

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 62-95
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION**

(Amending Hualapai Tribe Gaming Ordinance)

WHEREAS, the Hualapai Tribe submitted Hualapai Tribe Gaming Ordinance No. 29-93 ("Ordinance No. 29-93") for review and approval by the National Indian Gaming Commission ("NIGC"), pursuant to the Indian Gaming Regulatory Act of 1988, 25 U.S.C. § 2701-2721 and 18 U.S.C. §§ 1166-1168 ("IGRA"); and

WHEREAS, the NIGC disapproved Ordinance No. 29-93 based on the following three deficiencies:

1. Ordinance No. 29-93 failed to include an adequate description of procedures for conducting background investigations on key employees and primary management officials pursuant to 25 C.F.R. § 522.2(b); and
2. Ordinance No. 29-93 failed to provide that the Tribe will perform background investigations and issue licenses to key employees and primary management officials according to the requirements as stringent as those contained in 25 C.F.R. Parts 556 and 558, pursuant to 25 C.F.R. § 522.2(b)(5); and
3. Ordinance No. 29-93 improperly, at § 6(a), exempted class II charitable gaming from regulations; and

WHEREAS, the Hualapai Gaming Board has recommended to the Tribal Council that it adopt the Amendment to Hualapai Tribe Gaming Ordinance No. 29-93, attached hereto as Exhibit A, to correct the above-described deficiencies; and

WHEREAS, the Tribal Council finds that it is in the best interest of the Hualapai Tribe to adopt Exhibit A, Amendment to Hualapai Tribe Gaming Ordinance No. 29-93, and to authorize the Chairman of the Tribal Council to submit the amended Ordinance No. 29-93 and any other submissions to comply with the IGRA.

NOW THEREFORE BE IT RESOLVED, by the Tribal Council that Exhibit A, Amendment to Amendment to Hualapai Tribe Gaming Ordinance No. 29-93, amending Section 4(e) and Section 6, is hereby adopted and the Ordinance No. 29-93 is amended as set forth therein.

BE IT FURTHER RESOLVED that the Chairman of the Hualapai Tribal Council is hereby authorized to submit the amended Ordinance No. 29-93 for review and approval by the NIGC and any other submissions to comply with the IGRA and to do all things necessary and proper to carry out the intent of this Ordinance.

C E R T I F I C A T I O N

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal is composed of nine (9) members of whom 8 constituting a quorum were present at a **SPECIAL MEETING** thereof held on this **26th day of August 1995**; and that the foregoing resolution was duly adopted by a vote of 8 for 0 against, 0 not voting, and 1 excused, pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.

Louise Benson
Louise Benson, Vice Chairperson
Hualapai Tribal Council

ATTEST

Christine Lee
Christine Lee, Secretary
Hualapai Tribal Council

NORDHAUS HALTOM TAYLOR
TARADASH & FRYE

ATTORNEYS AT LAW

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JILL E. GRANT

DANIEL F. ORTEGA
CAROLYN E. PASTERNAK
MELANIE P. BAISE
JOSHUA S. GRINSPORN
JESSICA R. ABERLY
SHENAN R. ATCITY

October 4, 1995

LISA M. ENFIELD, OF COUNSEL

VIA TELEFAX (520) 769-2343
AND FIRST CLASS MAIL

Honorable Delbert Havatone
Chairman
Hualapai Tribal Council
P.O. Box 179
Peach Springs, AZ 86434

Re: **Hualapai Tribe Gaming Ordinance**

Dear Chairman Havatone:

Enclosed is a letter of September 28, 1995 from the Chairman of the National Indian Gaming Commission notifying the Tribe that it has approved the Tribe's gaming ordinance. By copy of this letter, I am also notifying the Arizona State Gaming Agency of the NIGC approval.

Please call with any questions.

Very truly yours,

NORDHAUS, HALTOM, TAYLOR,
TARADASH & FRYE, LLP

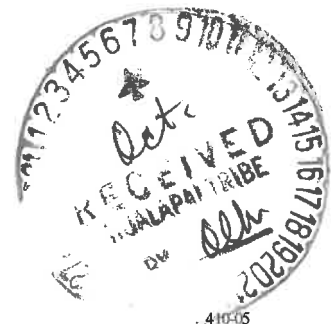


Lee Bergen

LB\dme

Enclosure: Letter of September 28, 1995

cc(w/encl.): Mr. Gary W. Barton



**NATIONAL
INDIAN
GAMING
COMMISSION**

SEP 28 1995

RECEIVED

OCT - 4 1995

NORDHAUS, HALTOM, TAYLOR,
TARADASH & FRYE

Delbert Havatone
Chairman
Hualapai Tribe
P.O. Box 179
Peach Springs, AZ 86434

Dear Chairman Havatone:

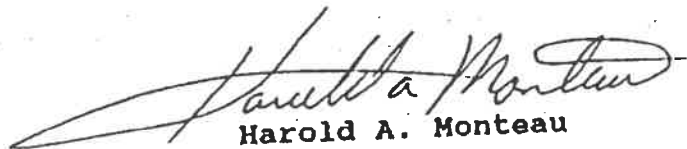
This letter responds to your request to review and approve the tribal gaming ordinance, Ordinance No. 29-93, as amended and adopted by Resolution No. 62-95, adopted on August 26, 1995, by the Hualapai Tribe (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Also, such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

Thank you for submitting the ordinance of the Hualapai Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,


Harold A. Monteau
Chairman

cc: Jill E. Grant, Esq.

