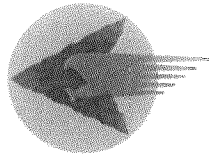


**EXHIBIT H**



**BIG SANDY RANCHERIA**

TRIBAL GAMING REGULATIONS  
OF THE  
BIG SANDY RANCHERIA  
BAND OF WESTERN MONO INDIANS

ADOPTED ON

MAY 1, 2002

Tribal Gaming Regulations

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**BIG SANDY RANCHERIA  
TRIBAL GAMING REGULATIONS**

**ARTICLE I: PURPOSE**

Pursuant to the Big Sandy Rancheria Tribal Gaming Ordinance (“Gaming Ordinance”) these Big Sandy Rancheria Tribal Gaming Regulations (“Regulations”) are established by the Big Sandy Rancheria Band of Western Mono Indians (“Big Sandy Rancheria”) to set forth the roles of Casino Management, and the Big Sandy Rancheria Band of Western Mono Indians Gaming Commission (“Commission”) for the operation and regulation of the Big Sandy Rancheria Mono Wind Casino (“Casino”).

**ARTICLE II: DEFINITIONS**

<u>Business Year</u>	The annual accounting period, such as calendar or Fiscal year, by which the Casino maintains its books and records for purposes of Subtitle A, Title 26, of the United States Code.
<u>Casino</u>	The Big Sandy Rancheria Mono Wind Casino.
<u>Casino Account Number</u>	All numbers by which a Casino identifies a Guest.
<u>Casino Management</u>	The General Manager of the Casino.
<u>Gaming Commission</u>	An administrative branch of Big Sandy Rancheria that regulates gaming activities on tribal lands.
<u>Compact</u>	The Tribal State Gaming Compact which Big Sandy Rancheria and the State of California entered into on September 10, 1999, to engage in Class III gaming on the lands of Big Sandy Rancheria.
<u>Devices</u>	Gaming machines, video machines, slot machines, or other electronic gaming devices.
<u>Escorted</u>	To be in the constant presence of Casino Management, Security, Tribal Council member, or Commissioner during entire time on Casino premises.
<u>Gaming Day</u>	Means the 24-hour period between 2 am and 2 am of the business day of the Casino.

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<u>Guest</u>	Includes all persons who are involved in a transaction at the Casino or related businesses, whether or not that person participates, or intends to participate, in the gaming activities offered by the Casino.
<u>Machine-readable</u>	Means capable of being read by an automated data processing system.
<u>Non-public areas</u>	Any offices, storage area, kitchen, delivery or any other "back of the house" area where the public is not otherwise allowed unrestricted or unescorted access.
<u>Security</u>	A department of the Casino which oversees all matters regarding public safety and the security of any currency transfers.
<u>Sensitive areas</u>	Vault, count room, surveillance room, cashier cages, rooms where gaming equipment or supplies are stored.
<u>Tribal Council</u>	The governing body of Big Sandy Rancheria Band of Western Mono Indians.
<u>Visitor</u>	Any person who is allowed unescorted access to non-public areas for business purposes.

## ARTICLE III: REGULATIONS

### GCR001: GENERAL REGULATIONS

#### 1. METHODS OF OPERATION

- 1.1 The Tribal Council, having the sole propriety interest in and responsibility for the conduct of any gaming operation and all enterprises connected with gaming, mandates and requires the Commission to provide oversight to the operation of the Casino through the protection of the integrity of all gaming activities.
- 1.1.1 Casino Management is required to manage the day-to day operations of the Casino and to report to the Tribal Council on a monthly basis or as requested by the Tribal Council.
- 1.1.2 The Commission is required to oversee and regulate the gaming activities of the Casino and to report directly to the Tribal Council on a monthly basis or as requested by the Tribal Council.
- 1.2 Casino Management is responsible for the employment and maintenance of suitable methods of operation as approved by the Tribal Council. Any willful or persistent use or toleration of methods of operation, found through the Commission's oversight, and deemed unsuitable, will constitute grounds for license revocation or other disciplinary action. In addition, the following minimum standards are imposed on the Casino and subject to the Commission's oversight and review:
- 1.2.1 To ensure compliance with all relevant laws, regulations, and internal controls;
- 1.2.2 To ensure the physical life safety of Guests in, and of personnel employed by, the establishment.
- 1.2.3 To safeguard the assets transported to and from the Casino and any cashier's cage department;
- 1.2.4 To Protect Guests and property from illegal activity;
- 1.2.5 To detain persons suspected of crimes for the purpose of notifying law enforcement authorities;

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- 1.2.6 To record any and all unusual occurrences relevant to gaming activities within the Casino as follows:
  - 1.2.6.1 Assign a sequential number to the incident;
  - 1.2.6.2 Date;
  - 1.2.6.3 Time;
  - 1.2.6.4 Nature of the Incident;
  - 1.2.6.5 Person (casino employee and/or casino guest) involved in the incident; and
  - 1.2.6.6 Security and/or Surveillance employee(s) assigned to the incident;
- 1.2.7 To maintain applicable logs relating to security, cashier's cage, gaming machines (showing when machines are opened) and machine location;
- 1.2.8 To maintain a cashier's cage in accordance with industry standards for security and transaction accountability; and
- 1.2.9 To employ and train sufficient security personnel.

**2 HOURS OF OPERATION**

- 2.1 The Hours of Operation of the Casino will be at the discretion of the Tribal Council, up to twenty-four (24) hours a day, seven (7) days a week, three hundred and sixty-five (365) days a year.
- 2.2 The hours of sale and service of any alcoholic beverages will be in full compliance with any and all applicable provisions of the State Compact.

**3 GROUNDS FOR DISCIPLINARY ACTION**

- 3.1 Should the Commission deem that any gaming activity at or connected with the Casino, or any licensee, or his or her agents or employees, is not in the best interest of the Casino, or would-reflect, or tend to reflect, discredit upon the Casino, that activity will be considered an unsuitable method of operation and will be grounds for disciplinary action by the Commission in accordance with the Tribal Gaming Ordinance and these Regulations. Casino management will first be given an opportunity to take corrective action. In addition, the following acts or omissions may be determined to be unsuitable methods of operations:
  - 3.1.1 Failure to exercise discretion and sound judgment in all gaming activities which causes an adverse reflection on the Casino.



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- 3.1.2 Permitting persons who are obviously intoxicated to participate in gaming activity. "Obviously intoxicated" behavior can be illustrated by, but not limited to, the slurring of words, weaving while walking, vulgar language and unbalance equilibrium.
- 3.1.3 Complimentary service of alcoholic beverages in the Casino or any service of alcoholic beverages to persons who are intoxicated.
- 3.1.4 Knowingly catering to, assisting, employing or associating with, in business affairs, persons of notorious or unsavory repute or who have extensive criminal records; the employing either directly or indirectly or through contract, or any other means, of any firm or individual in any capacity where the repute of the Casino is liable to be damaged because of the unsuitability of the firm or individual or because of the unethical methods of operation of the firm or individual.
- 3.1.5 Employing in a position for which the individual could be required to be licensed as a key employee, any person who has been denied a gaming license or who has failed or refused to apply for licensing when requested by the Commission.
- 3.1.6 Employing in the Casino or the business of a licensee any person whom Big Sandy Rancheria or any court has found guilty of cheating or using any improper device in connection with any game, whether a licensee, dealer or player at a licensed game or device; as well as any person whose conduct of a licensed game as a dealer or other employee of a licensee resulted in revocation or suspension of the license.
- 3.1.7 Failure to comply with, or to make provisions for compliance with all applicable Federal, State, and Tribal laws and regulations pertaining to the operations of the Casino or a licensee.
- 3.1.8 Possessing or permitting to remain on the premises of the Casino any chips, dice, mechanical, or electrical device, or any other cheating device, the use of which is prohibited by stature or Tribal Gaming Ordinance; or conducting, carrying on, operating or dealing any cheating or thieving game or device on the premises of the Casino, either knowingly or unknowingly, in any manner which tends to deceive the public or which might make a game or a player more liable to win or lose, or which tends to alter the normal random selection of criteria which determine the results of the game.

