities Licensed Or Conducted By The Tribes.** The Tribal Gaming Commission shall require, and the Board of Trustees shall cause, an audit to be conducted each year on all Class II and Class III Gaming activities Licensed or conducted at the Gaming Facility. Such audit(s) shall be conducted by an independent auditing firm, selected at the sole discretion of the Board of Trustees, or the Tribal Gaming Commission on its behalf. However, nothing in this paragraph shall prohibit the annual audit of Tribal gaming activities from being encompassed within the Tribes' existing audit system.
- B. **Contracts for Supplies, Services or Concessions.** Each contract for supplies, services, or concessions with a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to a Class II or Class III Gaming activity shall be subject to the independent audit required by subparagraph A), above.
- C. **Audit Report to be Provided to National Indian Gaming Commission.** The Tribal Gaming Commission shall furnish a copy of each annual gaming activities audit report to the Gaming Committee and the National Indian Gaming Commission, as required by 25 U.S.C. § 2710(b)(2)(C).

CHAPTER 6. DISPUTE RESOLUTION

SECTION 6.01. RESOLUTION OF DISPUTES BETWEEN GAMING FACILITY CUSTOMER AND MANAGER

- A. Customers of the Gaming Facility who dispute any decision made by employees of the Gaming Facility relevant to their participation in Class II or Class III Gaming operations shall have their dispute resolved as provided in this section.
- B. The customer with the dispute shall file a written statement of the facts or circumstances of the dispute with the manager of the Gaming Facility within five days of the dispute. The manager shall have three (3) days to prepare its written response to the customer. The manager shall provide copies of the customer statement and its response to the Tribal Gaming Commission.
- C. In the event the customer is dissatisfied with the response from the manager of the Gaming Facility the customer may request a hearing before the Tribal Gaming Commission. This request must be submitted to the Commission within seven days of the response from the manager of the Gaming Facility. The Commission shall notify the customer and manager of the time and place set for the hearing in writing at least five days before the hearing. The Commission shall hold a hearing within 20 days of its receipt of the request for a hearing. The customer shall be authorized to submit written and oral evidence in support of his/her claim. The manager shall also attend the hearing to respond to the claim(s) made by the customer. The decision of the Tribal Gaming Commission shall be final.
- D. The manager of the Gaming Facility shall provide notice to the customers of the Gaming Facility of this dispute resolution procedure. In addition, the manager shall also make forms for filing a claim against the manager available to customers of the Gaming Facility.

SECTION 6.02. CRIMES; PENALTIES

- A. The criminal offenses and criminal penalties for violation of this Code and other gaming offenses are set forth in Part XIX, Sections 4.183-185 of the Tribal Criminal Code.
- B. Any property used in the commission of a violation or a provision of this Code or a criminal offense set forth in Part XIX, Sections 4.183-185 of the Tribal Criminal Code may be seized by the Tribal Gaming Commission or their agents. The person owning the property shall be afforded an opportunity to object and be heard in accordance with principles of due process. If no objection is raised, or the objection is not sustained, the Tribes may dispose of the seized property.
- C. Any non-Indian who violates a provision of this Code or a criminal offense set forth in Part XIX, Sections 4.183-185 of the Tribal Criminal Code may be excluded from the Indian lands within the jurisdiction of the Confederated Tribes of the Umatilla Indian Reservation.
- D. Investigation and Detention.
 - 1. Any employee of the Gaming Commission or member or agent of the Gaming Commission may question any person in the Gaming Facility suspected of committing any criminal offense set forth in Part XIX, Sections 4.183-185 of the Tribal Criminal Code. Neither the Gaming Operation, its employees nor members or agents of the Gaming Commission shall be found criminally or civilly liable on account of any such questioning or for reporting to the Gaming Commission or law enforcement authorities the person suspected of the violation
 - 2. Any member of the security department of the Gaming Operation or member or staff of the Gaming Commission who has probable cause for believing that there has been a commission of a criminal offense set forth in Part XIX, Sections 4.183-185 of the Tribal Criminal Code in the Gaming Facility by any person may take that person into

custody and detain him in the establishment in a reasonable manner and for a reasonable length of time. Such a taking into custody and detention does not render the member of the security department of the Gaming Operation, the Gaming Operation, the member or staff of the Gaming Operation or the Gaming Commission criminally or civilly liable unless it is established by a clear and convincing evidence that the taking into custody and detention are unreasonable under all the circumstances.

3. The Tribal Gaming Operation shall post in a conspicuous place in the Gaming Facility a notice in boldface type in substantially the following form:

Any member of the security department of the Gaming Operation or member or staff of the Gaming Commission who has probable cause for believing that any person has committed any criminal offense set forth in Part XIX, Sections 4.183-185 of the Tribal Criminal Code prohibiting cheating in gaming may detain that person in the Gaming Facility.

SECTION 6.03. CIVIL PENALTIES

- A. Any Person or Entity who violates any term or condition of this Code, any regulation of the Gaming Commission, any License issued pursuant to this Code, or any provision of a management contract issued pursuant to section 3.03 and/or section 4.03 of this Code, may be assessed a civil penalty by the Tribal Gaming Commission. Any person or Entity who engages in conduct that, if committed by an Indian, would constitute a violation of a criminal offense set forth in Part XIX, Sections 4.183-185 of the Tribal Criminal Code may be assessed a civil penalty by the Tribal Gaming Commission. Such penalty may be assessed only after the Person or Entity has been given notice and an opportunity to be heard before the Gaming Commission. Each violation shall be treated separately and may be assessed as a separate violation.
- B. The penalty assessed pursuant to section 6.03.A shall not exceed \$5,000 per violation, or twice the amount of any grand Prize awarded in a gaming activity which is directly associated with the violation, whichever is greater.
- C. Civil penalties provided for in this section may be imposed in addition to the criminal penalties provided for in section 6.02 of this Code or in addition to any other enforcement action taken pursuant to this Code.