NATIONAL
INDIAN
GAMING
COMMISSION

SEP 28 1995

Delbert Havatone
Chairman
Hualapai Tribe
P.O. Box 179
Peach Springs, AZ 86434

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Thank you for submitting the ordinance of the Hualapai Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,


Harold A. Monteau
Chairman

cc: Jill E. Grant, Esq.



RESOLUTION OF THE HUALAPAI TRIBE GAMING BOARD

Re: Adoption of gaming regulations

WHEREAS:

1. The Hualapai Tribe Gaming Board (Board) was created by the Hualapai Tribal Council pursuant to Hualapai Tribe Gaming Ordinance No. 29-93 (Ordinance) for the purpose of regulating class I, class II, and class III gaming on tribal lands in accordance with the Ordinance and the Indian Gaming Regulatory Act of 1988, 25 U.S.C. §§ 2701-2721 (Act), and regulations promulgated thereunder; and
2. The Act requires the National Indian Gaming Commission (Commission) to review existing tribal gaming ordinances authorizing class II or class III gaming on Indian lands to ensure compliance with the Act; and
3. The Commission by letter of March 4, 1994 notified the Tribe to submit, with certain recommended requirements, the Ordinance for formal review by the Commission; and
4. The Ordinance, § 8(e)(5), empowers the Board to promulgate regulations governing all gaming activity on tribal lands; and
5. The Board finds that it is in the best interest of the Tribe to submit the Ordinance for formal review by the Commission and to promulgate regulations to implement the Ordinance and to conform with the Commission's recommended requirements.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Section 8(e)(5) of the Ordinance the Board hereby promulgates the following Regulation Nos. 1 through 5, attached hereto and incorporated herein as Exhibits A through E, implementing the Ordinance and to conform to the requirements of the Commission.

CERTIFICATION

I, the undersigned, as Chairman of the Hualapai Tribe Gaming Board hereby certify that a regular meeting of the Board was held on this 7 day of NOV, 1999, and that the foregoing resolution was duly adopted by the vote of 3 members for and 0 members opposed, pursuant to the authority of Hualapai Tribe Gaming Ordinance No. 23-93.


Chairman

ATTEST:

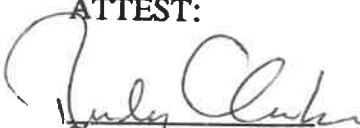

Secretary

EXHIBIT A

Regulation No. 1 provides definitions of Key Employee and Primary Management Officials and other terms.

1.1 Definitions. For the purposes of the Ordinance and regulations of the Board, the following definitions shall apply:

- 1.1.1 "Agency" means the Arizona State Gaming Agency or other agency of the State of Arizona responsible for monitoring the Compact.
- 1.1.2 "Board" means the Hualapai Tribe Gaming Board.
- 1.1.3 "Commission" means the National Indian Gaming Commission.
- 1.1.4 "Compact" means the Hualapai Tribe-State of Arizona Gaming Compact of February 23, 1994.
- 1.1.5 "Distributor" means a person who distributes Gaming Devices and/or component parts thereof for class III gaming.
- 1.1.6 "Gaming Device" means any gambling device as defined in 15 U.S.C. § 1171(a)(2) or (3).
- 1.1.7 "Gaming Employee" means any employee, except Key Employees or Primary Management Officials, employed by a Gaming Operation or by a Management Contractor.
- 1.1.8 "Gaming Facility" means the buildings, or rooms in which class I, class II or class III gaming is conducted on tribal lands.
- 1.1.9 "Gaming Operation" means the enterprise owned by the Tribe for the conduct of class I, class II or class III gaming in any Gaming Facility on tribal lands.
- 1.1.10 "Gaming Services" means providing any goods or services, except legal services, to the Gaming Operation or Management Contractor in connection with the operation of class III gaming in a Gaming Facility, including but not limited to equipment, transportation, food, linens, janitorial supplies, maintenance, or security services for the Gaming Facility, in an amount in excess of \$10,000 in any single month.
- 1.1.11 "Key Employee" means:
 - (a) A person who performs one or more of the following functions:
 - (1) bingo caller;
 - (2) counting room supervisor;

- (3) chief of security;
- (4) custodian of gaming supplies or cash;
- (5) floor manager;
- (6) pit boss;
- (7) dealer;
- (8) croupier;
- (9) approver of credit; or
- (10) custodian of Gambling Devices, including persons with access to cash and accounting records within such devices.

- (b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
- (c) If not otherwise included, the four most highly compensated persons in the Gaming Operation or in the Management Contractor.

1.1.12 "Management Contract" means a contract within the meaning of 25 U.S.C. §§ 2710(d)(9) and 2711.

1.1.13 "Management Contractor" means a person that has entered into a Management Contract with the Tribe or a Gaming Operation which has been approved pursuant to 25 U.S.C. §§ 2710(d)(9) and 2711.

1.1.14 "Manufacturer" means a person that manufactures Gaming Devices and/or component parts thereof for use or play in a Gaming Facility.

1.1.15 "Ordinance" means the Hualapai Tribe Gaming Ordinance No. 29-93.