- 3.1.9 Denying any agent of the Commission or the State Gaming Agency, upon proper and lawful demand, access to, inspection or disclosure of any information concerning any aspect of the Casino as authorized by the State Compact, the Tribal Gaming Ordinance, or other federal regulations.
- 3.1.10 Any licensed employee, including any member of management to abuse complimentary service privileges. These abuses may include but are not limited to, authorizing themselves, other employees, friends or family members to receive free, complimentary or deeply discounted meals, alcoholic beverages, gifts, merchandise, hotel rooms, recreational vehicle space, cash coupons or anything else of value charged to or belonging to the Casino or Big Sandy Rancheria.
- 3.1.11 Any employee who violates the employee manual or code of conduct whereby they take, acquire receive, give away, or divert anything of value charged to or belonging to the Casino. This will include, but not be limited to, food, beverage, supplies, furnishings, labor, merchandise, equipment, revenues or anything that could be construed as a Tribal Asset. These activities will be considered theft or misappropriation of Tribal assets.

#### 4. GAMING BY EMPLOYEES

- 4.1 Employees may engage in gaming activities as delineated in the Employee Manual.

#### 5. GUEST DISPUTES

- 5.1 Guest disputes over payment of alleged winnings will be processed as follows:
  - 5.1.1 Casino Management may attempt to negotiate or settle the dispute. However, if after the settlement negotiations the Guest is still dissatisfied, Casino management is required to advise the Guest that if he or she wishes to contest the decision, the Guest has the right to have the Commission conduct an investigation.
- 5.2 If a Commissioner is called upon to conduct an investigation of a Guest dispute, the investigation will include the following:
  - 5.2.1 Identify the Guest;
  - 5.2.2 If available, check video tapes;
  - 5.2.3 If available, identify and interview any witnesses;

- 5.2.4 With the assistance of a slot technician, obtain all available recorded information
  - 5.2.5 Record all investigative efforts, opinions, observations, etc. on an incident report form.
  - 5.2.6 When possible, attempt a compromise between Guest and management. If practical to do so and no agreement is reached at the time, the commissioner will seize disputed winnings, the Commissioner will allow payment as the Casino Manager deems appropriate. If payment is made to someone other than the disputing Guest, proceed to (5.2.7) below;
  - 5.2.7 Give the disputing Guest the Commission contact information and advise the Guest that the Commission will inform them of the results of the investigation; and
  - 5.2.8 Forward the report and any supporting evidence to the Commission in a timely manner.
- 5.3 Upon completion of the investigation, the Commission will confer with the Casino Management to reach a mutual agreement on the appropriate action. A determination will then be made based on that agreement, and the Guest will be notified. If Casino Management and the Commission disagree on the appropriate action, the matter will be brought to the Tribal Council for resolution.

## 6 EXCLUDED PERSONS

- 6.1 Upon the occurrence of an incident regarding a Guest, the responding employee will immediately notify the Casino Management, who will cause the notification of the Commission, if necessary.
  - 6.1.1 An "incident" includes, but is not limited to, any activity which is disruptive to other casino Guests, Guest drunkenness, alleged cheating, suspicious Guest behavior and or abusive behavior and those incidents listed in GCR002, Incident Reports, of these Regulations.
- 6.2 The Commission will investigate the incident and file the appropriate reports. Upon completion of the investigation, the Commission and the Casino Management will mutually agree upon whether the Guest will be excluded and the duration of the exclusion. If the Commission and the Casino Management cannot agree on the terms of the exclusion, they will bring it in front of the Tribal Council for final resolution.
- 6.3 The Casino will establish a list of persons excluded from the Casino.
- 6.4 The Guest may request that the exclusion be lifted by request of the Commission, who will confer and agree with the Casino Management on

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final decision. If the Commission and the Casino Management cannot agree on the terms of the exclusion, they will bring it in front of the Tribal Council for final resolution.

**7. SURVEILLANCE**

- 7.1 The Casino Management will pay a monthly lease fee for all surveillance equipment, supplies, and space deemed necessary by the Commission for the reasonable protection of Guests, employees, and Tribal assets within the budgetary limitations as approved by the Tribal Council. All surveillance systems, equipment, rooms, etc. will be under the jurisdiction of the Commission. All surveillance staff will be employees of and report only to the Commission and the Tribal Council.
- 7.2 Casino Management will provide any and all desired plans for gaming and/or cash handling equipment installation, removal, and modification to the Commission for review and approval, prior to any change. Additionally, all gaming facility floor plan layout changes will also be provided to the Commission.
- 7.3 Casino Management will comply with any additional requirements deemed necessary or appropriate by the Commission with regard to equipment, coverage or layout, in order to adequately protect the security assets, and security and safety of Guests and employees within the budgetary limitations as approved by the Tribal Council.

**8 INTERNAL CONTROLS**

- 8.1 Casino Management will promulgate internal controls for the operation of the Casino which reasonably assure that:
  - 8.1.1 Assets are safeguarded.
  - 8.1.2 Financial records are accurate and reliable.
  - 8.1.3 Transactions are performed in accordance with Big Sandy Rancheria general or specific authorization.
  - 8.1.4 Access to assets is permitted only in accordance with Big Sandy Rancheria specific authorization.
  - 8.1.5 Recorded accountability for assets is compared with actual assets at frequent intervals and appropriate action is taken with respect to any discrepancies.
  - 8.1.6 Functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel.
- 8.2 These internal controls will be subject to the review and approval of the Commission.

**9 CASINO DEPARTMENTAL PROCEDURES**

- 9.1 Casino Management will adopt procedures that provide for all, but not limited to the following:
  - 9.1.1 Physical safety of its employees.
  - 9.1.2 Physical safety of Guests in the facility.
  - 9.1.3 Physical safeguarding of assets transported to and from the facility and the cashier's cage department.
  - 9.1.4 Protection of the Guests', employees', and the Casino's property from illegal activity.
  - 9.1.5 Responsibilities and functions of every employee in each department.
- 9.2 Procedures that relate to the gaming activities, cash handling and life safety will be subject to review, recommendation, and approval of the Commission to insure compliance with the Compact and other applicable laws and regulations.

**10 CONTRACTS**

- 10.1 Any contracts for Casino related supplies, services or concessions of \$25,000.00 or more in any one year, will require review and approval of the Commission and require audits pursuant to the Gaming Ordinance Article V.

**11 REPORTING REQUIREMENTS**

- 11.1 To allow the Commission to appropriately monitor the security, inappropriate use of funds and licensing requirements of the gaming activities of the Casino, certain regular reports and documentation are required from the Casino. In addition, the Commission is required to make reports to the Tribal Council and the N.I.G.C.
- 11.2 Casino Management will be required to provide any reports, documentation, or information that the Commission deems appropriate or necessary as related to gaming activities.
- 11.3 At a minimum, the following reports and documentation will be submitted to the Commission on a monthly basis, no later than the 15<sup>th</sup> of the month following the month to be reported:
  - 11.3.1 Monthly financial report.
  - 11.3.2 Monthly departmental profit and loss statement, exception and variance report.

- 11.3.3 Recapitulation of the daily summary of all Guest Jackpots requiring W2-G Tax forms and 1099's.
- 11.3.4 Summary report of all security department incidents reports.
- 11.3.5 Any Title 31 records requested by the Commissioner.
- 11.3.6 Vendor disbursement list.
- 11.3.7 Active list of all employees, their departments, and titles.
- 11.3.8 List of all personnel termination's and reasons specified for each termination.
- 11.4 Prior to the transfer or promotion of any employee, the Commission will be notified to ensure appropriate background licensing.

## 12 AUDIT REQUIREMENTS

- 12.1 Pursuant to Article V of the Gaming Ordinance, the Commission bears overall responsibility for the due diligence as outlined below.
- 12.2 The Commission will accomplish this task by reasonable, necessary and appropriate means, including but not limited to the following:
  - 12.2.1 Require Casino Management to establish adequate written internal controls and procedures for financial accountability and security of assets. These controls will be subject to review and approval by the Commission.
  - 12.2.2 Random monitoring of gaming and cash handling employee actions for compliance with the internal controls and procedures.
  - 12.2.3 Confer with the Casino Management regarding the annual audit report as provided by the outside internal audit. The audit results will be forwarded to the Tribal Council and the N.I.G.C.
  - 12.2.4 Conduct investigations into any reported or suspected irregularities or improprieties, which relate to items contained within the Gaming Regulations.
- 12.3 All documentation related to fiscal accountability (i.e. checklist, records, transaction slips, programs, reports, etc.) will be maintained for a period of five (5) years.

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13 TESTING/AUDITING OF DEVICES AND EQUIPMENT

- 13.1 Any qualified employee of the Commission, or their designee, may at any time conduct tests on the computer chips of any machine to ensure compliance with the State Compact, or any other applicable laws or regulations and requirements for approved Devices.
- 13.2 Any qualified employee or designee of the Commission may inspect and audit the internal and external hardware and records of any Device at any time to ensure compliance with the State Compact, or any other applicable laws or regulations and requirements.
- 13.3 Additional detailed requirements for the control of gaming machines and equipment are established in GCR005, Video Lottery Terminal Access and Control Programs.

