January 29, 2020

VIA FACSIMILE AND FIRST CLASS MAIL

Ms. Brenda Meade, Chairperson
Coquille Indian Tribe
3050 Tremont Street
North Bend, OR 97459

Re: Amended Gaming Ordinance

Dear Chairperson Meade:

This letter is to inform you that the Coquille Tribe of Oregon's (Tribe) Amended Gaming Ordinance, authorized by CY19111 on October 24, 2019, and received by the NIGC October 30, 2019, is approved by operation of law.

Pursuant to the Indian Gaming Regulatory Act, the NIGC Chair has ninety days from the date of submission to either approve or disapprove a gaming ordinance.[1] Any ordinance not acted upon at the end of the ninety day period is considered to have been approved by the Chair to the extent it is consistent with the provisions of IGRA.[2] Because no action was taken by the Chair within the ninety-day period, the Tribe's amended ordinance is considered approved to the extent it is consistent with IGRA. It is the opinion of the Office of General Counsel that the Gaming Ordinance is compliant with the requirements of IGRA and NIGC regulations.

If you have any questions, please feel free to contact Staff Attorney Heather McMillan Nakai at (202) 527-5577.

Sincerely,

Michael Hoenig

[1] 25 U.S.C. § 2710(e).
[2] *Id.*

COQUILLE INDIAN TRIBE
Chapter 198
GAMING ORDINANCE

I certify that this is an authentic copy of the Gaming Ordinance as adopted by Coquille Tribal Council Resolution CY19111.

Dated this 24th day of October, 2019.

Linda Mecum

Linda Mecum, Secretary
Coquille Indian Tribal Council

198.010 General Purpose

1. Purpose - The Tribal Council, empowered by the Coquille Tribe's Constitution to enact ordinances, hereby enacts this ordinance in order to set the terms for Class I, Class II and Class III gaming (as defined below) operations on tribal lands.

2. Background and Intent [Reserved]

3. Jurisdiction – The Coquille Indian Tribe possesses sovereign governmental jurisdiction over all gaming conducted on Indian lands (as defined below). This sovereign authority extends to the provision of governmental and regulatory services, including but not limited to law enforcement, and gaming regulation.

4. Definitions

   (a) Shared meaning with Indian Gaming Regulatory Act (IGRA). Unless a different code meaning is clearly indicated, the terms used in this Ordinance shall have the same meaning as defined in the "Indian Gaming Regulatory Act," Public Law 100-497, 102 Stat. 2467 (Oct. 17, 1988).
   (b) "Calendar Year" means the period beginning each year on January 1 at 12:00:01 a.m. and ending the immediately following December 31 at 12:00 o'clock midnight.
   (c) "Chairman" means the Chairman of the Coquille Tribal Gaming Commission appointed by the Tribal Council as the chief administrator of Coquille gaming.
   (d) "Class I Gaming" means 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 celebration.
   (e) "Class II Gaming" means –
      1. the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith) -

a. Which is played for prizes, including monetary prizes, with cards bearing numbers or other designations;
b. In which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
c. In which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and

2. Card games that:
   a. Are explicitly authorized by laws of the State of Oregon: or
   b. Are not explicitly prohibited by the laws of Coquille Indian Tribe and the State of Oregon and are played at any location in the State of Oregon, but only if such card games are played in conformity with those laws and regulations (if any) of the State of Oregon regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

3. The term "class II gaming" does not include

   a. Any banking cards games, including baccarat, chemin de fer, or blackjack (21); or
   b. Electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

(f) "Class III gaming" means all forms of gaming that are not Class I gaming or Class II gaming.
(g) "Commission" means the Coquille Tribal Gaming Commission.
(h) "Commissioner" means one of the members of the Coquille Tribal Gaming Commission.
(i) "Conflict of Interest" means generally a situation in which financial or other personal considerations have the potential to compromise or bias the professional judgment and objectivity of an individual, such that a reasonable person might question whether the individual is acting in their own self-interest to the detriment of the Tribe's best interests or the integrity of the Gaming Operation. A conflict of interest includes, but is not limited to, a situation where an individual, an individual's immediate family, or the organization that an individual or their immediate family represents, works for, or has an interest in, or has a direct or indirect competing interest with, the Commission's activities.
(j) "Tribal Council" means the Coquille Tribal Council.

(k) "Gaming or Gaming Activity" means Class I, Class II and Class III gaming, but does not include games played with cards in private homes or residences in which no person makes or charges money for operating the game, except as a player.

(l) "Gaming Device" means any equipment or mechanical, electromechanical or electronic contrivance, component or machine, including video lottery terminals used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss. The term includes a system for processing information, which can alter the normal criteria of random selection, which affects the operation of any game or which determines the outcome of a game.

(m) "Gaming Employee" means any individual employed in the operation or management of gaming in connection with the Gaming Operation or Facilities, whether employed by or contracted to the Tribe, or by or to any person or enterprise providing Gaming Operation and management services to the Tribe, including but not limited to, Gaming Operation managers and assistant managers, accounting personnel, security personnel, cage cashiers, dealers or croupiers; box men, floor men, pit bosses; shift bosses, cage personnel, collection personnel, gaming consultants, pari-mutual clerks, management companies and their principals, and any person whose employment duties require or authorize access to restricted areas of a Gaming Facility which are not otherwise open to the public or to areas designated by the Commission. For the purposes of this definition, "restricted areas of the gaming facilities which are not otherwise open to the public" means those areas specifically related to Gaming Activities such as (but not limited to) the vault, server room, surveillance room, cage, or other designated area within the Gaming Facility. Notwithstanding the other text in this paragraph, for the Mill Casino / Hotel Gaming Facility, "Gaming Employee" means any Low Security Employee, High Security Employee, Key Employee or Primary Management Official, as those terms are used in the Tribe's Gaming Compact with the State of Oregon, attached hereto as Addendum A.

(n) "Gaming Facility" or "Gaming Facilities" means generally,

(1) only those areas within a building or buildings located on the Reservation or Tribe's Indian Lands in which Class I, Class II, and Class III Gaming Activities occur, and includes restricted areas such as the gaming server room, count room, cage, vault, surveillance, security, and inventory storage. For the purposes of the regulation authorized by this Ordinance, Gaming Facility or Facilities does not include the following areas: food and beverage, hotel, RV park, lounge, valet, entertainment venues, parking lot, and non-gaming back-of-the house areas such as employee break rooms, kitchen, food storage and similar areas; and

(2) That certain portion of 11.88 acres of Trust land located in North Bend, Oregon and held by the United States in trust on behalf of the Tribe, also identified as the description of "Permanent

Gaming Location" and Exhibit I to the Tribe's Gaming Compact with the State of Oregon, attached hereto as Addendum A, but excluding that portion of the 11.88 acres title to which is vested to the State of Oregon as submerged lands, if any.

(o) "Gaming Operation" means the Gaming Enterprise operated by the Tribe or any of its wholly-owned affiliate entities, and includes Gaming Activity subject to a Management Contract approved under this Ordinance.

(p) "Gross Revenue" means the total monetary value that would be due to any operator of a Gaming Activity for any chance taken, for any table fees for card playing, or other fees charged for participation or admittance, as evidenced by required records. The value shall be stated in U.S. currency, before any deductions or allowances for prizes, pay out of winnings, cost of operation, promotional expenses, taxes, labor expenses, equipment or materials used, or any other expenses. In the absence of records, gross revenue shall be the maximum that would be due to an operator from that particular activity if operated at maximum capacity.

(q) "Immediate family member" means an individual's father, mother, son, daughter, husband, wife, brother, sister, stepparent, stepchild, parents-in-law, brothers and sisters-in law or any other person living in the individual's household.

(r) "Indian Land" means;

(1) Any lands title to which is either held in trust by the United States for the benefit of the Coquille Indian Tribe, or held by the Coquille Indian Tribe subject to restriction by the United States against alienation and over which the Coquille Indian Tribe exercises governmental power; and

(2) Any lands title to which is either held in trust by the United States for the benefit of the individual Indian or held by an individual Indian subject to restriction by the United States against alienation and over which the Coquille Indian Tribe exercises governmental power.

(s) "Key Employee" means a Gaming Employee meeting any of the following criteria:

(1) Gaming Employee who performs one or more of the following functions:

a. Bingo caller, or,
b. Counting room supervisor, or,
c. Chief of Security, or,
d. Custodian of gaming supplies or cash, or
e. Floor manager, or
f. Pit boss, or,
g. Dealer, or,
h. Croupier, or,
i. Approver of credit, or,

j. Custodian of gambling devices, including persons with access to cash and accounting records within such devices; or

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

(3) If not otherwise included, the four most highly compensated persons in the Gaming Operation; or

(4) If not otherwise included, any "Key employee" as defined by the tribal-state Compact

(5) If not otherwise included any "Key employee" as defined by 25 C.F.R. subsection 502.14, as may be amended from time to time.