1.1.16 "Primary Management Official" means:

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

1.1.17 "Principal" means with respect to any person:

- (a) each of its officers and directors;

- (b) each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer or general management;
- (c) each of its owners or partners, if an unincorporated business;
- (d) each of its shareholders who own more than 10 percent of the shares of the corporation, if a corporation.
- (e) each of the beneficiaries, or trustees of a trust.

1.1.18 "Tribal Court" means the Hualapai Tribal Court.

1.1.19 "Tribal Police Department" means the police force of the Tribe established and maintained or contracted for by the Tribe pursuant to the Tribe's powers of self-government, or established and maintained by the Bureau of Indian Affairs to carry out law enforcement on tribal lands.

1.1.20 "Tribe" means the Hualapai Tribe.

EXHIBIT B

Regulation No. 2. sets forth a description of procedures for resolving disputes between the gaming public and the Gaming Operation or Management Contractor.

2.1 Dispute Resolution Procedures. If the Gaming Operation or Management Contractor refuses to pay alleged winnings to a patron, or the patron makes a written complaint about any other matter, and the Gaming Operation or Management Contractor and the patron are unable to resolve the dispute to the satisfaction of the parties and the dispute involves:

- 2.1.1 at least \$500, the Gaming Operation or Management Contractor shall notify the Board in writing of the dispute within 15 calendar days of the date the dispute arises, or the date of the written complaint, whichever is later (Notice of Dispute), or
- 2.1.2 less than \$500, the Gaming Operation or Management Contractor shall inform the patron that the patron has the right within 15 calendar days of the date the dispute arises to make a written request to the Board to conduct an investigation (Request for Investigation).
- 2.1.3 The failure to give Notice of Dispute or make a Request for Investigation within the 15-day period shall bar the claim or any claim to money in dispute.

2.2 Investigation. Upon receipt of Notice of Dispute or Request for Investigation, the Board shall conduct whatever investigation it deems necessary to resolve the dispute. The Gaming Operation or Management Contractor and patron may submit any documentation or other written evidence to the Board to support their respective positions.

2.3 Decision. Upon completion of an investigation of the dispute, the Board shall make a written decision resolving the dispute.

2.4 Notice of Decision. The Board shall mail written notice, by certified mail, return receipt requested, of its decision to the patron and the Gaming Operation or Management Contractor within 30 days after the date that the Board first receives the Notice of Dispute or the Request for Investigation.

2.5 Effective Date of Decision. A decision of the Board made under either Sections 2.3 or 2.6 hereof is effective on the date the decision is received by the aggrieved party as reflected on the return receipt (Effective Date).

2.6 Review of Decision. Within 30 days after the Effective Date, the aggrieved party may file a petition with the Board requesting a review of the decision. The Board may set a hearing on the matter or may make a decision based solely upon the prior decision and other documentation provided to it by the patron and the Gaming Operation or Management Contractor. The Board shall then issue a written decision within 30 days after the date the aggrieved party files its petition for review of decision. The Board shall mail its decision upon review to the parties pursuant to the procedures set forth in Section 2.4 hereof.

2.7 Judicial review. The decision of the Board shall be final and binding upon the patron and the Gaming Operation or Management Contractor and may be appealed to the Tribal Court, as provided for in Section 12 of the Ordinance, within 30 days after the Effective Date.

EXHIBIT C

Regulation No. 3 designates the process agents for the Tribe, the Gaming Operation or Management Contractor and identifies the law enforcement agency responsible for taking fingerprints and the appropriate governmental agency responsible for performing background investigation and issuing licenses.

3.1 Designation of Tribal Agent. The Board, with an office at Post Office Box 179, Peach Springs, AZ 86434, is hereby appointed as the agent for the Tribe to receive, on behalf of the Tribe, service of any official determination, order, or notice of violation that may be served by the Commission pursuant to 25 C.F.R. Part 519, the Board, or the Agency

3.2 Designation of Agent for Gaming Operation or Management Contractor. On its application for license, the Gaming Operation or Management Contractor shall designate an agent to receive, on their behalf, service of any official determination, order, or notice of violation that may be served by the Commission pursuant to 25 C.F.R. Part 519, the Board, or the Agency.

3.3 Designation of Agency to Take Fingerprints. The Tribal Police Department is hereby designated as the law enforcement agency to take fingerprints for submission to the Board and the Agency.

3.4 Designation of Agency to Conduct Background Investigations and License. The Agency shall be responsible for performing all background investigations of the Key Employees and Primary Management Officials of the Gaming Operation or Management Contractor, including its Principals. The Board shall be responsible for issuing licenses based on the recommendations of the Agency, or its independent background investigation.

EXHIBIT D

Regulation No. 4 provides for a description of procedures for conducting background investigations of Key Employees, and Primary Management Officials.

4.1 License Requirements. The Board shall license the following:

- 4.1.1 Gaming Operation, including any Key Employee, Primary Management Official, and Principal of the Gaming Operation;
- 4.1.2 Management Contractor, including any Key Employee, Primary Management Official, and Principal of the Management Contractor;
- 4.1.3 Manufacturer;
- 4.1.4 Distributor;
- 4.1.5 Financier;
- 4.1.6 Gaming Employee; and
- 4.1.7 Gaming Facility.