14 DETENTION OF PERSONS WHO COMMIT CRIMINAL ACTS

- 14.1 Anyone found cheating, defrauding or attempting to cheat or defraud in any game or transaction, or anyone who violates any provisions of the Gaming Ordinance, will be deemed to have committed a criminal act.
- 14.2 Casino Management, security personnel, or Commission personnel have the authority to responsibly and reasonably detain any person(s) who violates the cheating prohibitions mentioned above, or any person(s) who is reasonably believed to have violated any applicable criminal law of Big Sandy Rancheria, the State or the federal government.
- 14.3 The detention will be based on the belief that a crime has occurred and that the person(s) detained committed the crime, and will be for the following purposes:
  - 14.3.1 To identify the violator.
  - 14.3.2 To complete or continue the initial reasonable criminal investigation.
  - 14.3.3 To turn over the person to appropriate criminal law enforcement authorities as soon as reasonably possible.
- 14.4 The detention of person(s) as described above will be primarily the responsibility of Security and Commission personnel and should only be done by other authorized personnel as when absolutely necessary. Any detentions will be performed in a secure and isolated physical location, which has audio and video recorded surveillance coverage at all times.
- 14.5 In addition to applicable criminal laws, violators may also be subject to civil fines imposed by the Commission, up to \$5,000.00 for each offense.

15 FAILURE TO RESPOND OR COMPLY

- 15.1 It will be a violation of these Gaming Regulations for Casino Management, any employee of the Casino, or any applicant for a gaming license, to fail to respond or comply with any lawful or regulatory written request, recommendation, or demand of the Commission within fourteen (14) days of receipt of a request, recommendation, or demand. Failure to respond within the fourteen (14) days will cause the Commission to issue a warning giving the requested party three (3) days to respond. Continued failure to respond to a request is a violation of this provision.
- 15.2 Any violation of this regulation will be subject to the sanctions and enforcement established in Regulation GCR001, Section 16.

16 SANCTIONS, ENFORCEMENT AND DUE PROCESS

- 16.1 The Tribal Gaming Ordinance specifically provides that all provisions of the N.I.G.C. Regulations, the State Compact, and these Regulations are applicable to the Casino operation, its employees, Guests, suppliers, vendors, etc.
- 16.2 Any person(s) who violates any provision of the N.I.G.C. Regulations, the State Compact, the Tribal Gaming Ordinance, or these Regulations will be subject to this Section. In addition to possible civil penalties of up to \$5,000.00 per violation and license denials, suspensions and revocations, violators may also be subject to criminal prosecution in courts of competent jurisdiction.
- 16.3 The denial, suspension and revocation of any license for regulatory violations will be processed in accordance with Regulation GCR003 of these Regulations.
- 16.4 Any civil fines imposed by the Commission will require:
- 16.4.1 That the violator(s) be given written notice of intent to fine twenty (20) days prior to the date that the fine is to be imposed.
- 16.4.2 Written notice will be certified, return receipt requested mail or personally served, and will specify a time, date, and place for a hearing on the matter by the Commissioner.
- 16.4.3 The results of the hearing will be conveyed to the violator within six (6) days of conclusion of the hearing by certified, return receipt requested mail, or personally served.



16.4.4 The imposition of fines is a penalty/deferment to 01, which should be used sparingly. Other than violations serious enough to warrant summary licensing action, fines should be used only after other progressive corrective action measures have failed.

16.5 Any criminal charges will be pursued by the Commissioner with appropriate law enforcement authorities. The Commissioner will be the primary witness for Big Sandy Rancheria and will assist the law enforcement authorities.

## 17 RIGHTS OF INSPECTION

17.1 Members of the Commission, their agents, and Commissioners will have the right to inspect any portion of the Casino, as well as any gaming records, reports, documents, supplies, or equipment at any time.

17.2 The inspection will be unhindered, unrestricted, immediate, and unfettered. The inspection, at the discretion of the Commission agent, may and should occasionally be unannounced.

17.3 The only way unfettered and unannounced inspections can be accomplished is by means of immediate and unrestricted access to any area of the Casino. The accessibility will be affected by means of a master key to the Casino, which will be provided to the Commission upon reasonable request by the Security Department. The Gaming Commissioner and designated Commission employees will be provided with access to every area to the facility, if the Casino utilizes such cards.

17.4 It will be the policy of the Commission that any employee of the Commission wishing to access the vault, soft count, or hard count rooms, will not do so alone. Access to these areas requires accompaniment by a second person, preferably a Security Officer or member of the Casino Management.

## 18 GIFTS

18.1 It will be a violation of these regulations for any person holding a gaming license to receive any gift, incentive, personal compensation, reimbursement, reward, or payment of any kind, or anything of value of over \$50.00 from any person or entity doing or wishing to do business with the Casino, or from any person wishing to gain any advantage in any authorized wager or gaming. Such conduct will be considered the equivalent of accepting a bribe. Any property or cash received in violation of this regulation will be immediately forfeited to the Commission. Any person who violates this section will be subject to licensing sanctions and/or fines pursuant to these Regulations.

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19 AMENDMENTS

19.1 The Tribal Council may amend these Gaming Regulations.

19.2 Any changes will include all present and future Tribal Gaming Ordinance changes, rules, and regulation of the N.I.G.C. and all rules and regulations which may be required in the Compact.

20 SEVERABILITY

20.1 In the event that any of these rules and regulations are inconsistent with the Gaming Ordinance, or the rules and regulations of the N.I.G.C. and/or the requirements of the State Compact terms, the inconsistent provision(s) will be severed and the remaining provisions will remain in effect.

GCR002: INCIDENT REPORTS

1 PURPOSE

1.1 The purpose of this regulation is to provide a uniform and standardized method of formatting, writing, investigating, routing and filing incident reports.

2 POLICY

2.1 In accordance with the Gaming Ordinance, all unusual occurrences and all violations or suspected violations within the Casino are to be recorded, investigated and filed. There are two recognized investigative authorities at the Casino: the Security Department and the Commission. Each entity will have distinctly different reporting and investigative responsibilities.

2.2 The Commission personnel will have sole authority and responsibility to conduct investigations and file reports related to the following activities:

2.2.1 Guest disputes with the Casino which management has attempted to address pursuant to GCR001, Section 7.

2.2.2 Internal controls violations.

2.2.3 Any real or suspected criminal activity, including but not limited to theft, fraud, counterfeit, assault, cheating, property damage, etc., whether by Guest or employee.

2.2.4 Violations of any applicable Tribal, Federal, or State regulations or laws.

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- 2.3 The Security Department will have responsibility to properly investigate and record incidents which involve the activities listed below. Copies of all Security Department reports will be forwarded to the Commission for review.
  - 2.3.1 Disorderly conduct and/or exclusions of Guest for conduct.
  - 2.3.2 Accident or injury reports on all Guest or employees.
  - 2.3.3 Accidental property damage reports.
  - 2.3.4 Safety or security hazards.
  - 2.3.5 Lost and found.
- 2.4 Employee misconduct or violation of the Employee Manual, will be immediately forwarded to Casino Management, who will forward all major infractions, as defined in the employee manual, to the Commission for determination of necessary investigations.

**3 PROCEDURES**

- 3.1 A bound notebook, will serve as the Incident Report Log Book ("I.R. Log"), will contain copies of incident reports, and maintained in the Commission office, Surveillance and Security Departments.
  - 3.1.1 Sequential incident report identification numbers will be assigned from the Surveillance Department to each report and entered in the I.R. Log. Under no circumstances will pages be removed from the I.R. Log.
  - 3.1.2 Mistakes in the I.R. Log will be corrected by a single line through the entry and the investigator's initials next to the line, followed by the new entry. (No whiteout or blackout is to be used).
  - 3.1.3 The Commission and the Security Department will each maintain their own respective I.R. Logs.
- 3.2 Upon completion of an Incident Report the Commission or Security investigator will place one copy with any statements or other documentary evidence attached in the incident in the I.R. Log in their respective offices. In addition, the investigator will provide one copy of the report and any related documentation to the Commission.

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- 3.3 The Commission will, at its discretion, forward copies of Commission Incident Reports to the security department. This should enhance inter-departmental awareness and communication of significant security and safety issues.
- 3.4 If follow-up investigation, corrective action, or Guest contact is required, the Commission or designee will assign the incident report to an investigator to conclude and dispose of the incident.
- 3.5 Upon final disposition of the incident, it will be the responsibility of the investigator disposing of the incident to ensure that an updated copy of the report, with corrective action responses, if applicable, is in the Incident Report files in the Commission.
- 3.6 Complete and valid identification of subjects are essential for any follow up action, especially current valid addresses. When possible, photocopy I.D. and photograph the subject.
- 3.7 Attempt to obtain written statements from subjects and witnesses, including involved Casino personnel.