(t) "Licensee" means any person or facility who has been issued a valid and current license by the Commission pursuant to the provisions of this Gaming Ordinance.

(u) "Net Revenue" means gross revenues of a Gaming Activity less amounts paid out as, or paid for, prizes and total gaming-related operating expenses, including all those expenses of the Gaming Operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.

(v) "Non-Gaming Employee" means those employees other than Gaming Employees employed by the Gaming Operation. Such Non-Gaming Employees, for example, may include but are not limited to, gift shop, RV park, valet, hotel, food and beverage, and entertainment employees.

(w) "Management Contract" means any contract, subcontract, or collateral agreement between the Coquille Tribe and a contractor or between a contractor and sub-contractor, if such contract or agreement provides for management of all or part of a Gaming Operation.

(x) "Management Fee" means any monies paid from gaming revenue to any person (not an employee) or to any entity contracted and/or licensed to operate or manage a Gaming Operation. Such term shall not include monies paid for operating expenses.

(y) "National Indian Gaming Commission (NIGC)" means the federal regulatory entity established by IGRA

(z) "Operating Expense" shall include all monies that are reasonably attributed to maintaining and operating the Gaming Activities, reasonable salaries paid to employees, and non-Gaming Activities that are reasonably related to promoting business in the Gaming Operation;

(aa) "Patron" means any person or group of persons who participate as players in Gaming Activities as defined by this Ordinance, or who are physically present in Gaming Facilities wherein such Gaming Activities occur.

(bb) "Person" means any association, partnership, corporation, firm, trust or other form of business association as well as a natural person.

(cc) "Primary Management Officials" shall include:

(1) All employees of the Gaming Operation who exercise authority over daily operation of the gaming, including the authority to hire and fire employees, to supervise employees or to establish operational policy for the Gaming Operation. Such officials shall include, but not be limited to, all owners, officers, shareholders with greater than a ten percent (10 %) ownership interest, or partners of the management contractor, if any;
(2) Any person who has the authority:
   a. To hire and fire Gaming employees; or
   b. To set up working policy for the Gaming Operation; or
   c. The Chief Financial Officer or other person who has financial management responsibility over the Gaming Operation;
(3) A person having management responsibility under a management contract; and
(4) A person(s) designated as primary management official(s) in the Tribal-State Compact.

(dd) "Regulation" means the regulations of the Commission under this Ordinance.
(ee) "Reservation" when not qualified, means the Coquille Indian Reservation, and any other lands designated as reservation lands by the Secretary of the Department of Interior, and all lands that qualify as Reservation under the terms of the Coquille Restoration Act of June 28, 1989. 25 U.S.C. §§ 715 et seq.
(ff) "Safeguard the Assets" or "Protect the Assets" of the Gaming Operation means regulating the Gaming Activities of the Gaming Operation and any other Gaming Activities on Indian lands in order to ensure that those Gaming Activities are conducted in accordance with the Indian Gaming Regulatory Act, the Compact (if applicable to that particular Gaming Activity), and this Chapter. It does not include regulation of or over items or property owned and operated by the Tribe, Gaming Operations or the Enterprise that are not used to facilitate Gaming Activities, which include but are not limited to, food and beverage inventory, gift shop inventory, hotel inventory, vehicles, valet, any other non-gaming items or property, or the revenues derived from any non-Gaming Activities.
(gg) "Services" means labor provided by one person to or for another, where such labor is provided in pursuit of the purpose of gaming pursuant to this code or facilitates the operation of the Gaming Operation in any manner.
(hh) "Tribal Court" means the Tribal Court of the Coquille Indian Tribe.
(ii) "Tribal-State Compact" or "Compact" means a written document, either negotiated and agreed to by the Coquille Tribe and an official or agency of the State of Oregon or prescribed by the Secretary pursuant to 25 U.S.C. 2710 (7) (B) (vii), governing

the conduct of Class III Gaming Activities on Indian lands.

(jj) "Tribe" means the Coquille Indian Tribe, as recognized in the Coquille Restoration Act of June 28, 1989. 25 U.S.C. §§ 715 et seq.

(kk) "Weekdays" means Monday through Friday except Federal or Tribal holidays.

(ll) Words and Terms: Tense, number and gender. In constructing the provisions of this Ordinance, save when otherwise plainly declared or clearly apparent from the context:

(1) Words in the present tense shall include the future tense;

(2) Words in masculine, feminine and neuter genders shall include all genders;

(3) Words in the singular shall include the plural, and in the plural shall include the singular.

198.100 Administration and Enforcement

1. Unauthorized Gaming.

(a) Any person who commits any act of unauthorized gaming in violation of 198.500 of this Ordinance on this reservation or on any Indian land shall be subject to a civil infraction punishable by civil fine up to the maximum amount allowed by applicable law and/or banishment from all or a part of the Tribe's lands.

(b) Any Indian who commits any act of unauthorized gaming on this reservation or on any Indian land shall be guilty of a crime and may be prosecuted in Tribal Court. Prosecution for such a crime in Tribal Court is not meant to be exclusive; a finding of guilt or innocence shall not deprive the federal government from criminal jurisdiction, and shall not deprive the state government from criminal jurisdiction, but only as provided for in a tribal- state Compact.

(c) It is hereby declared that Class II and authorized Class III gaming conducted on this reservation or on any Indian land, that fully complies with the provisions of this Ordinance shall not be subject to any civil or criminal penalties.

2. Ownership - Revenues to Benefit Tribe. - The Tribe shall have the sole proprietary interest in, and the sole responsibility for the conduct of any Gaming Operation authorized by this Ordinance except as expressly provided herein. Such provision does not, however, limit the Tribe's ability to enter into a management contract wherein net revenues are divided between the Tribe and other parties to the contract. A Gaming Operation shall be operated so as to produce the maximum amount of net revenues to the Tribe.

(a) Net revenues shall not be distributed as, or otherwise fund, per-capita distributions to tribal members. Per-capita distributions of net revenues shall only be lawful if the

Tribe's Constitution is duly amended to allow for such payments and the Department of the Interior has approved a per-capita distribution plan, and in such event, per-capita distributions shall only be lawful to the extent consistent with the approved per-capita distribution plan in effect.

(b) Net revenues will go entirely to the Tribe and will be used solely for the following purposes:

(1) To fund tribal government operations or programs;
(2) To provide for the general welfare of the Tribe and its members;
(3) To promote tribal economic development;
(4) To donate to charitable organizations; or
(5) To help fund operations of local government agencies.

3. Establishment of Commission. - The Coquille Tribal Gaming Commission is hereby reaffirmed as an existing division of the Tribe. The Commission in office on October 24, 2019, shall remain in place, subject to the terms of this Ordinance.
   (a) The Gaming Commission reports directly to the Tribal Council.
   (b) Any Commissioner that is lawfully in office as of the date of approval of these amendments to this Ordinance is deemed to be a duly appointed Commissioner under this Ordinance.
   (c) A Commissioner may be disciplined, suspended with or without pay or removed from office only for cause by a majority vote of the Tribal Council. For the purposes of this Section, "For Cause" includes, but is not limited to: criminal conviction, gaming license ineligibility, work performance issues, work or non-work behavior issues, repeated progressive disciplinary issues, violation of applicable law, including this Ordinance, exercise (or attempted exercise) of authority beyond the scope of that delegated to the Commission or any combination of these items.
   (d) Commissioners shall be appointed by Tribal Council resolution.
   (e) The Commission shall be comprised of no less than three (3) members. Unless a different number of Commissioners is set by Tribal Council resolution, the Commission shall initially consist of five (5) members.
   (f) Vacancies shall be promptly filled by Tribal Council resolution, unless a vacant position is eliminated by Tribal Council Resolution.
   (g) Commissioners and agents must at all times meet the suitability standards for, and submit to the background investigation required of, primary management officials.
   (h) Commissioners may not hold other tribal gaming positions (including positions with any affiliate or division of the Tribe) or engage in other gaming-related employment. Commissioners may engage in business, which is not subject to the provisions of this Gaming Ordinance. Commissioners shall not gamble in the Gaming Operation and shall not have any personal financial interest in any gambling by any patron.