4.2 Application for License and State Certification.

4.2.1 **Application Forms.** The Board adopts the following forms used by the Agency for state certification purposes for use in issuing licenses (License Documents):

- 4.2.1.1 Application for Certification (Form IG900);
- 4.2.1.2 Personal History Record (Form IG901);
- 4.2.1.3 Release Of All Claims (Form IG902);
- 4.2.1.4 Applicant's Request to Release Information (Form 903);
- 4.2.1.5 Application For An Arizona State Gaming Agency Certification By Corporation/Partnership/Sole Proprietorship (Form IG904);
- 4.2.1.6 Financial Questionnaire (Form IG905);
- 4.2.1.7 Application For Renewal Certification (Form IG914); and
- 4.2.1.8 Tax Information Authorization (IRS Form 8821).

4.2.2 **Forms Required.** All applicants shall complete and file all License Documents with the Board. All the License Documents must be notarized, except for the Tax Information Authorization (IRS Form 8821).

4.3 Fees for License and State Certification. The applicant shall pay the appropriate fees for license and state certification at the time the License Documents are filed with the Board. The applicant shall pay the appropriate license fee by check or money order payable to The Hualapai Tribe Gaming Board, Post Office Box 179, Peach Springs, AZ 86434, and the appropriate state certification fee payable to The Arizona State Gaming Agency, 800 West Washington, Suite 515, Phoenix, AZ 85007. No cash will be accepted. The fees for license and state certification shall be as follows:

4.3.1 License Fees

4.3.1.1	Gaming Employee (including Key Employee and Primary management Official) and provider of Gaming Services	
	Initial Certification	\$ _____
	Renewal	\$ _____
4.3.1.2	Management Contractors (including Key Employee and Primary management Official) and/or Financiers	
	Initial Certification	\$ _____
	Renewal	\$ _____
4.3.1.3	Manufacturers and Distributors	
	Initial Certification	\$ _____
	Renewal	\$ _____

4.3.2 State Certification Fees.

4.3.2.1	Gaming Employee (including Key Employee and Primary management Official) and provider of Gaming Services	
	Initial Certification	\$ 150
	Renewal	\$ 75
4.3.2.2	Management Contractor (including Key Employee and Primary management Official) and/or Financier	
	Initial Certification	\$1500
	Renewal	\$ 500
4.3.2.3	Manufacturer and Distributor	
	Initial Certification	\$1500
	Renewal	\$ 500

4.3.3 The Board shall not issue any license until the applicant shall have paid the license fee and state certification fee in full. The Board may modify any license fee. In the event actual costs incurred by the Board in conducting a background investigation exceeds the above license fees, those costs shall be assessed by the Board to the applicant during the investigation process.

4.4 Photograph. Every applicant must submit a photograph of the applicant along with the License Documents. The photograph to be taken by the Board upon filing of the application by an applicant must not be less than 1 1/2" x 1 1/2 in size.

4.5 Fingerprints. Immediately upon filing the completed License Documents and paying the required license and state certification fees, the applicant shall report to the Tribal Police Department to have the applicant's fingerprints taken on two sets of cards for that purpose. The fingerprint cards shall be printed by a certified print technician and shall be of a quality as to be classifiable. The fingerprint cards shall be signed by the person taking the prints and the applicant. Upon completion of the taking of the applicant's fingerprints, the Tribal Police Department forward the fingerprint cards directly to the Agency.

4.6 Background Investigation.

4.6.1 The Board shall forward the License Documents, state certification fee, and photograph to the Agency. The Agency shall conduct background investigations of all applicants for license and make a determination of eligibility required by Section 4.7 hereof. The Agency shall provide the Board with a written recommendation as to whether the applicant should be licensed by the Board based on the background investigation and eligibility determination (Written Recommendation).

4.6.2 The Board retains the right to conduct its own or additional background investigation and eligibility determination of any applicant required to be licensed, at any time or while the license remains valid.

4.7 Eligibility Determination. The Agency shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding for submission to the Board concerning the eligibility of the applicant for employment by a Gaming Operation or by a Management Contractor. If the Agency determines that employment of the applicant poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Gaming Operation or Management Contractor shall not employ the applicant. Notwithstanding the foregoing, the Board shall have the right to make the ultimate determination of eligibility for license.

4.8 Report to Commission. The Board shall forward to the Commission a copy of the Written Recommendation.

4.9 Notification to Applicant. The Board shall notify the applicant of the status of the application within 10 business days after the date the Board receives the Written Recommendation.

4.10 Records. The Board shall retain copies of all License Documents, Written Recommendation, and other documents for inspection by the Commission for no less than three years from the date of the application.

EXHIBIT E

Regulation No. 5. sets forth the procedures for the Board to grant licenses to employees of a Gaming Operation, including Key Employees and Management Officials.

5.1 Grant or Denial of License.

5.1.1 Non-tribal member. The Board shall either grant or deny a license to a non-tribal member applicant according to the Written Recommendation. If a non-tribal member applicant is denied a license by the Board based on the Written Recommendation, the applicant shall first challenge the Agency's denial of state certification and exhaust all administrative avenues of relief in the appropriate state forum as provided under Arizona law before challenging the Board's denial of license. In no event shall the Board issue a license to a non-tribal member applicant contrary to the Written Recommendation or contrary to the ruling or decision of the appropriate state forum of last resort.