4 FORMS

- 4.1 Attachment "A", I.R. Log Book Sample attached (not an official form).
- 4.2 Attachment "B", Incident Report Form sample attached.
- 4.3 Attachment "C", Incident Report Supplemental sheet sample attached. This sheet will be used when there is insufficient space on the face sheet of the report to record all necessary information.

GCR003: LICENSING

1 PURPOSE

- 1.1 The purpose of this regulation is to establish standards of eligibility for issuing Tribal Gaming Licenses to gaming employees as well as a uniform process for the issuance of licenses to vendors and suppliers of gaming equipment, supplies, or services. These standards and processes must be in compliance with N.I.G.C. requirements, the State Compact, and the Gaming Ordinance.

2 POLICY

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- 2.1 The Gaming Ordinance requires a licensing of the Casino, all gaming employees (Class A and B), any management contractor, and the manufactures and suppliers of Devices and services. The Commission is responsible for licensing. Prior to the issuance of a license, the Commission is required to conduct thorough background investigations, including criminal history checks, and to make suitability determinations. These responsibilities will be carried out in accordance with the N.I.G.C., the requirements of the State Compact, the Gaming Ordinance and these Regulations.

3 LICENSE REQUIRED

- 3.1 The Casino will be licensed prior to commencement of operation and BI-annually thereafter. Prior to licensing, the facility will have been inspected and certified to have been constructed in conformance with applicable building codes, will have an appropriate fire suppression system, and verification that all employees are properly licensed.
- 3.2 Every key employee and primary management official (Class A) of the operation will be licensed. Key employees and primary management officials will be defined as:
  - 3.2.1 Bingo caller, supervisor, cashier;
  - 3.2.2 Count room supervisor, and count and drop personnel;
  - 3.2.3 Director of Security; and security personnel;
  - 3.2.4 Custodian of gaming supplies or cash;
  - 3.2.5 Floor management, card room supervisor;
  - 3.2.6 Pit boss, card room shift supervisor;
  - 3.2.7 Dealers;
  - 3.2.8 Cashiers;
  - 3.2.9 Croupier;
  - 3.2.10 Approver of credit;
  - 3.2.11 Any employee engaged in finance or accounting functions;
  - 3.2.12 Custodian of gambling devices including persons with access to cash and accounting records within these devices;
  - 3.2.13 If not otherwise included, any other persons whose total cash compensation is in excess of \$50,000.00 per year; or
  - 3.2.14 If not otherwise included, the four most highly compensated persons in the gambling operation;
  - 3.2.15 A person having contracted management responsibilities or a person with authority to hire and fire employees; or to set up working policy for the Casino; and
  - 3.2.16 Any person who is financial controller, or who has financial management operation and/or responsibility for the Casino.

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- 3.3 Support Employees (Class B and C); will be issued a work permit by the Commission. The Commission will determine whether any further background investigation is required after the Casino Management provides the initial application information to the Commission with a recommendation to permit the applicant. Class C employees are strictly non-gaming support employees and will not pay the same fees that a Class A or B employee is required to pay for the application.
- 3.4 Any Class A employee may work in any area of the Casino, gaming or non-gaming, upon request of the Casino Management. Any Class B employee may work in any other Class B or Class C area, upon request of the Casino Management. Class C employee may work in any Class C area, but not in Class A or B areas. These provisions also apply to any part-time employees or floaters licensed for employment at the Casino, as defined in the employee manual.
- 3.5 Management contractors, including their principals, engaged by Big Sandy Rancheria to assist in the management of a facility or any gaming activities will be licensed. (The contractor will notify the Commission of any change or addition of principals and will submit license applications for those new principals within thirty (30) days of their appointments). Principal is defined as:
  - 3.5.1 Officers and Directors.
  - 3.5.2 Principal management employees including Chief Executive Officers, Chief Financial Officer or General Manager.
  - 3.5.3 Each of its owners or partners, if an unincorporated entity.
  - 3.5.4 Each of its shareholders owning more than ten (10) percent of its shares, if a corporation.
  - 3.5.5 Any person who has provided more than ten (10) percent of the financing for the entity, other than a banking institution.
  - 3.5.6 Each beneficiary or trustee of a trust of the entity.
- 3.6 Each manufacturer and supplier of Devices, equipment, supplies, etc., and each person providing services to the Casino, and their principals will be licensed. The Commissioner retains the right to license and investigate the principals of any manufacturer, supplier of Devices or supplies, or provider or services. However, the customary guideline will be business volumes of dollar amounts the same as required for contract review and approval (\$25,000.00 in any fiscal year).
- 3.7 Certain contracted professions will be exempt from licensing, including but not limited to, attorneys, certified public accountants, bona fide banking institutions, insurance companies, and telecommunication providers.

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4 REQUIRED APPLICATION INFORMATION AND DOCUMENTATION

- 4.1 Each applicant for a license will fill out an Employment/License application and initial each page upon completion.
- 4.2 The application will, at a minimum, require the following:
  - 4.2.1 Each application will include notices to the applicant regarding the Privacy Act, use of Social Security Numbers and the giving of false information. Signature space will be provided for the applicant's acknowledgment and understanding of these notices. The specific wording of these notices is set forth in Title 25-Code of Federal Regulations-Indians-National Indian Gaming Commission §556.2,3.
  - 4.2.2 Full name, including alias(s) oral or written, Social Security Number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written).
  - 4.2.3 Current, and for the previous 10 years, business and employment positions held, any ownership interests in those businesses, and residential addresses and drivers license numbers.
  - 4.2.4 The names, current addresses and phone numbers of at least three personal references, including one reference that knew the applicant during each period of residency listed in 4.2.3 above.
  - 4.2.5 Current business and residence telephone numbers.
  - 4.2.6 A description of any existing and previous business relationships with the gaming industry, generally including ownership interests in those businesses.
  - 4.2.7 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.
  - 4.2.8 The charge(s), the name and address of every court involved for any and each felony for which there is an on-going prosecution or a conviction. Also the date(s) and disposition(s) of each.
  - 4.2.9 The charge(s), the name and address of any court(s) involved with any misdemeanor conviction(s) or on-going prosecutions(s) (excluding minor traffic violations) occurring within 10 years of application. Also the date(s) and disposition(s) of each.

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- 4.2.10 The charge(s), the name and address of any court(s) involved in any criminal charge(s) (except minor traffic violations) whether or not there is a conviction, if the charge has been filed within 10 years of the date of application. Also date(s) and disposition(s) of such charges(s).
- 4.2.11 The name and address of any licensing or regulatory agency which such person has filed an application for an occupational license or permit, whether or not such license or permit was granted.
- 4.3 Commission will take a photograph of applicant to accompany the application package.
- 4.4 Each applicant for a license will sign an information release authorization form allowing access to records including, but not limited to: medical, financial, law enforcement, military and regulatory agencies.
- 4.5 Two fingerprint cards will be filled out for each applicant, with all fingerprints to be taken by the Commission.
- 4.6 Manufacturers, suppliers of Devices, suppliers of gaming services and management contractors and their principals will fill out the same documentation. If a license application defined in this paragraph submits to State backgrounds, the Commission, at its discretion, may accept the State's investigation results as sufficient.

**5 LICENSING FEES**

- 5.1 The fee for licensing will be determined by the Commission and approved by the Tribal Council.
- 5.2 Fees will be posted on the application form and will be sufficient to cover costs incurred for background investigations and fingerprint processing.
- 5.3 Manufacturers, suppliers, management contractors, and financiers applying for a license may be required to post a bond sufficient to cover the anticipated costs of conducting background investigations of the entity and its principals, as determined by the Commission. If a license applicant defined in this paragraph submits to a State background check, the Commission, at its discretion, may accept the State's investigative results as sufficient.
- 5.4 Tribal Members applying for Class A, B, and/or C licenses are exempt for a one (1) time Initial application fee, but must pay any renewal fees.