4. No Authority over Non-Gaming Activities. –The Commission is prohibited from regulating, exerting authority over or otherwise interfering in non-Gaming Activities of the Gaming Operation including, but not limited to, non-Gaming Assets, personnel decisions, entertainment venues, lounge, valet, gift shop, food and beverage, hotel, marketing, non-gaming promotions or any other non-Gaming Activity conducted by the Gaming Operation in the Gaming Facilities as an amenity to the Gaming Activities

5. Conflict of Interest Policy.

   (a) The Commission shall establish a Conflict of Interest policy to ensure the high degree of integrity, objectivity, and professionalism of the Commission. The purpose of this policy is to establish a standard of conduct relating to real, potential or apparent Conflicts of Interest to ensure that personnel of the Commission act in the best interests of the Commission and the Tribe.
   (b) The Conflict of Interest policy shall at a minimum, provide that:
      (1) All Commissioners shall disclose to the full Commission, in writing, all material facts regarding any real, potential or apparent Conflict of Interest.
      (2) If requested by the Commission, all Commissioners shall consult with the full Commission whenever any Commissioner has any question as to a real, potential or apparent Conflict of Interest and provide all material information requested by the Commission.
      (3) Whenever any Commissioner has any information regarding a real, potential or apparent Conflict of Interest regarding any Commissioner, they shall present such information to the full Commission.
      (4) A Commissioner shall not display favoritism in official actions, personnel matters, or other Commission business involving an immediate family member.
      (5) A Commissioner shall not sign off on, approve, vote on, or participate in, any discussion about a resolution regarding a matter in which there is a Conflict of Interest involving the Commissioner or the Commissioner's immediate family member.
      (6) A Commissioner shall not place itself in a position of obligation to persons who might benefit or appear to benefit from special consideration with respect to Commission actions.
      (7) A Commissioner shall not have a monetary interest that would conflict with the discharge of the duties owed to the Commission.
      (8) A Commissioner shall not disclose, discuss, use, take advantage of, benefit or appear to benefit from the use of information not generally available to the public and which has been acquired during its official Commission duties.
      (9) The Commission shall maintain a record of all disclosed real, potential or apparent Conflicts of Interest, and shall make this record available to the Tribal Council or the Tribal Council's duly authorized agent or representative.

(c) Notwithstanding any other provision of this subsection to the contrary, the status of a Commissioner or any member of their immediate family as an enrolled member of the Coquille Tribe, alone shall not be the basis for establishing a conflict of interest.
(d) A material breach of the Conflict of Interest Policy may be good cause for grounds for suspension or removal from office either by Tribal Council, or by unanimous written agreement of all Commissioners other than the Commissioner whose conduct is in question.
(e) The Commission must promptly report all real, potential and actual conflicts of interest to the Chairperson of the Coquille Tribal Council.

6. Compensation of Commissioners. - Commissioners shall be compensated at a rate to be established by the Gaming Commission and approved by the Tribal Council. Commissioners shall be reimbursed for actual expenses incurred on Commission business, including necessary travel expenses. In no event shall compensation be based on a percentage of net profits from Gaming Operations of the Tribe.

7. Selection of Chairperson. - The Chairman shall be appointed by the Tribal Council, and shall also serve as a Commissioners.

8. Quorum - Majority Vote. - A quorum shall consist of a majority of persons appointed to, and serving on, the Commission at the time of the vote. All decisions shall be made by a majority vote unless indicated otherwise in this Ordinance.

9. Monthly Report. - The Commission shall make monthly reports to the Tribal Council within thirty (30) days after the close of the month for which the information is being required. The reports shall include a full and complete statement of expenses and all other financial transactions of the Commission and a summary of all licensing and enforcement actions. The Tribal Council may require the Commission to provide this information in a specific format with specific detail.

10. Powers.
(a) Subject to Tribal law, the Commission may exercise any proper power and authority necessary to perform the regulatory duties assigned to it by this Ordinance. The Commission shall conduct Commission meetings pursuant to Roberts Rules of Order, as may be modified by the Commission pursuant to a duly promulgated regulation. The Commission shall make recommendations and set policy and transact other business that may be properly brought before it. The Commission shall promulgate rules and regulations for the conduct of Gaming Activities and shall hear and resolve all disputes regarding any provision of this Ordinance. In all decisions, the Commission shall act to promote and ensure integrity, security, honesty, and fairness of the operation and administration of the Gaming Activities. The Commission shall have the power and

authority to deny any application, to revoke, limit, condition, suspend, or restrict any license; make a finding of suitability or approval of a license; or to impose a fine upon any person licensed, for any cause deemed reasonable by the Commission.

(b) Notwithstanding the other provisions of this Ordinance, the Tribal Council may require the Commission to comply with Tribal laws governing administrative and procedural matters, provided that such laws shall not apply to the extent that they limit the Commission's independent exercise of regulatory and confidentiality duties established under this Ordinance.

(c) The Commission shall not participate in the management of any Gaming Operation or of any Gaming Activity. As used in this paragraph, "management" includes, but is not limited to, the exercise of authority or control over any personnel or contractors of a Gaming Operation without a *bona fide* regulatory purpose,

11. Issuance of Regulations. - The Commission shall from time to time promulgate and issue Regulations governing any aspect of its or the Commission staff's responsibilities under this Ordinance, which, so long as they are in furtherance of and not in conflict with any provision of this Ordinance, or applicable Tribal law, shall have the force of law.

(a) In adopting, amending and repealing Regulations, the Commission shall give prior notice of the proposed action to the Tribal Council, all Licensees and other persons whom the Commission has reason to believe have a legitimate interest in such proposed action. Said notice shall inform such persons as to the general nature of the proposed action and advise them as to the manner in which comments on said proposed action shall be received by the Commission.

(b) The Commission shall provide notice of the proposed action to the general manager(s) of the Tribe's Gaming Operations and to the Chairperson of the Tribal Council at least twenty (20) days prior to the Commission meeting at which the Commission is to consider the proposed action. The notice shall describe the general nature of the proposed action, provide such officials with proposed regulatory language, and advise how comments on the proposed action shall be received by the Commission. Notice to others may be given by posting for at least two weeks in advance of the Commission meeting at a place designated by the Commission within the Gaming Facility office complex.

(c) The Commission shall carefully and thoughtfully consider any comments provided to it and shall provide a written rationale for accepting, revising or rejecting such comments.

(d) In emergencies, the Commission may summarily adopt, amend or repeal any Regulation if at the time, the Commission determines such action is necessary for the immediate

preservation of the public peace, health, safety, good order or general welfare, together with a statement of facts constituting the emergency; provided, however, that the Commission shall schedule such emergency action for a regular hearing within sixty (60) days, provided further, that as soon as is reasonably possible the Commission shall inform the Tribal Council of any such action.

(e) Any affected Licensee can challenge a Regulation approved by the Commission to the Tribal Court if they believe the Regulation exceeds the scope of the Commission regulatory authority identified in this Ordinance. Such challenge must be filed within thirty (30) days of issuance of the Regulation. If the Tribal Court shall find that the Regulation exceeds the Commission's authority, it shall order the Commission to immediately rescind such Regulation, or such portion of the Regulation necessary to render the resulting Regulation lawful.

12. Voting on Licensing. - Any Commission vote resulting in approving, disapproving, revoking, suspending, limiting or conditioning a license under this Ordinance shall be by ballot only; provided, that in an emergency a phone vote may be polled pursuant to Commission Regulations. Should an applicant disagree with the determination of the Commission, the Commission shall hold a hearing to review its decision, within seven (7) weekdays from the date an applicant files his/her written disagreement with the Commission. At the hearing the burden shall be upon the applicant to show cause why the Commission's decision was incorrect. Any Commissioner that may gain economically (other than gain to the Tribe and Tribal membership generally) from the granting or denial of a licensing application shall abstain from voting on such application.

13. Commission Findings. - Following such hearing, the Commission shall, within seven (7) weekdays, reach a determination concerning:
    (a) The accuracy of the preliminary certification of facts;
    (b) Whether the license in question should be granted, denied, continued, suspended, revoked, conditioned, or limited; and
    (c) Whether or not any other action recommended to the Commission including, but not limited to, forfeitures, should be taken.

14. Notification of Commission Decision. - Within five (5) weekdays following this determination the Commission shall inform the subject in writing of that determination.

15. Duties of the Chairman. - Subject to the terms of this Ordinance, the Chairman shall perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes of this Ordinance relating to the regulation of all Gaming Activity. The Chairman may delegate authority to another Commissioner(s), so long as such authority is expressly granted and consistent with Commission regulations. In all decisions, the Chairman shall act to promote

and ensure integrity, security, honesty, and fairness of the operation and administration of all Gaming Activity. Subject to the terms of this Ordinance, the Chairman's duties shall include but not be limited to the following:

(a) Negotiate contracts for payments by the Commission for the provision of security and other professional services;

(b) Correspond with the NIGC and take actions necessary to complete compliance with the rules and regulations of that agency.