5.1.2 Tribal member.

5.1.2.1 Any tribal member applicant for license shall acknowledge that by making an application for license the Agency may be heard concerning the tribal member applicant's qualifications to hold a license. If the Agency recommends revocation, suspension, or denial of a license and the Board revokes, suspends, or denies the license based on the Agency's recommendation, the tribal member applicant may appeal that action to the Tribal Court as provided for in Section 5.8 hereof.

5.1.2.2 If the Board takes any action with respect to a license of a tribal member applicant contrary to the Written Recommendation, the Agency may appeal the Board's decision to the Tribal Court as provided for in Section 5.8 hereof. The decision of the Tribal Court shall be final.

5.1.3 Notice of Ineligibility. If, at any time, the Agency or the Commission provides the Board with a written statement setting forth the grounds indicating that the applicant is ineligible to hold a license the Board shall reconsider the application for license.

5.2 Grounds for Denial, Revocation or Suspension of License. The Board or the Agency may revoke, suspend or deny a license or state certification when an applicant or licensee:

5.2.1 Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of the Act, the Ordinance, the Compact or any rules and regulations thereunder, or when any violation has occurred upon any premises occupied or operated by the applicant or over which the applicant has substantial control;

5.2.2 Knowingly causes, aids, abets, or conspires with another Person to cause any person to violate any of the tribal, state or federal law or the rules of the Commission, the Agency or the Board, or the provisions of the Act, the Ordinance or the Compact;

- 5.2.3 Has obtained a license or state certification by fraud, misrepresentation, concealment or through inadvertence or mistake;
- 5.2.4 Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payment or reports to any tribal, state or federal governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any Indian tribe, any state, or of any crime, whether a felony or misdemeanor, involving any gaming activity or physical harm to individuals or moral turpitude;
- 5.2.5 Makes a misrepresentation of, or fails to disclose a material fact to the Agency, the Board, or the Commission;
- 5.2.6 Fails to prove, by clear and convincing evidence, that the applicant is qualified in accordance with the provisions of the Act, the Ordinance or the Compact;
- 5.2.7 Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under the Act, the Ordinance, the Compact or other tribal, state or federal law; however, at the request of an applicant for certification, the Board or the Agency may defer decision upon the application during the pendency of prosecution or appeal;
- 5.2.8 Has had a gaming license issued by any state or Indian tribe revoked or denied;
- 5.2.9 Has demonstrated a willful disregard for compliance with gaming regulatory authority in any jurisdiction, including suspension, revocation, denial of application or forfeiture of license;
- 5.2.10 Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal laws of any state if the pursuit creates probable cause to believe that the participation of the person in gaming or related activities would be detrimental to the proper operation of an authorized gaming or related activity on tribal lands or in the State of Arizona. For the purposes of this paragraph, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;
- 5.2.11 Is a career offender or a member of a career offender organization or an associate of a career offender or career offender organization in a manner which creates probable cause to believe that the association is of a nature as to be detrimental to the proper operation of the authorized gaming or related activities in this State. For the purposes of this paragraph, career offender shall mean any person whose behavior is pursued in an occupational manner or context for the purposes of economic gain utilizing methods as are deemed

criminal violations of tribal law, federal law, or the laws and the public policy of the State of Arizona. A career offender organization shall be defined as any group of persons who operate together as career offenders;

5.2.12 Is a person whose prior activities, criminal record, if any, reputation, habits and associations pose a threat to the public interest of the Tribe or the State or to the effective regulation and control of class III gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of class III gaming, or the carrying on of the business and financial arrangements incidental thereto; or

5.2.13 Fails to provide any information requested by the Board, the Commission or the Agency within 14 calendar days of the request for the information.

5.3 Employment rights. The issuance of a license shall not create nor imply a right of employment or continued employment by the Gaming Operation or by the Management Contractor. The Gaming Operation or Management Contractor shall not employ, and if already employed, shall terminate any Gaming Employee, Key Employee or Primary Management Official if it is determined by the Board, the Commission, or the Agency that the applicant, Gaming Employee, Key Employee or Primary Management Official is not suitable for employment as set forth in Section 4.7 hereof, or there exist any of the grounds for revoking, suspending, or denying a license or state certification as set forth in Section 5.2 hereof, or the applicant, Gaming Employee, Key Employee or Primary Management Official has engaged in any prohibited acts as set forth in Section 9 of the Ordinance.

5.4 Change of Principal. After an entity is licensed by the Board, it shall file with the Board a report of each change of any Principal. Each new Principal shall file a complete application within 30 days after appointment or election. The entity's license shall remain valid unless the Board, the Agency, or the Commission (if applicable under federal law) disapproves the change or denies the application.

5.5 Renewal of License. Any license shall be effective for one year from the date of issuance except that a licensee who has applied for renewal may continue to be employed or engaged under the expired license until action is taken on the application for renewal by the Board. Applicants for renewal of license shall provide updated material as requested on the Application For Renewal Certification (Form IG914), but shall not be required to resubmit historical data already available to the Board. Additional background investigations shall not be required of applicants for renewal unless new information concerning the applicant's continuing eligibility for a license is discovered by, made available to, the Board.

5.6 Identification Cards. The Gaming Operator or Management Contractor shall require all employees to wear in plain view identification cards issued by the Board. The identification cards issued by the Board shall include a photograph, the first and last name of the employee, an identification number unique to the license, the Tribe's seal or signature, a date of expiration, and a sticker, if applicable, issued by the Agency evidencing state certification.