SECTION 6.04. ENFORCEMENT

- A. If, after ten (10) working days from a Commission decision imposing an assessment pursuant to section 6.03, of this Code, the Person or Entity against whom it is imposed objects, or fails or refuses to pay, the Gaming Commission may proceed to collect the assessment by initiating a civil action against the Person or Entity in the Tribal Court. The Gaming Commission shall be entitled to all remedies in law or equity that are available to civil litigants generally.
- B. The Tribal Court shall schedule a hearing to be conducted within twenty (20) working days of receipt of the Commission's petition for enforcement. Written notice of the time, date and place of the hearing shall be delivered to the parties no later than five working days before the scheduled date of the hearing.
- C. The Tribal Court's review of the Gaming Commission's decision to impose a civil penalty pursuant to section 6.03 of this Code shall be confined to the record developed by the Commission unless good cause is shown to examine additional evidence. The Tribal Court shall enforce the Commission's imposition of the civil penalty unless the Court finds that the decision was: (1) unsupported by the evidence; or (2) arbitrary, capricious, an abuse of discretion; or (3) contrary to law.

- D. The Tribal Court shall issue its decision no later than ten (10) working days following the hearing.

CHAPTER 7. VALIDITY OF CODE

SECTION 7.01. SEVERABILITY

If any provision or provisions in this Code are held invalid by a court of competent jurisdiction, this Code shall continue in effect as if the invalid provision(s) were not a part hereof.

SECTION 7.02. REPEAL OF INCONSISTENT TRIBAL LAW

To the extent they are inconsistent with this Code, all prior bingo or gaming codes, ordinances or resolutions, or other provisions of Tribal law relevant to gaming, are hereby repealed.

SECTION 7.03. EFFECTIVE DATE OF CODE

This Code shall take effect upon adoption of the Board of Trustees.

APPENDIX A

LEGISLATIVE HISTORY

GAMING CODE

LEGISLATIVE HISTORY

The Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation enacted the Bingo Ordinance in Resolution No. 83-42 (April 20, 1983). It was not amended.

In Resolution No. 94-14 (February 22, 1994), the Board of Trustees enacted the Gaming Ordinance. Section 37 of the Gaming Ordinance repealed the Bingo Ordinance. The Gaming Ordinance was amended five times, by the following resolutions: Resolution No. 94-24 (March 30, 1994), Resolution No. 95-66 (June 21, 1994), Resolution No. 96-91 (October 16, 1996), Resolution No. 97-23 (July 2, 1997), and Resolution No. 99-42 (June 2, 1999).

The Board of Trustees enacted a revised Gaming Code in Resolution No. 99-102 (December 15, 1999). The National Indian Gaming Act, at 25 U.S.C. § 2710(b)(2), § 2710(d)(2)(A), § 2710(e) and § 2712(b), requires tribal gaming ordinances to receive the review and approval of the Chairman of the National Indian Gaming Commission (NIGC). Upon review of the revised Gaming Code, staff of the NIGC recommended that the Board make several changes to the revised Gaming Code. These changes were incorporated in a second revised Gaming Code that was enacted by the Board in Resolution No. 00-40 (May 15, 2000). The second revised Gaming Code was then sent back to the NIGC for review and approval. In a letter dated August 7, 2000, the NIGC requested that additional changes be made before it could approve the Code. These changes were enacted by the Board in Resolution No. 00-82 (August 14, 2000). For a third time, the amended second revised Gaming Code was sent to the NIGC for review. The NIGC approved the amended second revised Gaming Code on September 8, 2000.

A little less than a year later, Wildhorse Casino management proposed minor amendments to sections 9, 22 and 30 of the Gaming Code. The Board enacted these amendments in Resolution No. 01-101 (October 1, 2001), and then forwarded the amended Gaming Code to the NIGC for review. On January 2, 2002, the Chairman of the NIGC approved the amendments contained in Resolution No. 01-101 (October 1, 2001).

In Board Resolution No. 04-046 (July 12, 2004), the Board amended section 13(A)(6) of the code. Resolution No. 04-046 also directed that the internal outline format of the code be made consistent with the uniform citation and outline format being used for all tribal codes. This changed section 13 to section 2.04. The Board directed that the amended and renumbered code be submitted to the NIGC for review and approval. The revised code was approved by the NIGC on September 28, 2004.

Following comprehensive amendments to the Gaming Compact approved in November 2008, conforming amendments to the Gaming Code were adopted by the Board of Trustees by Resolution 09-018 (February 23, 2009), which was submitted to the NIGC for approval. NIGC required an added Code section identifying the Tribal official for receipt of NIGC orders, notices of citation, *etc.* in order to approve the Gaming Code amendments. Accordingly, by Resolution 09-042 (April 20, 2009), a §1.10 was added to the Gaming Code identifying the Tribal Gaming Commission Chairperson as the Tribe's agent for receiving NIGC orders, *etc.* By letter dated April 27, 2009, the NIGC approved the Gaming Code amendments.

In Board Resolution No. 11-061 (June 27, 2011), the Board amended sections 1.09 (minor modifications to rules governing Keno prizes) and 5.01 (specifying certain employee records retention rules). By letter dated August 9, 2011, the NIGC approved the Gaming Code amendments set forth in Resolution 11-061.

APPENDIX B

NATIONAL INDIAN GAMING COMMISSION APPROVAL