(c) Cause to be conducted independent audits of Gaming Operations annually and submit the results of those audits to the NIGC.

(1) Annual audits shall conform to generally accepted auditing standards.

(2) All gaming-related contracts that result in the purchase of supplies, services or concessions for more than $25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the audit

(3) Copies of the annual audit of each licensed Gaming Operation, and each audit for supplies, services or concessions of each Gaming Operation, shall be furnished to the NIGC within one hundred twenty (120) days after the end of each fiscal year of the Gaming Operation.;

(d) Assure that all Gaming Activity, including construction, maintenance and operation of the gaming facility is conducted in a manner which adequately protects the environment and the public health and safety;

(e) Prescribe an adequate system, which ensures that background investigations are conducted on all gaming licenses, including but not limited to primary management officials and key employees of any Gaming establishment and that oversight of such officials and their management is conducted on an ongoing basis consistent with CITC 198.400 below and 25 C.F.R. parts 556 and 558. The Chairman will recommend to the Commission, which shall have final authority, on the granting of tribal licenses. The Chairman shall immediately notify the NIGC of the issuance of licenses for primary management officials and key employees. The Chairman will review all applications and background investigations to ensure that no person shall be eligible for employment in or with any part of the Gaming Operation if that person's prior activities, criminal record, if any, and reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming;

(f) Hire such professional, clerical, technical, and administrative personnel as may be necessary to carry out the provisions of this Ordinance;

(g) Review all records, documents, and anything else necessary and pertinent to enforcement of any provisions of this Ordinance;

(h) Recommend to the Commission whether sanctions should be imposed on any person subject to the jurisdiction of this Ordinance;
(i) Issue subpoenas to compel the attendance of witnesses for hearing at any place on Coquille Indian lands, administer oaths, and require testimony under oath. Any process or notice may be served in the manner provided for service of process and notices in civil actions. The Chairman may pay such transportation and other expenses of witnesses, as it deems reasonable and proper.
(j) Pursuant to a request from the Tribal Council, the Chairman may direct Commission staff to conduct background checks and make suitability determinations regarding persons or entities conducting business unrelated to the operation of Gaming Activities.

16. Right of Inspection. - The Commission and its agents and inspectors, have the authority:
(a) To inspect and examine all premises wherein gaming is conducted, or gambling devices or equipment are manufactured, stored, maintained, sold or distributed;
(b) To inspect all equipment and supplies in, upon or about a Gaming Operation, or inspect any equipment or supplies wherever located, which may, or have been used in the Gaming Operation;
(c) Summarily to seize and remove from a Gaming Operation (or wherever located) and impound such equipment or supplies for the purpose of examination, inspection, evidence or forfeiture;
(d) To demand access to and inspect, examine and audit all papers, books and records of applicants and Licensees respecting any income produced by any gaming business, and require verification of income and all other matters affecting the enforcement of the policy of or any of the provisions of this Ordinance;
(e) To seize and impound any patron's winnings which the Commission may have reasons to believe may have been won or obtained in violation of this Ordinance pending a hearing before the Commission; and
(f) For the purpose of administration and enforcement of this Ordinance the Commission and its investigative personnel may, by resolution of the Tribal Council, have the powers of the peace officer of the Coquille Indian Tribe for purposes of this Ordinance only.

17. Confidentiality of Information. - The Commission may refuse to reveal, in any court proceeding the identity of any informant, or the information obtained from the informant, or both the identity and the information.

18. Retention of Records. - The Commission shall keep and maintain a file of all applications for Gaming Licenses under this Ordinance, together with a record of all action taken with respect to

such applications.

(a) At a minimum, the Commission shall retain the following for inspection by the Chair of the NIGC or his or her designee for no less than three (3) years from the date of termination of employment:
   (1) Applications for licensing;
   (2) Investigative reports; and
   (3) Eligibility determinations.

(b) The Commission shall keep and maintain such other files and records as they may deem desirable and all such records may be open to public inspection only as the Tribal Council by resolution deems appropriate; provided, that such availability to the public does not violate the federal and tribal (and if applicable, state) laws regarding privacy or confidentiality of information. All Commission records shall be available for inspection by the Tribal Council or its authorized officers, agents and representatives.

19. Powers of Delegation; Commission Budget. –

(a) The Commission may organize itself into functional divisions as it may deem necessary and from time to time alter such plan of organization, as it may deem expedient.

(b) Within the limitations of a Tribal Council approved budget, the Commission shall establish its own budget for operations, and acquire such furnishings, equipment, supplies, stationery, books, motor vehicles, and other things as it may deem necessary or desirable in carrying out its functions, and incur such other expenses, within the limit of funds available to it.

(c) Within the limits of a Tribal Council approved budget, the Commission shall employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Commission may require. At the Tribal Council's discretion, said budget may be reviewed and modified by the Tribal Council every twelve (12) months. Upon the end of the budget year any surplus which might exist shall be refunded to the Tribe's General Fund at the Tribal Council's discretion.

20. Sanctions. - Any person who engages in Gaming Activities on Indian Lands subject to the provisions of this Gaming Ordinance without a license, in violation of the license or terms imposed thereon, in violation of terms of suspension, or in violation of any regulation, provision, or amendment under this Ordinance shall be in violation of this Ordinance, including any person who unlawfully trespasses upon any premises licensed by this Ordinance without the consent of the Licensee and/or the Commission, shall be subject to punishment in accordance with the provisions of CITC 198.100 (21) & (22). The Commission shall consider the issuance of sanctions if the Tribal Council requests such consideration by formal resolution stating the purpose of the inquiry. Nothing herein shall be interpreted to limit the liability of such individuals in tribal, state or federal court.

21. Violations of Ordinance - Punishment. – In addition to any jurisdiction that arises by virtue of a person's presence on Indian lands and/or any consensual activity with the Tribe or its affiliates, by accepting a license, the Licensee is consenting to the civil jurisdiction of the Gaming Commission, the Coquille Indian Tribe and the Coquille Indian Tribal Court. Any violation of this Ordinance shall be subject to a fine up to the maximum amount allowed by applicable law for each separate count or violation. Each day of violation shall constitute a separate violation under this Ordinance. A violator may also be required to pay Commission costs, storage fees, and auction or sales fees. All property used or which may be used in each and every separate violation of this Ordinance may become the property of the Tribe; persons may be prohibited from trespassing on premises licensed under this Ordinance, licenses may be suspended, revoked, or limited and/or establishments may be forcibly closed. All such action shall be taken at the discretion of the Commission. Winnings found to have been received in violation of this Ordinance are forfeited and become the property of the Tribe.

22. Procedure Regarding Enforcement Actions. - The Commission shall promulgate regulations protecting the rights of all individuals subject to the enforcement of this Ordinance. Such regulations shall, at a minimum:
    (a) Provide standards for emergency or summary suspension of license; and
    (b) Provide fair notice and opportunity for hearing regarding any revocation or suspension of license, and regarding any enforcement action taken, or proposed to be taken pursuant to this Ordinance.

23. Special Agents. - The Commission may authorize special agents appointed pursuant to and otherwise in compliance with tribal law, to perform services reasonably necessary to assure compliance with the provisions of this Ordinance only. Said special services of enforcement and surveillance shall be under the direction of the Chairman. Such special agents shall meet the eligibility requirements of a primary management official or key employee. This shall in no way be deemed to limit the normal law enforcement functions of these or other tribal law enforcement officers not so authorized.

24. Independence of Commission. - The Chairman, Commissioners, members of the Tribal Council and their immediate families shall receive no personal compensation, gift, reimbursement or payment of any kind from any person doing or wishing to do business with the Tribe relating to gaming nor with any person wishing to obtain an unfair advantage in any authorized wager on gaming. Personal compensation, gift, reimbursement or payment of any kind shall not include business entertainment, meals, lodging or other ordinary and reasonable expenses in the negotiation and solicitation of contracts with the Commission. Any property received in violation of this provision, including cash payments, shall be immediately forfeited to the Tribe and the offending persons may be prosecuted to the fullest extent possible under applicable law for accepting a bribe. The Commission shall cooperate to the fullest extent possible with any Federal or State law enforcement agency to pursue prosecution under applicable Federal or State

law. Other than disclosures required by this Ordinance or Commission regulations, no Commissioner shall participate in discussions or voting regarding matters directly involving immediate family members.