5.7 Exchange of Information. Upon completion of any administrative action against a licensee, the final disposition shall be sent to the Board, the Agency or the Commission, as appropriate, and shall be maintained as permanent records and may be shared with other federal, state, and tribal agencies.

5.8 Judicial Review. Subject to the provisions of Section 12 of the Ordinance, the licensee or Agency may appeal the Board's decision to the Tribal Court within 15 calendar days after the date of the decision.

**ORDINANCE OF THE TRIBAL COUNCIL
HUALAPAI TRIBE
Ordinance No. 29-93**

Hualapai Tribe Gaming Ordinance

WHEREAS, the Hualapai Tribe is a federally recognized Indian tribe organized under a Revised Constitution adopted pursuant to the Indian Reorganization Act vesting all governmental powers in the Tribal Council; and

WHEREAS, Congress has enacted the Indian Gaming Regulatory Act of 1988, 25 U.S.C. § 2701 et seq. (Act), to regulate certain types of gaming on Indian lands; and

WHEREAS, the Tribal Council desires to regulate all gaming within its reservation and on all lands subject to the jurisdiction of the Tribe (Tribal lands) for the purpose of generating governmental revenue, promoting tribal economic development, tribal sufficiency, and a strong tribal government; and

WHEREAS, the Tribal Council has the right to regulate class I and II gaming as those terms are defined under the Act, on Tribal lands and may jointly regulate all class III gaming activities, as that term is defined in the Act, pursuant to a gaming compact with the state; and

WHEREAS, the Tribal Council finds that it is in the best interest of the Tribe to enact a gaming ordinance that authorizes and regulates all gaming on Tribal lands consistent with the Act and to authorize the Chairman to enter into a gaming compact with the State of Arizona for the purpose of conducting class III gaming on Tribal Lands subject to approval by the Tribal Council.

NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Hualapai Tribe that effective on the date approved by the Secretary of the Interior or the Chairman of the National Indian Gaming Commission, the Hualapai Tribe hereby enacts the Hualapai Tribe Gaming Ordinance, attached hereto as Exhibit A.

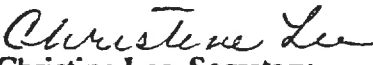
BE IT FURTHER ORDAINED that subject to Tribal Council approval of the compact, the Chairman of the Tribe is hereby authorized to enter into a gaming compact with the State of Arizona for the purpose of conducting class III gaming on Tribal Lands.

C E R T I F I C A T I O N

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal is composed of nine (9) members of whom 9 constituting a quorum were present at a **REGULAR MEETING** thereof held on this 6th day of **February 1993**; and that the foregoing resolution was duly adopted by a vote of 7 for 0 against, 2 not voting, and 0 absent, pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.


Delbert Havatone, Chairman
Hualapai Tribal Council

ATTEST


Christine Lee, Secretary
Hualapai Tribal Council

(m) "Gaming device" or "gaming equipment" means any equipment or mechanical, electromechanical, or electronic contrivance, component, or machine used remotely or directly in connection with gaming.

(n) "Gaming facility" means the building, or room in which class I, class II, or class III gaming is conducted on Tribal lands.

(o) "Gaming operation" means the enterprise owned by the Tribe for the conduct of the gaming in any gaming facility on Tribal lands.

(p) "Gaming services" means the providing of any goods, services or concessions by contract to the Tribe gaming operation, or management contractor in connection with the operation of gaming in a gaming facility in an amount in excess of \$10,000 monthly, except for professional, legal or accounting services. No contract may be broken up into parts for the purpose of avoiding this definition and any requirement of licensure or certification.

(q) "Management contractor" means any management company engaged by the Tribe to assist in the management or operation of any gaming operation.

(r) "Net revenues" means gross revenues of gaming activity less amounts paid out as, or paid for, prizes and total operating expenses, but excluding management fees paid to a management contractor.

(s) "Ordinance" means this Hualapai Tribe Gaming Ordinance.

(t) "Person" means any individual, partnership, corporation, company or other legal entity.

(u) "Secretary" means the Secretary of the Interior or his duly authorized representative.

(v) "State" means the State of Arizona, its authorized officials, agents and representatives.

(w) "Tribe" means the Hualapai Tribe, a federally recognized Indian tribe, its authorized officials, agents and representatives.

(x) "Tribal lands" means all lands within the exterior boundaries of the Hualapai Reservation and any lands title to which is either held in trust by the United States for the benefit of the Tribe or Tribal members or held by the Tribe or Tribal members in fee or subject to restriction by the United States against alienation and over which the Tribe exercises governmental power.

SECTION 2. PURPOSE. The purpose of this ordinance is to provide for the regulation of all gaming on Tribal lands to protect the public interest in the integrity of all gaming, to prevent improper or unlawful conduct in gaming, to strengthen tribal self-government, and to promote tribal economic self-sufficiency.

(c) **Board Authority.** The Board shall have authority to grant exemptions, investigate any gaming exempted by this Ordinance, to take measures to ensure the integrity of any gaming or otherwise, to determine whether such gaming is in violation of this Ordinance, and to enforce the provisions of this Ordinance.

SECTION 7. MANAGEMENT CONTRACTS.

(a) **Requirement for review and appeal.** A gaming operation may enter into a management contract with a management contractor for the management of a gaming operation and facilities subject to approval of the Council and Secretary or Commission.