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- 6 PROCESSING EMPLOYMENT/LICENSING; APPLICATIONS FOR TEMPORARY LICENSES
  - 6.1 Potential employees report to Casino Human Resource Department ("Human Resource").
    - 6.1.1 If applicant is a re-hire with the Casino, he/she may re-apply after a 6-month absence from the last date of service.
  - 6.2 Human Resource will give the applicant the following:
    - 6.2.1 New Employee Information-Personal Data, Employment Data.
    - 6.2.2 Emergency Contact Form.
    - 6.2.3 U.S. Department of Justice Form I-9.
    - 6.2.4 Employee's Withholding Allowance Certificate W-4.
    - 6.2.5 Acknowledgment Licensing Fees.
    - 6.2.6 Casino Alcohol and Drug Testing consent and release for employee.
    - 6.2.7 Non Disclosure Policy.
    - 6.2.8 Acknowledgment of Casino Employee Manual.
    - 6.2.9 Resume-if applicable.
  - 6.3 The applicant will fill out and return package to Human Resource.
  - 6.4 Human Resource will make copies of the following documents and forward them to the Commission:
    - 6.4.1 Casino application
    - 6.4.2 Status/Payroll Change Report (Form 1240 complete with Supervisor, General Manager, and Human Resource Director signatures)
    - 6.4.3 All items listed above in §6.2 of this regulation.
  - 6.5 The applicant must report to the Commission for fingerprints processing.
  - 6.6 To expedite preliminary processing of an applicant, the Commission will conduct the following activities:
    - 6.6.1 Obtain two sets of fingerprints of applicant
    - 6.6.2 Review application for completeness
    - 6.6.3 Ensure application package is complete, i.e. information release signed, complete application, fingerprint cards, photos, etc.
    - 6.6.4 Thoroughly review contents of application for any disqualifying information disclosed.
    - 6.6.5 Conduct preliminary local criminal history inquiry by computer.

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- 6.6.6 If no disqualifying information appears on application and there is no disqualifying local criminal history, the Commission will notify Human Resource for the applicant to report to the Commission office for issuance of a badge. This initial "temporary" licensing process should be expedited to assist Human Resources in meeting their hiring needs.
- 6.7 The commission will then invoice the applicant for the cost of processing fingerprints through the N.I.G.C./F.B.I., which will be deducted from the employee's first paycheck. The commission must clearly specify on the check request that checks are to be made payable to the "N.I.G.C." and forwarded back to the Big Sandy Tribal Gaming Commission for enclosure with the appropriate application and fingerprint packages mailed to N.I.G.C.
- 6.8 For key employees and primary management officials, the Commission will make a copy of the Employment/License Application and will forward the copy of the application, fingerprint card, photograph, and required fee to N.I.G.C. The Commission will then complete the required background investigation.

7 **PROCEDURE FOR VENDORS**

- 7.1 Application for licensing management contractors, manufacturers and suppliers of Devices, suppliers of gaming services, and all of their principals will be required. If a license applicant defined in this paragraph submits to a State background check, the Commission may, at its discretion, accept the State's Investigative results as sufficient.
- 7.2 The Commission will be responsible for licensing management contractors, manufacturers and suppliers of Devices, suppliers and all of their principals. These entities and principals are defined in Section 3.5 of this Regulation.
- 7.3 The principals of these entities will be provided with applications and documents, as required by the Commission.
- 7.4 All principals will complete and sign the documents, have the signatures notarized as indicated and return the documents to the Commission, along with two passport size photographs.
- 7.5 If the applicant does not reside in the Auberry area, the Commission will determine a conveniently located law enforcement agency near the applicant being licensed. The fingerprints of principals will be obtained in accordance with Section 8 of this Regulation.

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- 7.6 The principals will be subject to the same background checks described in Section 9 of this Regulation, unless currently approved by another tribal or State licensing agency.
- 7.7 Licenses will be issued and reviewed in accordance with the procedures set forth in Section 10 of this Regulation.

**8 PROCEDURE: FINGERPRINTS**

- 8.1 Fingerprint cards used for criminal history record inquiries for gaming employees will be ordered from and supplied by the N.I.G.C. with their Originating Agency Identifier number preprinted on them.
- 8.2 The Tribal Council must properly execute a memorandum of understanding ("MOU") and return it to the N.I.G.C. before the N.I.G.C. will forward any criminal history reports to the Commission. This MOU guarantees that the Commission will not allow improper or unauthorized dissemination of criminal history information in accordance with Federal Bureau of Investigation ("FBI") guidelines. In addition, the Commission will guarantee the reasonable maintenance of security for the information.
- 8.3 Upon obtaining fingerprints from an applicant, the Commission investigator will immediately forward the fingerprint cards, along with an applicable processing fee to N.I.G.C.
- 8.4 The N.I.G.C. will, upon receiving the fingerprint card(s), forward the card(s) to the FBI for a criminal history recorded to N.I.G.C., N.I.G.C. will retain and file the original card and report in the Indian Gaming Individual Records Systems ("IGIRS") and will forward a copy of the criminal history record to the Commission.
- 8.5 Upon receiving a copy of the criminal history report from the NIGC, the Commissioner or designee will use that information to determine the applicant's eligibility for a license. The report will be retained in the applicant's secure licensing file.

**9 PROCEDURE: BACKGROUND INVESTIGATION**

- 9.1 The Commissioner or designee will conduct or cause to be conducted background investigations and make eligibility determinations. Background investigations will include as a minimum:
  - 9.1.1 Written or oral verification of information provided by applicant on applicant form.
  - 9.1.2 An inquiry into the applicant's prior activities, reputation, habits, and associations.

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- 9.1.3 Interviews with a sufficient number of knowledgeable people such as former employers, personal references, and others to whom referred, to assist in the eligibility determination.
- 9.1.4 Documentation of any potential problem areas noted and all disqualifying information obtained.
- 9.2 The Commission or designee will prepare an investigation report. This report will include, but not limited to:
  - 9.2.1 Steps taken in conducting the background investigation.
  - 9.2.2 Results obtained.
  - 9.2.3 Conclusions reached.
  - 9.2.4 Bases for those conclusions.
- 9.3 The Commission will review and approve all investigative work.
- 9.4 The Commission will make the decision regarding licensing eligibility.
- 9.5 Upon determination that the Commission intends to issue a license, the Commission will forward a copy of the license and related information to the State Gaming Agency pursuant to Section 6.5.6 of the Compact.
- 9.6 The Commission or designee will then forward copies of the application, the investigative report, and the eligibility document to the NIGC within sixty (60) days after an employee begins work.
- 9.7 If a license is not issued to an applicant, the Commission will still notify the NIGC and forward copies of the application, investigative report, and eligibility determinations to the NIGC for inclusion in their IGIRS. The Commission will also notify applicant and the Casino Management.
- 9.8 The Commission will maintain secure and confidential licensing files on all applicants. These files will include, but not limited to:
  - 9.8.1 Original employment/license application.
  - 9.8.2 Original investigative report.
  - 9.8.3 Original eligibility determination form.
  - 9.8.4 Criminal history record received from NIGC.
  - 9.8.5 Photograph of Applicant.
  - 9.8.6 All files will be maintained for a minimum of three (3) years after termination of employment for inspection by the Chairman of the NIGC.

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- 9.9 The Commission retains the right to conduct any further or additional background investigation that it deems appropriate, either before or after the issuance of a license.
  - 9.10 If the Commission determines that inclusion in the California Law Enforcement Telecommunications System would assist them in the review of applicants they may request the Tribal Council to pass an Ordinance in compliance with Section 6.4.8 of the Compact.
- 10 PROCEDURE: LICENSING ELIGIBILITY DETERMINATION, EMPLOYMENT STANDARDS, AND GROUNDS FOR ISSUING, SUSPENDING, REVOKING, OR DENYING A GAMING LICENSE.**
- 10.1 The Commission will formulate decisions regarding the suitability or eligibility of each applicant to be issued or denied a gaming license or to have a license suspended or revoked.
  - 10.2 The Commission's suitability determination will be based on criminal history information obtained from the NIGC and any other criminal history checks conducted as well as all other information obtained through the investigative efforts of the Commission.
  - 10.3 The information obtained as described in 9.2 above must be evaluated in accordance with guideline and requirements as established in the:
    - 10.3.1 NIGC Regulations.
    - 10.3.2 State Compact.
    - 10.3.3 Tribal Gaming Ordinance.
    - 10.3.4 Big Sandy Rancheria Tribal Gaming Regulations.
  - 10.4 The minimum license suitability requirements, in addition to those eligibility requirements for licensing, will be the following:
    - 10.4.1 No license or finding of suitability will be granted unless and until the applicant has satisfied the Commission that the applicant:
      - 10.4.1.1 Is a person of good character, honesty, and integrity
      - 10.4.1.2 Is a person whose backgrounds, reputation and associations will not result in adverse publicity for the Tribal Casino.
    - 10.4.2 If financing by the applicant is involved as part or all of the license application, no license or finding of suitability will be granted unless and until the applicant has satisfied the Tribal Council that the funding of the enterprise is:

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- 10.4.2.1 Adequate for the nature of the enterprise; and,
  - 10.4.2.2 Derives from a suitable source. The suitability of the source of funds will be determined by the standards enumerated in paragraph 10.4.1 above.
- 10.5 Other licensing suitability guidelines and requirements include consideration of all the following:
- 10.5.1 Whether the applicant knowingly and intentionally provided false statements or information or omitted information on the application.
  - 10.5.2 Whether the prior activities, criminal record, reputation, habits, and association indicate that the person may be a threat to the public interest or to the effective regulation and control of gaming. Whether association with or employment of this applicant creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming, or the carrying on of the business and financial arrangement.
  - 10.5.3 Whether the applicant has violated, failed, or refused to comply with the provisions, requirements, conditions, limitations, or duties imposed by any provision of the Compact or the Tribal Gaming Ordinance, or possess knowledge that such violation has occurred upon any premises occupied or operated by any such person or over which he or she has/had substantial control.
  - 10.5.4 Whether the applicant knowing caused, aided, abetted, or conspired with another to cause any person or entity to violate any of the laws of any State, the provisions of the Compact, or the Tribal Gaming Ordinance.
  - 10.5.5 Whether the applicant has ever obtained a license by fraud, misrepresentation, concealment, or through inadvertence or mistake.
  - 10.5.6 Whether the applicant has ever been convicted of, or forfeited bond upon a charge of, or plead guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payment or reports to any Tribal, State, or federal agency at any level, or filed false reports, or of any similar offenses, or of bribing or otherwise unlawfully influencing a public official or employee of a Tribe, State, or the federal government, or of any felony or misdemeanor involving any gaming activity, physical harm to individuals or moral turpitude.

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- 10.5.7 Whether the applicant is subject to current prosecution or pending charges or a conviction under appeal for any of the offenses listed above. Upon request of the applicant, the Commission may defer decision on the application pending the results of prosecution or appeal.
- 10.5.8 Whether the applicant has ever had a gaming license issued by any State, Tribe, or foreign gaming regulatory agency revoked or denied.
- 10.5.9 Whether the applicant has demonstrated a willful disregard for compliance with a gaming regulatory authority in any jurisdiction including suspension, revocation, and denial of application or forfeiture of license.
- 10.5.10 Whether the applicant has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the laws of any State, if such pursuit creates probable cause to believe that the participation of such person in gaming, or related activities, would be detrimental to the proper operation of authorized gaming or related activities. Occupational manner will be defined as the systematic planning, administration, management or execution of any activity for financial gain.
- 10.5.11 Whether the applicant 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. Career offender will be defined as any person whose behavior is pursued in an occupational manner or context for the purposes of economic gain utilizing such methods as are defined criminal violations of federal or Tribal laws or the public policy of any State. A career offender organization will be defined as any group of persons who operate together as career offenders.
- 10.5.12 Whether the applicant has failed to provide any information requested by the Commission within fourteen (14) days of the request for the information.
- 10.5.13 Whether applicant made a misrepresentation of, or fails to disclose, a material fact to the Commission or the State Gaming Agency.
- 10.5.14 Whether the applicant is a tribal member of Big Sandy Rancheria.
- 10.5.14.1 If the applicant is a member of Big Sandy

Rancheria, a copy of the initial application will be forwarded to the Tribal Council for consideration.

**11 PROCEDURE: ISSUING, DENYING, SUSPENDING, REVOKING LICENSES**

- 11.1 If the Commission has determined that an applicant is eligible for a license in accordance with Section 10 of this Regulation and if the Commission receives no notice of objection from the NIGC within thirty (30) days of their receipt of the application and investigative report of an applicant; and/or no objection from the State Gaming Agency, a license will be issued.
- 11.2 The Commission will respond to any request for additional information from the NIGC concerning an applicant for a position as a key employee or primary management official who is the subject of a report. The request will suspend the thirty (30) day period mentioned in 11.1 above until the NIGC receives the additional information.
- 11.3 If, within the thirty (30) day period mentioned above, the Commission receives a written statement from NIGC objecting to the issuance of a license, the Commission will reconsider the application, taking into account these objections. However, the Commission will make the final decision regarding the issuance of a license to an applicant.
- 11.4 The Commission may suspend, revoke, or deny the license of any key employee, primary management official, or entity, upon the occurrence of any of the following:
  - 11.4.1 Notification by the NIGC that the licensee is not eligible for a license in accordance with Section 10 of this Regulation.
  - 11.4.2 The Commission receives verified and/or reliable information from any source regarding a licensee's ineligibility in accordance with Section 10 of this Regulation.
  - 11.4.3 The Commission has probable cause to believe that the licensee has, by act of omission, violated provisions of the Compact or the Tribal Gaming Ordinance, which may endanger or interfere with the Casino.
  - 11.4.4 The Commission has reason to believe that the continued licensing of a person or entity (other than the Casino) constitutes an immediate threat to the integrity of the Casino.
    - 11.4.1 Notification by the NIGC that the licensee is not eligible for a license in accordance with Section 10 of this Regulation.



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- 11.4.2 The Commission receives verified and/or reliable information from any source regarding a licensee's ineligibility in accordance with Section 10 of this Regulation.
  - 11.4.3 The Commission has probable cause to believe that the licensee has, by act of omission, violated provisions the Compact or the Tribal Gaming Ordinance which may endanger or interfere with the operation of the Casino.
  - 11.4.4 The Commission has reason to believe that the continued licensing of a person or entity (other than the Casino) constitutes an immediate threat to the integrity of the Casino.
  - 11.4.5 The Commission learns that the licensee has violated Casino internal controls or any federal laws, tribal ordinances or regulations, or the Compact.
  - 11.4.6 The Commission has reason to believe that the licensee is involved in any theft, misappropriation, misuse or abuse of tribal assets.
  - 11.4.7 The licensee engages in any conduct, which brings discredit or embarrassment to the Casino, or interferes with the normal operation of the Casino.
  - 11.4.8 The licensee fails to disclose any required information on any gaming license application.
  - 11.4.9 The licensee fails to respond to a request from the Commission within fourteen (14) days of the date of the initial request.
- 11.5 Any suspension or revocation action pursuant to 11.4 above will require:
- 11.5.1 Written notice sent by certified mail, return receipt requested, or personally hand served notification of the suspension and/or revocation to the licensee.
  - 11.5.2 All actions will be sent to the Casino Management of the proposed action.
  - 11.5.3 If the licensee is a Tribal Member, the Commission will forward a copy of the intended action to the Tribal Council and the Casino Management prior to the proposed action.
- 11.6 The Commission may summarily suspend any license for, but not limited to, the following:
- 11.6.1 The licensee has falsified an application;
  - 11.6.2 In the opinion of the Commission, the licensee poses an immediate threat to the integrity of the Casino.

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11.7 All regular licenses will be effective for two (2) years from the date of issue. Renewal applications must be received by the Commission, at least fifteen (15) days prior to the expiration of the licensee. Applications for renewal will provide updated material as requested by the Commission, but will not be required to resubmit historical data already available to the Commission. Additional background investigation may be performed at the discretion of the Commission. Updated criminal history checks will be required.

11.8 Casino Management will notify the Commission of all employee terminations, both voluntary and involuntary, and will provide the reasons and circumstances for the terminations. In addition, at the time of the termination, operations management will retrieve the employee's identification card and/or gaming license and forward same to the Commission. Upon receipt of this information, the Commission will:

11.8.1 Review the circumstances surrounding the termination.

11.8.2 Determine whether to suspend or revoke the employee's license.

11.8.3 Make appropriate notification to NIGC if the license is suspended or revoked.

12 STATE CERTIFICATION PROCESS

12.1 Upon receipt of a completed license application and a determination by the Commission that it intends to issue a temporary or permanent license, the Commission will transmit to the State Gaming Agency a notice of intent to license the applicant, together with all of the following:

12.1.1 All tribal license application materials and information received by the Tribal Gaming Agency from the applicant;

12.1.2 Original set of fingerprint cards;

12.1.3 Current photograph; and,

12.1.4 Except to the extent waived by the State Gaming Agency, releases of information, waivers, and other completed and executed forms as have been obtained by the Tribal Gaming Agency.

12.2 Except for an applicant for licensing as a non-key Gaming Employee, as defined by agreement between the Tribal Gaming Agency and the State Gaming Agency, the Tribal Gaming Agency will require the applicant also to file an application with the State Gaming Agency, prior to issuance of a temporary or permanent tribal gaming license, for a determination of suitability for licensure under the California Gambling Control Act.