198.200 Licensing

1. Gaming License Required. - Any person seeking to conduct, operate, or manage Gaming Activities, be employed as a Gaming Employee at any Gaming Operation, or distribute or sell gaming equipment used in the conduct of Gaming Activities shall apply for, and receive, all the required licenses from the Commission. Engaging in such Gaming Activities without first obtaining the required licenses shall be deemed a violation of this Ordinance and shall be punishable in accordance with CITC 198.100 (20) (21) & (22). This provision shall not preclude the Commission from entering into consulting contracts for services, the payment of which is fixed and not determined by a percentage of the net profits from the Gaming Operation; provided, that each such contract shall be disclosed in advance to the Tribal Council Chairperson.
   (a) Any license issued pursuant to the provisions of this Ordinance is valid only for the person or entity at the place of business shown on the face thereof. It is not assignable or otherwise transferable to any other person or entity for any other location without approval of the Chairman and Commission.
   (b) A majority vote of a quorum of the Commission is required to approve of any license issued pursuant to this Ordinance.
   (c) A license will not be issued to a person whose license has previously been revoked pursuant to this Ordinance, or to whom the issuance of renewal of a license has been denied, except with the majority approval of the Commission members.
   (d) The Commission shall set a reasonable fee to cover the costs associated with applications, background investigations, licenses and permits. All such fees shall be made payable to the Coquille Tribal Gaming Commission and delivered to the Coquille Tribe's Accounting office.
2. Authorization of Class I Gaming Activity. - The Commission may authorize Class I Gaming Activity to be played on Indian lands that are within the jurisdiction of the Tribe.

3. Facility License.
   (a) A separate license issued by the Commission shall be required for each place, facility, or location within the Tribe's jurisdiction at which any Class II or Class III Gaming Activity is conducted.
      (1) The Commission shall submit to the Chairman of the NIGC notice that a facility license is under consideration for issuance at least one hundred and twenty (120) days before opening any new place, facility, or location on Indian lands where class II or III gaming will occur.
      (2) The notice shall contain the following:

(A) The name and address of the property;
(B) A legal description of the property;
(C) The tract number for the property as assigned by the Bureau of Indian Affairs, Land Title and Records Offices, if any;
(D) If not maintained by the Bureau of Indian Affairs, Department of the Interior, a copy of the trust or other deed(s) to the property or an explanation as to why such documentation does not exist; and
(E) If not maintained by the Bureau of Indian Affairs, Department of the Interior, documentation of the property's ownership.
(F) a copy of the written attestation set forth in subparagraph (5), below.

(3) This subsection (a) shall not apply to facilities where the only gaming conducted are occasional charitable events lasting not more than one week.

(4) The Commission shall submit to the Chair of the NIGC within thirty (30) days:
(A) A copy of each issued or renewed facility license within thirty (30) days of issuance.
(B) Notice if a facility license is terminated or expires or if a gaming place, facility, or location closes or reopens This subparagraph (B) shall not apply to seasonal closures or temporary closures with a duration of less than one hundred -eighty (180) days

(5) The Commission shall not issue a facility license unless the Tribe (or its political subdivision or affiliate) provides a written attestation that the construction and maintenance of the gaming facility, and the operation of that gaming, is conducted in a manner which adequately protects the environment and the public health and safety.
(A) Such attestation must state that the Tribe (or its political subdivision) has identified and enforces laws, resolutions, codes, policies, standards or procedures applicable to each gaming place, facility, or location that protect the environment including the public health and safety, including standards, under the tribal-state compact in effect.
(B) The attesting entity, if requested by the Commission or the Chair of the NIGC, must be able to provide applicable and available Indian lands or environmental and public health and safety documentation.

4. Class II Gaming License. The Commission shall not license and regulate a tribally owned Class II Gaming Activity unless –

(a) Such Gaming Activity is located on Indian lands within the Tribe's jurisdiction, and the State of Oregon permits such gaming for any purpose by any person, organization or entity (and such gaming is not otherwise specifically prohibited on Indian lands by Federal laws);

(b) Net revenues from such Gaming Activity are used in accordance with CITC 198.100 (2) of this Ordinance;
(c) Such Gaming Activity is subject to annual outside audits, which may be encompassed within existing independent tribal audit systems, and provided to the Tribal Council;
(d) All contracts (except contracts for professional legal and accounting services) for supplies, services, or concessions for an aggregate amount in excess of $25,000 annually relating to such gaming are also subject to independent audits;
(e) The construction and maintenance of the gaming facility, and the operation of that gaming, is conducted in a manner which adequately protects the env0ironment and the public health and safety; and
(f) All primary management officials and key employees of the Class II and Class III Gaming Operation have successfully passed a background investigation, the procedure and scope of which is approved by the Tribe and the NIGC and obtain a license from the Commission.

5. Non-tribal Entity Licenses for Class II and/or Class III Gaming.
   (a) Gaming owned by a non-tribal entity shall not be allowed on the Tribe's Indian lands except as provided in this Ordinance.
   (b) The Commission may license and regulate Class II Gaming Activities owned by any person or entity other than the Tribe and conducted within the Tribe's jurisdiction, only if the requirements described in CITC 198.200 are met and are conducted in a manner that is at least as restrictive as the regulations established by Oregon State law, including licensing standards, governing similar gaming within its jurisdiction, and including state law standards regarding purpose, entity, pot limits and hours of operation.
   (c) No person or entity, other than the Tribe, shall be eligible to receive a license from the Commission to own a Class II and/or Class III Gaming Activity conducted within the Tribe's jurisdiction if such person or entity would not be eligible to receive a license from the State of Oregon to conduct the same activity within State jurisdiction.
   (d) Such licenses are only valid so long as the Licensee and the Tribe comply, at a minimum, with the following provisions:
      (1) Income to the Tribe from such gaming is used only for the purposes described in CITC 198.100 (2) of this Ordinance, and
      (2) Not less than 60 percent of the net revenues is income to the Tribe, and
      (3) The owner of such Gaming Operation pays the appropriate assessment levied by the NIGC.

6. Gaming Employee Licenses.
   (a) All Gaming Employees, including primary management officials and ey Employees, must

have a gaming license issued by the Tribe.

(b) Non-Gaming Employees shall not be issued a Gaming License unless they have been designated a Key Employee or primary management official by the Tribe.

(c) The Commission is responsible for granting and issuing gaming licenses to primary management officials, key Gaming Employees and other designated employees.

(d) The Commission shall consult with appropriate law enforcement officials concerning any gaming licenses it may issue. If, after issuance of a gaming license by the Commission, reliable information is received from an entity other than the NIGC, that a Gaming Employee does not meet the standard established under this Ordinance, the Commission may suspend such license and, after notice and hearing, may revoke such license. If such information is provided by the NIGC, the Commission shall take action on the license as set forth in this Ordinance.

7. Non-Gaming Employees.
(a) Non-Gaming Employees will be issued a Non-Gaming Permit by the Commission which, once issued, shall not be subject to suspension or revocation by the Commission.

(b) Non-Gaming Employees shall be subject to the backgrounding requirement of this Ordinance, however the decisions[BK1] whether to employ the individual will be at the discretion of the Gaming Operation.

(c) Non-Gaming Permits shall be rescinded without prejudice when the Non-Gaming Employee is separated for any reason from the Gaming Operation.

(d) Non-Gaming Employees will be issued a identification card indicating their status as a Non-Gaming Employee and shall be prohibited from entering areas of the gaming facilities related to gaming which are not otherwise open to the public including but not limited to those areas specifically related to Gaming Activities such as the vault, server room, surveillance room, cage, or other designated areas within the Gaming Facility.

(e) Commission may implement and charge a fee to cover the cost of the background investigation and identification card issuance.

8. Class III Gaming Activities.

(a) The Commission may license a Class III Gaming Activity when:

(1) Such gaming meets the requirements of this Ordinance; and

(2) Such gaming is conducted in conformance with the terms and conditions of a valid Tribal-State Compact entered into by the Tribe and the State of Oregon, or with the terms and conditions of valid procedures for the regulation of class III games in the absence of a compact, or in compliance with some other lawful authority in the absence of a compact;

(b) Nothing herein shall be interpreted to be a restriction on the sovereign authority of the Tribe to continue regulation of gaming on its lands in the event the federal courts strike all or part of IGRA to be invalid, illegal, unconstitutional or unenforceable.

9. Background Investigation.

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

(b) The background investigation shall be at least as stringent as the regulations of the NIGC published as 25 CFR § 556 and 558 in the Federal Register, volume 78, p.5279, on January 25, 2013, and any amendment to those regulations.