(b) **Required provisions.**

(1) **Governmental authority.** All gaming covered by a management contract shall be conducted in accordance with this ordinance and the Act.

(2) **Responsibilities.** The management contract shall identify the responsibilities of each party for each identifiable function as set forth in the Act.

(3) **Accounting.** The management contract shall provide for the establishment and maintenance of satisfactory accounting systems and procedures that shall include an adequate system of internal accounting controls and permit the preparation of financial statements in accordance with generally accepted accounting principles.

(4) **Reports.** A management contractor at its own cost and expense shall provide a monthly verifiable financial report to the Tribe, Board, and if required by the Act, the Secretary and/or Commission.

(5) **Access.** A management contractor shall allow immediate access to the gaming operation and facilities, including its books and records, to authorized officials of the Tribe, Board, Secretary or Commission, who shall have the right to verify the daily gross revenues and income from any gaming activity and access to any other gaming-related information that the Tribe, Board, Secretary or Commission deems appropriate.

(6) **Guaranteed minimum payment.** All management contracts shall provide for a minimum guaranteed monthly payment in a sum certain to the gaming operation that has preference over the retirement of any development and construction costs.

(7) **Development and construction costs.** All management contracts shall provide for an agreed upon maximum dollar amount per month of revenues for the recoupment of development and construction costs.

(8) **Term.** No management contract shall be for a term exceeding five (5) years unless upon request of the Board, the Commission authorizes a longer contract term in which event the term shall not exceed seven (7) years.

(9) **Compensation.** All management contracts shall provide that not more than thirty percent (30%) of the net revenues of a gaming operation shall be paid to the management contractor unless a higher percentage, not to exceed forty percent (40%) is authorized by the Secretary or Commission pursuant to the Act. The balance

contractor to take any appropriate action deemed necessary to comply with the ordinance, Act, or other applicable law. The Board may compel any person to appear before it and to provide such information, documents or other materials as may be in their possession to assist in any such investigation.

(3) Public safety. The Board shall ensure that the gaming operation or management contractor shall prepare and submit for review and approval of the Board a satisfactory plan for the protection of the public in the gaming facilities.

(4) Review of plans. The Board shall review and approve floor plans and surveillance systems for each gaming facility and may confer with other organizations regarding the adequacy of such plans and systems.

(5) Regulations. The Board may promulgate regulations to govern the operation and management of the gaming activity.

(6) Licenses. The Board may issue, suspend and revoke licenses in accordance with this ordinance.

(7) Standards. The Board shall promulgate, review, and revise the technical standards and rules of each game operated by the gaming operation or management contractor and shall notify the gaming operation and management contractor of the rules and of any change to the rules.

(8) Health and safety standards. The Board shall enforce the health and safety standards applicable to the gaming facilities in accordance with this ordinance. Before the opening of any gaming facility for gaming activity, the gaming operation or management contractor shall obtain a certificate of compliance from the Board relating to the gaming facilities. The Board shall issue a certificate of compliance to the gaming operation upon a determination that the gaming facilities comply with applicable health and safety standards.

(9) Penalties and subpoenas. The Board shall be empowered to impose penalties for violations of this ordinance and issue subpoenas in furtherance of its duties.

(10) Civil and criminal actions. The Board may in the name of the Tribe bring any civil action or criminal complaint in the courts of the Tribe, the State or the United States to enforce the provisions of this ordinance, the Act or any Compact, or to enjoin or otherwise prevent any violation of this ordinance, the Act or a applicable law, occurring on Tribal lands.

(11) Budget. The Board shall adopt an annual operating budget which shall be subject to the approval of the Council and may in accordance with the budget employ a staff as it deems necessary to fulfill its responsibilities under this ordinance, and may retain legal counsel, consultants and other professional services, including investigative services, to assist the Board with respect to any of the issues over which the Board exercises jurisdiction. The expenses of the Board in accordance with such budget shall be appropriated by the Council from the net revenues paid to the Tribe.

(12) Orders; review by Tribal Court. The Board may issue an order or decision which the Board has the power to issue, to the gaming operation, any gaming employee, or management contractor, or to any other person within the jurisdiction of

and be heard before the Board, either in person or through a representative or legal counsel, and to submit such evidence as the Board deems relevant to the matter at issue and thereafter the Board shall either affirm or reconsider its decision. Any hearing conducted may at the direction of the Board be conducted by the Director or by one or more members of the Board designated by the Board for that purpose.

(6) Rules and procedures. The Board may adopt such additional procedures and rules as it deems necessary or convenient to govern its affairs and which are consistent with this ordinance.

SECTION 9. PROHIBITED ACTS.

It shall be a violation of this ordinance for any person to:

(a) Conduct or participate in any gambling on Tribal lands other than at authorized and licensed gaming facilities.

(b) Receive, distribute, apply or divert any property, funds, proceeds, or other assets of the gaming operation to the benefit of any person except as authorized by this ordinance, a compact, or the Act.

(c) Tamper with any gaming device or equipment used in the conduct of any gaming operations with the intent to cause any person to win or lose any wager other than in accordance with the publicly-announced rules of the gaming operations.

(d) Do any other act in connection with the conduct of any gaming operation with the intent to affect the outcome of any wager other than in accordance with the publicly-announced rules of such gaming operation.

(e) To alter or misrepresent the outcome of other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.

(f) 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 any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome.