12.3 Investigation and disposition of that application will be governed entirely by California state law, and the State Gaming Agency will determine whether the applicant would be found suitable for licensure in a gambling

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establishment subject to that Agency's jurisdiction. Additional information may be required by the State Gaming Agency to assist it in its background investigation, provided that the State Gaming Agency requirement will be no greater than that which may be required of applicants for a State gaming license in connection with non-tribal gaming activities and at a similar level of participation or employment. A determination of suitability is valid for the term of the tribal license held by the applicant, and the Tribal Gaming Agency will require a licensee to apply for renewal of a determination of suitability at the time the licensee applies for renewal of a tribal gaming license. The State Gaming Agency and the Commission, together with tribal gaming agencies under other gaming compacts, will cooperate to develop standard licensing forms for tribal gaming license applicants, on a statewide basis, that reduce or eliminate duplicative or excessive paperwork, which forms and procedures will take into account Big Sandy's requirements under IGRA and the expense involved.

- 12.4 Upon receipt of completed license application information from the Commission, the State Gaming Agency may conduct a background investigation pursuant to California state law to determine whether the applicant would be suitable to be licensed for association with a gambling establishment subject to the jurisdiction of the State Gaming Agency. If further investigation is required to supplement the investigation by the Commission, the applicant will be required to pay the statutory application fee charged by the State Gaming Agency pursuant to California Business and Professions Code Section 19941(a), but any deposit requested by the State Gaming Agency pursuant to Section 19855 of that Code will take into account reports of the Background investigation already conducted by the Commission and the NIGC, if any. Failure to pay the application fee or deposit may be grounds for denial of the application by the State Gaming Agency. The State Gaming Agency and Commission will cooperate in sharing as much background information as possible, both to maximize investigative efficiency and thoroughness, and to minimize investigative costs. Upon completion of the necessary background investigation or other verification of suitability, the State Gaming Agency will issue a notice to the Commission certifying that the State has determined that the applicant would be suitable, or that the applicant would be unsuitable, for licensure in a gambling establishment subject to the jurisdiction of the State Gaming Agency and, if unsuitable, stating the reasons why the applicant is unsuitable.
- 12.5 The Commission will monthly provide the State Gaming Agency with the name, badge identification number, and job descriptions of all non-key Gaming Employees.

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- 12.6 Prior to denying an application for a determination of suitability, the State Gaming Agency will notify the Commission and afford Big Sandy an opportunity to be heard. If the State Gaming Agency denies an application for a determination of suitability that Agency will provide the applicant with written notice of all appeal rights available under California State law.
- 12.7 Big Sandy may employ or retain in its employ a person whose application for a determination of suitability, or for a renewal of such a determination, has been denied by the State Gaming Agency, if:
- 12.7.1 The person is an enrolled tribal member of Big Sandy Rancheria, as defined in this subdivision, and ,
  - 12.7.2 The person holds a valid and current license issued by the Tribal Gaming Agency that must be renewed at least biennially;
  - 12.7.3 The denial of the application by the State Gaming Agency is based solely on activities, conduct, or associations that antedate the filing of the person's initial application to the State Gaming Agency for a determination of suitability; and
  - 12.7.4 The person is not an employee or agent of any other gaming operation.
- 12.8 "Enrolled member" means a person who is defined in the Constitution of the Big Sandy Band of Western Mono Indians Article II-Membership Section 1.
- a. All persons of California Indian descent who were listed as distributees or as dependent members of distributees in the Plan for the Distribution of the Assets of the Big Sandy (Auberry) Rancheria as approved by the Under Secretary of the Interior on February 17, 1965, and amended on January 24, 1967.
  - b. Direct lineal descendants or individuals who qualify under (a) of this section.

**GCR004: RESERVED**

**GCR005: VIDEO LOTTERY TERMINAL ("VLT") ACCESS  
AND CONTROL PROGRAMS**

**1 PURPOSE**

- 1.1 This regulation establishes the specific, standardized process by which the interior of a gaming machine, a Bill Acceptor, or a Logic Board Compartment will be accessed. This policy provides accountability for

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who, when, and why these areas are accessed, as well as a record of what chip numbers are removed and replaced and logic boards, which are removed and replaced. In addition, it provides forms and instructions by which these procedures will be documented.

**2 VLT INTERNAL ACCESS**

- 2.1 Access to the interior of any VLT to service various components of the machine or "drop" the cash must be witnessed by an authorized observer, i.e., Security Officer, Commissioner or specifically authorized management.
- 2.2 During service to VLT's or when the Drop Team is performing "drops", no more than 25 machines may be open at any time.
- 2.3 A Commissioner must be present to witness any access to the Micro-Processing Logic Board compartment when Erasable Programmable Read Only Memory ("EPROM") or Random Access to the Micro-Processing Logic Board compartment to adjust or re-establish cable, chip, or board connections. The key components of this logic Board are the EPROM CHIP, and RAM chips that require tamper proof tape to be applied.
- 2.4 Commissioners are to check any of these areas that have been accessed to ascertain that tamper-proof tape is securely in place and unbroken. The Video/Repair Technician fills out the door open log (attached E) each time a VLT is accessed, except for during the "pull".

**3 CONTROL OF "GAME PROGRAM EPROM CHIPS"**

- 3.1 The Gaming Commission controls all VLT Game EPROM and RAM chips purchased after the issue date of this regulation.
- 3.2 All Master Game Program EPROM chips (old/new) purchased are to be maintained by the Commission in a secure/locked compartment in the Commission Office.
- 3.3 Tamper-proof tape meeting Commission specifications will be maintained in a secured/locked area in the Commission office. No Non-Gaming Employee will have access to or possession of tamper-proof sealing tape.
- 3.4 Once the Game Program chips are procured, they are verified by Commission personnel and are immediately used or stored pursuant to the following:

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- 3.4.1 If used immediately, they are inserted into Logic Boards in the presence of a Commissioner, tamper-proof tape is applied to the Game Program EPROM chips.
- 3.4.2 If the chips are not utilized immediately, they are put into chip storage tubes and stored in the Gaming Commission office, where they are kept in a secure/locked compartment until a request is made for a chip or chips by the Slot Department. When verified Game Program chips are requested, the number requested is taken by the Commissioner. The Commissioner then accompanies the Slot Department personnel to the location and applies tamper proof tape to the chips onto the board of the VLT, the certified logic board is then placed in the logic board compartment and connected.
- 3.4.3 When the Logic Boards are installed, the Commission also applies tamper-proof tape to the logic board compartment.
- 3.4.4 When the game is turned on, a test bank is run through the coin in slot to make sure the program is giving accurate credit for the coin in denominations inserted during the test. The game is played with the credits from the test bank to ascertain that the game is operating correctly. When these test are completed, the test log is filled out and signed by the Commissioner to certify that the game is ready to play and the tamper-proof tape is in place.

**4 PROCEDURES FOR ACCESS TO LOGIC BOARD COMPARTMENT TO REMOVE OR REPLACE THE EPROM OR RAM CHIP OR THE LOGIC BOARD**

- 4.1 All VLT machines put into play after the issue date of this regulation will have no dip switches on the logic boards that control choice of denomination, game, hold percentage or percentage applied to a progressive jackpot. Also, all VLT machines will have a locked compartment for the logic board and all keys to the logic board compartment will be in the sole possession of the Commission.
- 4.2 For VLT machines in use on the issue date of this regulation:
  - 4.2.1 Any time there is access to the Micro Processor Compartment (Logic Board) to remove or replace Game EPROM or RAM chips, or a Game Logic Board on the gaming floor, a Commissioner will be present. When a Commissioner representative is notified that access is required, he/she will:

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- 4.2.1.1 Obtain tamper-proof tape from a secure/locked compartment under Commission control.
  - 4.2.1.2 Meet at or accompany the Repair Technician to the VLT and remain present for the entire duration of the repair/service.
  - 4.2.1.3 Fill out the access log card located and maintained in the VLT compartment, and signs the completed log entry.
  - 4.2.1.4 Fill out "VLT Logic Board Access Record" in accordance with the instructions in Section 5 of this Regulation (see attached form). Maintain the book of completed record forms in the Commission Office.
- 4.2.2 If during the access of the Logic Board Compartment, the Repair technician deems it necessary to remove and replace the Logic Board, the Slot Department representative will obtain a certified Logic Board from the locked cabinet. They will return to the VLT and replace the Logic Board from the locked cabinet. If the EPROM and/or RAM chip(s) on the Logic Board are being replaced, the Commissioner will obtain certified game EPROM chips from the locked cabinet in the Commission office for the technician to insert on the Logic Board. The Commission representative will:
- 4.2.2.1 Make note of the identification number of the EPROM chip being removed from the Logic Board, on the VLT Logic Board Access Record form.
  - 4.2.2.2 Make note of the identification number of the EPROM chip being inserted into the board (even if the chip is the same one that was removed).
  - 4.2.2.3 Ensure that the tamper proof tape is applied over the EPROM chip(s) and onto the logic board.
  - 4.2.2.4 Require the Repair Technician to fill out a Meter Verification Form if the RAM memory will be or was dumped.
  - 4.2.2.5 Return security tape and access record book to secure/locked compartment under Commission control.