(c) In conducting a background investigation, the Commission or its agents shall keep confidential the identity of each person interviewed in the course of the investigation.

(d) If, in the course of a background investigation, the Commission discovers that the applicant has a notice of results on file with the NIGC from a prior investigation and the tribe has access to the earlier investigative materials (either through the NIGC or the previous tribal investigative body), the Commission may rely on those materials and update the investigation and investigative report to the NIGC

10. Failure of Applicant to Disclose Material Information.

(a) An applicant for Gaming License shall make true and full disclosure of all information to the Commission as necessary or appropriate in the public interest or as required in order to carry out the policies of this Tribe relating to licensing and control of the gaming industry. It is the duty of the applicant to disclose all information material to whether his involvement with gaming would jeopardize or compromise the Tribal interest, whether or not the applicant has been specifically requested to provide that information. It shall

constitute a violation of this code to fail to disclose, to mislead or to misstate any such material information to the Commission, or to any Licensee's employer.

(b) At a minimum, the application for any Gaming Employee, including but not limited to primary management official and key employees shall request the following information:
   (1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
   (2) Currently and for the previous five years: Business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
   (3) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed in the application;
   (4) Current business and residence telephone numbers;
   (5) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
   (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
   (7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
   (8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
   (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
   (10) For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed, the criminal charge, the name and address of the court involved and the date and disposition;
   (11) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
   (12) A photograph;
   (13) Any other information the Tribe deems relevant; and
   (14) Fingerprints consistent with procedures adopted by the Commission consistent with NIGC regulations in effect.

11. Temporary Employment Licenses. - The Commission may issue a temporary gaming license to any person or entity that has applied for a Gaming License. A temporary gaming license may not

be issued:

(a) In the case of applicants for High Security Employee (as defined in the Compact) positions, until thirty (30) days after the individual's or entity's application has been submitted and processed in accordance with the Commission's regulations;
(b) In the case of applicants for Low Security Employee (as defined in the Compact) positions, until after the individual's or entity's application has been submitted and processed in accordance with the Commission's regulations.
(c) In the case of applicants for key employees or primary management officials, until after the Commission provides notice to the NIGC of the information required in CITC 198.200(16)(b)(2), provided however, such temporary license shall not be valid for a period greater than ninety (90) days. In the event the temporary license of a key employee or primary management official expires prior to the issuance of a full (non-temporary) license, such key employee or primary management official shall not work or exercise any authority until such time as a valid (not-temporary) license is issued.

12. Parameters of License. - Acceptance of a Gaming License or renewal thereof, or condition imposed thereon, by a Licensee, constitutes an agreement on the part of the Licensee to be bound by all the regulations and conditions of the Commission and by the provisions of this Ordinance as the same are now, or may hereafter be amended or promulgated, and to cooperate fully with the Commission. It is the responsibility of the Licensee to keep informed of the contents of all such regulations, amendments, provisions, and conditions, and ignorance thereof will not excuse violations. The Commission shall use reasonable efforts to notify all Licensees of changes in regulations. Violation of any provision of this Ordinance or any of the Commission's regulations by a Licensee, their agent, or their employee shall be deemed grounds for refusing to grant or renew a license, suspension or revocation of a license, and shall constitute grounds for the filing of charges by the Commission.

13. Licensing of Gaming Vendors. - The Commission may authorize, require and issue such annual licenses as the Commission by regulation may provide, to any person to engage in the selling, distributing, or otherwise supplying of gambling equipment or paraphernalia for use in connection with licensed Gaming Activity.

14. Privacy Notice:

(a) All applications for Gaming Licenses, including but not limited to key employees and primary management officials shall include the following notice:

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

granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission (NIGC) members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC 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 NIGC in connection with the issuance, denial, 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 license you for any Gaming 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.

A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Ordinance, title 18, section 1001)."

(b) The Commission shall notify in writing any existing Gaming Employee, including but not limited to key employees and primary management officials, whose most recent application did not contain the Privacy Act notice set forth in subsection (a) that they shall either:
   (1) Complete a new application form that contains a Privacy Act notice; or
   (2) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

15. Report to and Consultation with the NIGC:
   (a) For all primary management officials or a key employees, the Gaming Enterprise shall maintain a complete application file containing the information listed under CITC 198.200(10);
   (b) Before issuing a Gaming License to a primary management official or to a key employee, the Commission shall:
      (1) Create and maintain an investigative report on each background investigation. An investigative report shall include, at a minimum, 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; and
      (2) Submit a notice of results of the applicant's background investigation to the NIGC no later than sixty (60) days after the applicant begins work. The notice of results shall contain:
         (A) Applicant's name, date of birth, and social security number;

(B) Date on which applicant began or will begin work as key employee or primary management official;
(C) A summary of the information presented in the investigative report, which shall at a minimum include a listing of:
(i) Licenses that have previously been denied;
(ii) Gaming licenses that have been revoked, even if subsequently reinstated;
(iii) Every known criminal charge brought against the applicant within the last 10 years of the date of application; and
(iv) Every felony of which the applicant has been convicted or any ongoing prosecution.
(v) A copy of the eligibility determination made pursuant to CITC 198.200(11) and/or CITC 198.100(15).

16. NIGC Objections to issuance of a license
(a) If the NIGC provides the Commission with a timely statement itemizing objections to the issuance of a license to a key employee or to a primary management official applicant for whom the Commission has provided a notice of results, the Commission shall:
(1) immediately suspend the license if it is temporary or otherwise in effect pending reconsideration;
(2) reconsider the application, taking into account the objections itemized by the NIGC.
(3) provide notice to the Licensee of the suspension, and/or notice to the applicant, of the proposed revocation, together with notice of a time and a place for a hearing on the proposed revocation of a license.
(b) The Commission shall make the final decision whether to issue a license to such applicant.
(1) The Commission shall not make its final decision prior to the hearing regarding revocation set forth in subsection (i)(C) above, which hearing may occur without regard of the applicant or Licensee's appearance therein.
(2) The Commission shall notify the NIGC of its final decision within forty-five (45) days of receiving formal notice from the NIGC of its statement itemizing objections to the issuance of the license.

17. The Commission shall notify the NIGC:
(a) Of the issuance of any license to a primary management official or key employee within thirty (30) days of its issuance; and
(b) Of the denial or revocation of any license, together with copies of its eligibility determination and notice of results, with the expectation that NIGC will include this information in its Indian Gaming Individuals Record System.

18. Registration for Non-gaming Vendors.

(a) The following categories of vendors are exempt from licensing requirements:

(1) Non-Gaming Vendors supplying less than $25,000 in goods or services during any calendar year;

(2) Vendors supplying only accounting or legal services; and

(3) Non-Gaming Vendors supplying only food, beverage, gift shop, advertising, non-gaming promotional, entertainment, marketing goods and services or other contracted services not associated with Gaming Activities including but not limited to gift shop, valet, RV Park or hotel services.

(b) Non-Gaming Vendors shall register with the Commission by providing federal tax identification number, legal structure of business, and list of principals in the business.

(c) Upon completion of the registration form the Non-Gaming Vendor may be issued a temporary identification card if they will be accessing non-public areas including but not limited to the kitchen, employee break rooms, or other non-gaming back-of-the-house areas.

(d) Non-Gaming Vendors shall not be subject to Gaming Vendor backgrounding requirements.

(e) Commission may implement and charge a fee to cover the cost of registration.

198.300 Management Contracts

1. Commission Approval Required.

(a) Any management contract entered into by the Tribe for the operation and management of Class II or Class III Gaming Activity must be submitted to the Commission for approval, but, before approving such contract, the Commission shall require and obtain the following information:

(1) The name, address, and other additional pertinent background information on each person or entity (including persons comprising such entity) having direct financial interest in, or management responsibility for, such contract, and, in the case of a corporation, those individuals who serve on the board of directors of such corporation and each of its stockholders who hold (directly or indirectly) 10 percent or more of its issued and outstanding stock; and

(2) A description of any previous experience that each person listed pursuant to subparagraph (1) has had with other gaming contracts with Indian tribes or with the gaming industry generally, including specifically the name and address of any

licensing or regulatory agency with which such person has had a contract relating to gaming; and

(3) Any further or additional information as may be required under the tribal-state Compact entered into between the Tribe and the State; and

(4) Any additional information that the Commission may reasonably request.

(b) Any person listed pursuant to sub-subparagraph (a)(1) shall be required to respond to such written or oral questions that the Commission may propound in accordance with its responsibilities under this CITC 198.300.