(g) To claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gaming device or equipment, with intent to defraud, without having made a wager thereon, or to claim, collect or take an amount greater than the amount won.

(h) To place or increase a wager or bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting and pressing bets.

(i) 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, including pinching bets.

NORDHAUS HALTOM TAYLOR
TARADASH & FRYE

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LISA M. ENFIELD, OF COUNSEL

July 12, 1995

Mr. Earl Havatone
Chairman
Hualapai Gaming Board
P.O. Box 179
Peach Springs, AZ 86434

Re: **Amendment to Hualapai Gaming Ordinance No. 29-93
and Compliance Review Letter**

Dear Mr. Havatone:

Enclosed for action by the Tribal Council is a resolution amending Ordinance No. 29-93 to comply with the provisions of the Indian Gaming Regulatory Act of 1988 as set forth in the letter of deficiency dated April 24, 1995 from the National Indian Gaming Commission. The proposed amendment is identical to provisions that have been previously approved by the NIGC in other tribal gaming ordinances and, as a result, satisfy the deficiencies. This Resolution should be passed by the Tribal Council as soon as possible and submitted to the National Indian Gaming Commission. Also a notice of intent must be sent now to the State Gaming Agency. A submittal letter to the State is enclosed. Please send us a copy.

Also enclosed is a draft letter to the State of Arizona consenting to a compliance review. The State Gaming Agency would like to conduct the review on either August 7, 14 or 28. I have suggested August 28 in the letter.

We would like to be present for the inspection and then have a meeting with the Gaming Board and Tribal Council to discuss the amendment, the pending legislation, the request for proposal and any other matters that need to be addressed. Please advise us of the inspection date and call with any questions.

Very truly yours,

NORDHAUS, HALTOM, TAYLOR,
TARADASH & FRYE


Lee Bergen

LB\kkb

NORDHAUS HALTOM TAYLOR
TARADASH & FRYE

ATTORNEYS AT LAW

Mr. Earl Havatone

July 12, 1995

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- Enclosures:
1. Resolution
 3. Notice of Intent letter
 2. Letter to the State of Arizona

RCM
02/06/93

departments who request for youth workers to train them and not use them as gophers.

We have issued the first Child Care license to Edwina Siyuja. We are the first tribe to do this.

There was discussion on the Education/Training Program. Ronnie moved to TABLE until further notice on the Education/Training issue. Seconded by Earl. Vote 5 in favor 2 opposed 2 not voting.

Consensus have administration to give authorization to Rudy Clark and Sheri Yellowhawk to look at contract and sent a letter to BIA.

Fire Department - Ronnie Quasula

What is happening with the Fire Department 638 Proposal. Received a contract for \$4,500. A letter was signed by Delbert Havatone

Eva moved to recontract the Fire Department Contract presented by Ronnie Quasula. Seconded by Rudy Clark. Vote 7 in favor 2 not voting.

Gaming Ordinance - Louise Benson

Louise - presented the gaming ordinance to the council for consideration. Council has been given information regarding gaming federal register. After some discussion Joe Flies Away moved to pass Ordinance 29-93 with changes of Pueblo taken out which was addressed in the ordinance for Gaming on the Hualapai Reservation. Seconded by Philbert Watahomigie. Vote 7 in favor, 2 not voting.

Need to send out a survey to all tribal members to see if they want Gaming on the reservation, Grand Canyon West.

Louise presented a resolution authorizing the BIA to approve a lease for a site near Grand Canyon West for an automated weather observation station.

Rudy moved to accept Resolution 10-93 FAA, AWOS. Seconded by Ronnie Quasula. Vote 5 in favor, 2 opposed, 2 not voting.

Planning Office Update - Joe Flies Away

The Enterprise Board, Council Members met with Conoyer/Hedrick on February 5, 1993. The major problem in the development of Grand Canyon West is locating water in that area. Conoyer/Hedrick showed two maps for the council to choose from. Conoyer/Hedrick has set up a site visit for March 7, Council Meeting on March 6th

and a Public Forum on March 11 or 12th to inform the tribal members of the development of Grand Canyon West.

Philbert Watahomigie Jr. attended a workshop on solid waste management. If he passes the test he will be able to inspect the area in order to pass the EPA. The council needs to select the site as soon as possible. As of now we are out of compliance with EPA regulations. We need to close the old dump. There is over \$300,000 from IHS to create a new site.

There was a consensus of council to have the Interdisciplinary Team look for sites and do the cultural resources for the waste area. Administration will notify IDT

Abdel gave a update on the APS/SCE Negotiation Meeting. Abdel, Dr. Kooros and Delbert Havatone met with Mr. Tam from Southern California Edison in Laughlin on January 25. Both parties reached an agreement, and since the council wanted the lawyers to look through the document now SCE would like to have their lawyers go through the agreement before finalizing it. We should know by Monday if SCE agrees.

After some discussion Rudy moved to TABLE this updates section of the APS/SCE agreement until a determination as to what SCE would like to do. Seconded by Philbert Watahomigie. Vote 8 in favor 1 not voting.

Rudy moved to accept Minutes of December 23, 1993 with changes. Seconded by Eva Sullivan. Vote 5 in favor, opposed, not voting.

Rudy moved to adjourn at 3:55 p.m. seconded by Earl. Vote unanimous

APPROVED: March 06, 1993