(c) For purposes of this Ordinance, any reference to the management contract described in CITC 198.300 (1) (a) shall be considered to include all collateral agreements to such contract that relate to the Gaming Activity.

(d) After the Commission has given its approval of a management contract, the Commission shall submit such contract to the NIGC for its approval. No such contract shall be valid until the NIGC has approved it

2. Requirements for Management Contracts. - The Commission shall approve any management contract entered into by the Tribe pursuant to CITC 198.300, unless it determines that such contract is not in compliance with the provisions of this Gaming Ordinance, and does not provide at least:

(a) For adequate accounting procedures that are maintained, and for verifiable financial reports that are prepared, by or for the Tribal Council on a monthly basis;

(b) for access to the daily operations of the gaming to appropriate tribal officials who shall also have a right to verify the daily gross revenues and income made from any such tribal Gaming Activity;

(c) for a minimum guaranteed payment to the Tribe that has preference over the retirement of development and construction costs;

(d) For an agreed ceiling for the repayment of development and construction costs;

(e) For a contract term not to exceed five years, except that, upon the request of the Tribe, the Commission may authorize a contract term that exceeds five years but does not exceed seven years if the Commission is satisfied that the capital investment required, and the income projections, for the particular Gaming Activity require additional time and the NIGC concurs with the findings of the Coquille Tribal Gaming Commission; and

(f) For grounds and mechanisms for terminating such contract, but actual contract termination shall not require the approval of the Commission.

(g) For preference to Tribal members and non-member Indians in hiring of employees for the Gaming Operation.

3. Reconsideration at Direction of Tribal Council. - In the event the Commission determines a

contract is not in compliance with CITC 198.300, the Commission shall immediately communicate its determination to the Tribal Council. If the Tribal Council, by duly authorized resolution, requests the Commission to reconsider the management contract, the Commission shall do so. If after fifteen (15) days of such request for reconsideration, the Commission has not determined that the management contract is in compliance with CITC 198.300, the Tribal Council may challenge the Commission's determination in Tribal Court. The decision of the Tribal Court shall be final.

4. Percentage-of-Net-RevenueFees.

(a) The Commission shall not approve a management contract providing for a fee based upon a percentage of the net revenues of a tribal Gaming Activity unless such percentage fee is reasonable in light of surrounding circumstances. Except as provided in this, such fee shall not exceed 30 percent of the net revenues;
(b) The Commission shall not approve a management contract providing for a fee based upon a percentage of the net revenues of a tribal Gaming Activity that exceeds 30 percent but not 40 percent of the net revenues unless the NIGC and the Tribal Council are satisfied that the capital investment required, and income projections, for such tribal Gaming Activity require the additional fee, and such contract is otherwise in compliance with this Gaming Ordinance.

5. Contract Disapproval. - The Commission shall not approve any contract if it determines that:

(a) Any person listed pursuant to CITC 198.300(1)(a)(1) who;
  (1) Has been or subsequently is convicted of any felony relating to a gaming offense; or
  (2) Has knowingly and willfully provided materially important false statements of information to the Commission or the tribal officials who negotiate such contracts or has refused to respond to questions propounded pursuant to CITC 198.300 1(b); or
  (3) Has been determined to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;
(b) The management contractor has, or has attempted unduly to interfere or to influence for its gain or advantage any decision or process of tribal government relating to Gaming Activity;
(c) The management contractor has deliberately or substantially failed to comply with the terms of the management contract or the provisions of this Ordinance or any regulations adopted pursuant to this Ordinance or the Indian Gaming Regulatory Act.

(d) Any person listed in CITC 198.300(1)(a)(1) is an elected member of the Tribal Council.

6. Modifying or Voiding Contract. - The Commission, after notice and hearing, shall have the authority to require appropriate contract modifications or may void any contract if it subsequently determines that any of the provisions of this Ordinance have been violated.

7. Conveying Interest in Land. - No management contract for the operation of a Gaming Activity regulated by this Ordinance shall transfer or, in any other manner, convey any interest in land or other real property, unless specific applicable statutory authority exists and unless clearly specified in writing in said contract.

8. Fee for Investigation Cost. - The Commission may require a potential contractor to pay a fee to cover the cost of the investigation necessary to reach a determination required in CITC 198.300(5) of this Ordinance.

198.400 Auditing and Internal Control

1. Minimum Procedures for Control of Internal Fiscal Affairs. - The Commission shall promulgate regulations for control of internal fiscal affairs of all Gaming Operations. At a minimum, those regulations shall:
   (a) Prescribe minimum procedures for safeguarding the Gaming Operation's assets and revenues, including recording of cash and evidences of indebtedness, mandatory count procedures. Such procedures shall establish a control environment, accounting system, and control procedures that safeguard the assets of the organization, assures that operating transactions are properly recorded, and encourage adherence to prescribed policies;
   (b) Prescribe minimum reporting requirements to the Commission;
   (c) Provide for the adoption and use of internal audits, by internal auditors and Certified Public Accountants licensed to practice public accounting;
   (d) Formulate uniform minimum internal control standards (MICS) of accounts and accounting classifications to assure consistency, comparability and effective disclosure of financial information.
      (1) Regarding Class II gaming only, such MICS shall be at least as stringent as the standards established by the NIGC, as may be amended from time to time.
      (2) Such MICS shall require that records be retained that reflect statistical drop (amount of cash wagered by patrons), statistical win/loss (amount of cash won/lost by the Gaming Operation) and the percentage of win/loss to drop, or provide similar information, for each type of game, or each gaming device;
   (e) Prescribe the intervals at which such information shall be furnished;

(f) Provide for the maintenance of documentation (i.e. checklists, programs, reports, etc.) to evidence all internal work performed as it relates to the requirements of this; and

(g) Provide that all financial statements and documentation referred to in paragraph (f) be maintained for a minimum of five (5) years.

2. Commission Oversight of Internal Fiscal Affairs.

(a) The Commission shall, by regulation, require audits of the financial statements of all Gaming Operations. Such audits must:

(1) Be made by independent Certified Public Accountants holding a permit issued by the State of Oregon to practice public accounting;

(2) Include an opinion, qualified or unqualified or, if appropriate, disclaim an opinion on the financial statements taken as a whole in accordance with standards of the accounting profession established by rules and regulations of the American Institute of Certified Public Accountants; and in accordance with the rules and regulations of the Oregon State Board of Accountancy, consistent with GAAP;

(3) Disclose whether the accounts, records and control procedures maintained by the Gaming Operation are as required by the regulations promulgated by the Commission; and

(4) Provide for a preliminary review of procedures and regulations relating to the control of internal fiscal operations upon adoption of the policies and procedures by the Gaming Operation, to disclose any deviation from prescribed rules and regulations and report such findings to the Commission and management;

(5) Provided however, nothing herein shall entitle the Commission to audit gaming revenue after such revenue is properly distributed to the tribal government or after such revenue is properly distributed to the Coquille Tribal Community Fund for further use consistent with the provisions of the Compact.

3. Commission Right to Conduct Audit. - The Commission shall be able to retain its own appointed accountants, or direct an accountant employed by the Tribe, to conduct its own audit of any Gaming Operation.

4. Prohibition Against Embezzlement. - Any delay, maneuver or action of any kind which in the opinion of the Chairman is effectuated by any Licensee to unlawfully divert gaming proceeds or other proceeds properly belonging to the Tribe shall constitute grounds for taking disciplinary action against that Licensee. If the Commission finds an unlawful diversion was attempted, it shall sanction the Licensee. Sanctions may include fining, revoking, suspending, limiting or refusing to renew the license. Nothing herein shall be interpreted to limit the Commission's authority per CITC 198.100 (20)(21) and (22).

198.500 Authorization of Gaming

1. Prohibition Against Gaming. - No person duly authorized by the Commission shall engage, conduct or condone any Class II or Class III game unless such game is approved by this Commission and regulations for rules governing such game have been duly promulgated by this Commission.

2. Authorization of Gaming. - The Commission may authorize the playing of any game lawful under applicable federal law. The Commission shall promulgate regulations for rules governing the equipment (chips, dice, cards, tiles etc.) used in such game. Any provision in the Tribe's Compact with the State of Oregon providing for notice and comment from the State, shall be complied with before any game is authorized by the Commission.

3. Approval of Gaming Equipment. - The Commission shall have the discretion to review and approve all gaming equipment and other devices used in the Gaming Operation as to design, integrity, fairness, honesty and suitability.

   (a) The Commission may test any machine in a gaming facility at any time, or may require a prototype or sample of any model of gaming terminal or other device used in the Gaming Operation to be placed in the custody of the Chairman and retained by him as a control for comparison purposes.
   (b) Any evidence that gaming terminals or other equipment used in the Gaming Operation has been tampered with or altered in any way which would affect the integrity, fairness, honesty or suitability of the terminal or equipment shall be immediately reported to the Commission.

4. Posting of Rules. - The Rules of each authorized game offered at any duly licensed Gaming Operation shall be posted in a conspicuous location and shall be clearly legible.

198.600 Exclusion or Ejection of Individuals

1. List of Undesirables. - The Commission shall, by regulation, provide for the establishment of a list of persons who are to be excluded or ejected from any duly licensed Gaming Operation. The list may include any person whose presence in the Gaming Operation is determined by the Commission to pose a threat to the interests of the Tribe, the State of Oregon, or to licensed gaming. Race, color, creed, national origin or ancestry, or sex must not be grounds for placing the name of a person on the list.

2. Notice and Opportunity to be Heard. - The Commission shall promulgate regulations providing fair notice and opportunity to be heard to any individual whose name is being contemplated by the Tribe to be placed on the list referred to in CITC 198.600(1). Such regulations must provide the person an opportunity to show cause to the Commission why his name should be deleted

from the list.

3. Prohibition Against Listed Individuals. - It shall be a violation of this Ordinance for any Licensee who knowingly fails to exclude or eject from the Gaming Operation any persons placed on the list referred to in CITC 198.600(1). It shall be a violation of this Ordinance for any person whose name appears on the list referred to in CITC 198.600(1) to enter into or engage in any game at a duly licensed Gaming Operation.
   Nothing in this may be interpreted to prevent the Gaming Operation from refusing service to any person.

4. Prohibition Against Certain Individuals. - It shall be a violation of this Ordinance for any Licensee who knowingly fails to exclude or eject from the Gaming Operation any individual who:
   (a) Is visibly under the influence of liquor or any narcotic or such other substances; or
   (b) Is to be excluded per the provisions of the tribal-state Compact.

198.700 Cheating

1. Unlawful Acts. - It is unlawful and a violation of this Ordinance, punishable by the Commission, for any person:
   (a) To alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players;
   (b) To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or knowledge of any event that affects the outcome of the game or knowledge that is the subject of the bet or wager;
   (c) To aid anyone in acquiring such knowledge as set forth in paragraph (b), for the purpose of increasing or decreasing a bet or wager, or for the purpose of determining the course of play contingent upon that event or outcome;
   (d) To claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won;
   (e) Knowingly to entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this Gaming Ordinance, with the intent that the other person play or participate in that gambling game;
   (f) To place or increase a bet or wager after acquiring knowledge of the outcome of the game or event which is the subject of the bet or wager, including past-posting and pressing bets;
   (g) To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet or wager, including pinching bets;
   (h) To manipulate with intent to cheat, any component of a gaming terminal or any tangible device used in connection with the Gaming Activity in a manner contrary to the designed

and normal operational purpose for the component, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

2. Prohibition against Electronic Aids.- Except as specifically permitted and approved by the Commission, no person shall possess with the intent to use, or actually use, at any table game, either by himself, or in concert with others, any calculator, computer, or other electronic, electrical, or mechanical device to assist in projecting an outcome at any table game, to keep track of or analyze the cards having been dealt, to change the probabilities of any table game or the playing strategies to be utilized. Nothing in this shall be interpreted to preclude the Gaming Operation from maintaining and offering such electronic aids so long as the information provided from such aids is made available to all players.

198. 800 National Indian Gaming Commission and Tribal-State Compacts

1. NIGC – Regulations - The Commission shall comply with all regulations promulgated by the NIGC, including, but not limited to, all requirements to report ordinances, contracts, license applications, background checks, and other information to the National Commission. Nothing in this shall be interpreted as a waiver of the Tribe's right to challenge the legality of any such regulations.

2. NIGC – Assessment - The Commission shall comply with all assessments authorized by the National Commission. Such assessments shall be paid from the Gaming Operation. Nothing in this shall be interpreted as a waiver of the Tribe's right to challenge the legality of any such regulations.

3. Compact with the State of Oregon - The Commission shall comply with the provisions of any compact properly executed between the Tribe and the State of Oregon, under IGRA. Nothing in this shall be interpreted as a waiver of the Tribe's right to challenge the legality or interpretation of any such compact or any compact provision.

198.900 Miscellaneous

1. Security - Each licensed Gaming Operation must provide for adequate security. All security personnel must be licensed by the Commission.

2. Maintenance of Ordinance and Regulations - Each Licensee shall obtain, maintain and keep current a copy of the Gaming Ordinance and regulations promulgated thereunder, which shall be located in the Gaming Facility. Licensee's obligation to abide by this Ordinance and regulations is not, in any way, affected by the Licensee's lack of a copy or knowledge of this Ordinance and regulations.

3. This Ordinance and regulations shall be produced by the Commission to any person upon written request to the Commission.

4. Compliance with Other Laws - The construction, maintenance and operation of any facility in which Gaming Activities are to take place shall be in a manner which adequately protects the environment and the public health and safety and shall comply with any otherwise applicable tribal and federal laws relating to environmental protection and public health and safety.

5. Amendments - All provisions of this Gaming Ordinance are subject to amendment by the Coquille Tribal Council. All regulations promulgated by the Commission are subject to proper revision, repeal, or amendment by the Commission.

6. No Waiver of Sovereign Immunity. - Nothing herein shall be interpreted as empowering the Commission to waive the Tribe's or the Commission's immunity from suit. Any contract or other agreement that provides for such waiver shall be void unless ratified by the Tribal Council.

7. Severability - If any provision of this Ordinance, or its application to any purpose or circumstance, is held invalid by a court of competent jurisdiction, the full remainder of the provision, or the application of the provision through another person or circumstance, shall not be affected.

8. Interpretation. - In any action (excluding disputes between the Commission and Tribal Council) regarding the interpretation of the provisions of this Code, deference should be given to the Commission's interpretation unless it is arbitrary, capricious and/or contrary to law. This Ordinance at times makes reference to specific regulations of the NIGC. The lack of a specific reference to NIGC in other circumstances is not to be interpreted as an exception to compliance with an applicable NIGC regulation. At all times, this Ordinance is to be interpreted consistent with all NIGC regulations then in effect, provided however, that the Commission or the Tribe reserves the right to challenge the validity or applicability of an NIGC regulation.

COQUILLE INDIAN TRIBE

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RESOLUTION
CY19111

ADOPTION OF AMENDMENTS TO THE TRIBAL GAMING ORDINANCE (CITC CHAPTER 198)

WHEREAS, the Coquille Indian Tribe ("Tribe") is a federally recognized Indian tribe pursuant to the Coquille Indian Restoration Act of June 28, 1989, 25 U.S.C. § 715, et seq. ("the Act"); AND

WHEREAS, the Tribe is governed by the Coquille Tribal Council pursuant to the Tribal Constitution adopted by eligible voters of the Tribe on August 27, 1991, and approved by the Secretary of the Interior on September 9, 1991; and the Tribal Council is empowered to establish Tribal policies, enact Tribal laws and act for the Tribe; AND

WHEREAS, on September 12, 2019, the Tribal Council adopted Resolution CY19092, which approved certain revisions to the Tribal Gaming Ordinance and directed Tribal officials to advertise the proposed revisions to solicit Tribal member comment; AND

WHEREAS, the required comment period has passed, and the Tribal Council has considered the comments from Tribal members; AND

WHEREAS, based on additional advice from the Tribe's legal counsel, the Tribal Council wishes to adopt a final version of this ordinance that includes additional provisions to more clearly define the roles and responsibilities of gaming management and the Gaming Commission; NOW

THEREFORE, BE IT RESOLVED, that the Tribal Council adopts the amendments to the Gaming Ordinance as set forth in the attached Exhibit A, provided that these amendments shall become effective only after they are approved by the National Indian Gaming Commission; AND

THEREFORE, BE IT FINALLY RESOLVED, that the Tribal Chairperson or in her absence or unavailability, the Tribal Vice Chairperson, shall have the authority to sign all documents needed to give this resolution full force and effect.

CERTIFICATION

The foregoing Resolution was duly adopted at the Tribal Council Meeting held on the Coquille Indian Tribe Reservation in North Bend, Oregon, on October 24, 2019, with the required quorum present by a vote of
6 For; 0 Against; 0 Absent; 0 Abstaining.

Brenda Meade,
Chairperson

Linda Mecum,
Secretary-Treasurer

Cc: Brett Kenney, Lael Echo-Hawk