**5 FORMS**

- 5.1 Attachment "D" sample of "VLT Logic Board Access Record."

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- 5.2 Attachment "E" sample of "door open log" to be filled out by the Video/Repair Technician accessing the VLT.

**GCR006: CASH TRANSACTION REPORTING**

**1 PURPOSE**

- 1.1 The purpose of this Regulation is to ensure Casino compliance with Internal Revenue Service ("IRS") reporting requirements and Treasury Department Bank Secrecy Act reporting requirements. All references to Section 103 refer to Section 31 of the Code of Federal Regulations.

**2 REQUIRED REPORTS AND RECORDS**

- 2.1 IRS form W2-G's or 1099s must be completed for the following Casino Gaming payouts:
- 2.1.1 Video tournaments wins of \$600.00 or more.
  - 2.1.2 Other video jackpots and/or special wins of \$1,200.00 or more.
  - 2.1.3 Bingo Jackpots of \$1,200.00 or more.
  - 2.1.4 Poker jackpots of \$600.00 or more.
  - 2.1.5 "21" jackpots of \$600.00 or more.
  - 2.1.6 Asian Games jackpot of \$600.00 or more.
- 2.2 Separate records (negotiable instruments log) designed by Casino for cashing any type of checks or money orders of \$3,000.00 or more.
- 2.3 Separate records designed by Casino for every extension of credit of \$2,500.00 or more.
- 2.4 Casino departmental tracking logs player rating form begin at \$1,000.00 in "21" and Asian Games. Poker cage and "21" cage to log and track any cash transactions of \$3,000.00 or more.
- 2.5 Currency Transaction Report; Department of Treasury/IRS form #8362 for cumulative transactions of \$10,000.01 or more in a Casino gaming day.
- 2.6 Suspicious activity report, on Treasury Department Form #TD-F 90-22.47 for suspicious transactions.

**3 GENERAL**

- 3.1 Casino Management will have a separate section of Internal Controls or policies and procedures developed and implemented by a certain date. These Internal Controls will establish detailed procedures and necessary



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forms to ensure full compliance with the Regulations and the Bank Secrecy Act.

- 3.2 The Internal Controls and all associated transaction records, forms, and documents will be subject to testing for compliance by the Commission and the outside independent auditing firm designated by the Commission.
- 3.3 Casino Management will designate a person as responsible for compliance with these Regulations and the Bank of Secrecy Act. Casino Management will keep the Commission advised, in writing, at all times the identity of the designated compliance person.
- 3.4 Casino Management will develop and implement a Guest tracking system with departmental logs recording any cash-in/cash-out, check cashing transaction, or credit transactions of \$3,000.00 or more, as applicable. Player rating forms "21" and Asian games start at \$1,000.00.
- 3.5 Casino Management will establish and implement a training program for Casino Personnel. The training will ensure that personnel are competent to ensure compliance with these Regulations, applicable Internal Controls, and the Bank Secrecy Act. The training will require a written competency test with a passing score of seventy percent (70%) or more, the results of which will be kept in Casino Personnel files. Human Resource will keep records of training of all personnel listing names, dates of training, dates of testing, and test scores.
- 3.6 It will be a violation of this Regulation to allow any currency for currency transaction of \$2,500.00 or more.
- 3.7 Examples of suspicious activities or transaction would be:
  - 3.7.1 Attempting to exchange large sums of small denomination currency for large.
  - 3.7.2 Buying into a card game for large sums, playing very little and then cashing out.
  - 3.7.3 Cashing out large sums of credits on a machine without having won a Jackpot.
- 3.8 When any such transaction as listed in 3.7 above are detected, surveillance should be notified and attempts should be made to identify the Guest.

**4 CURRENCY TRANSACTION REPORTS (FORM 8362)**

- 4.1 Each Casino will file a report of each transaction in currency, involving either cash-in or cash-out of \$10,000.00 or more.

- 4.1.1 Transactions in currency involving cash-in include, but not limited to:
- 4.1.1.1 Purchase of chips, tokens, and plaques.
  - 4.1.1.2 Front money deposits
  - 4.1.1.3 Safekeeping deposits.
  - 4.1.1.4 Payments of any form of credit, including markers and counter checks.
  - 4.1.1.5 Bets of currency
  - 4.1.1.6 Currency received by a Casino for a transmittal of funds through wire transfer for a Guest.
  - 4.1.1.7 Purchase of a Casino's check.
  - 4.1.1.8 Exchanges of currency for currency, including foreign money.
- 4.1.2 Transactions in currency involving cash-out include, but are not limited to:
- 4.1.2.1 Redemption of chips, tokens, and plaques.
  - 4.1.2.2 Front money withdrawals.
  - 4.1.2.3 Safekeeping withdrawals.
  - 4.1.2.4 Advances on any form of credit, including markers and counter checks.
  - 4.1.2.5 Payments on bets, including slot jackpots.
  - 4.1.2.6 Payments by a Casino to a Guest based on receipt of funds through wire transfer for credit to a Guest.
  - 4.1.2.7 Cashing of checks or other negotiable instruments.
  - 4.1.2.8 Exchanges of currency for currency, including foreign currency.
  - 4.1.2.9 Reimbursements by the Casino for Guest's travel and entertainment expense.
- 4.1.3 Multiple currency transactions will be treated as a single transaction if the Casino has knowledge that they are by or on behalf of any person and result in either cash-in or cash-out totaling more than \$10,000.00 during any gaming day. For purpose of this paragraph, a Casino will be deemed to have the knowledge described in the proceeding sentence, if any sole proprietor, partner, officer, director, or employee of the Casino, acting within the scope of his or her employment, has knowledge that such multiple currency transactions have occurred, including knowledge from examining books, records, logs, information retained on magnetic disk, tape or other machine-readable media, or in any manual system, and similar documents and information, which the Casino maintains pursuant to any law or regulation or within the ordinary course of its business, and which contain information that such multiple currency transaction have occurred.

5 ADDITIONAL RECORDS TO BE GENERATED AND RETAINED BY CASINO

- 5.1 In addition, Casino Management will retain either the original or other copy of reproduction of each of the following:
- 5.1.1 All records, documents or manuals required to be maintained by the Casino under tribal law, federal law, or the terms of the Compact, with respect to the Casino in question.
  - 5.1.2 All records which are prepared or used by the Casino to monitor a Guest's gaming activity.
- 5.2 A separate record containing a list of each transaction document between the Casino and its Guests involving transactions having a face value of \$3,000 or more and are cashed should be kept when involving the following documents:
- 5.2.1 Personal checks (excluding instruments, which evidences credit granted by a Casino strictly for gaming, such as markers).
  - 5.2.2 Business checks (including Casino checks).
  - 5.2.3 Official bank checks.
  - 5.2.4 Cashier's checks.
  - 5.2.5 Traveler's checks.
- 5.3 The above list will contain the time, date, and amount of the transaction; the name and permanent address of the Guest; the type of instrument; the name of the drawee or issuer of the instrument; all reference numbers (e.g. Casino account number, personal check number, etc.) and the name or Casino license number of the Casino employee who conducted the transaction. Applicable transactions will be placed on the list in chronological order in which they occur.
- 5.4 A copy of the compliance program described in Section 4 of these Regulations will include the following:
- 5.4.1 If the Casino inputs, stores, or retains, in whole or in part, for any period of time, any record required to be maintained by Section 103.33 or this Section on computer disk, tape or other machine-readable media it will retain the same on computer disk, tape, or machine-readable media.
  - 5.4.2 All indexes, books, programs, record layouts, manuals, formats, instructions, file descriptions, and similar materials which would enable a person readily to access and review the records that are

described in Section 103.33 and this section and are input, stored or retained on computer disk, tape or other machine readable media, will be retained for a period of five (5) years.

### GCR007: CASINO VISITORS/VENDORS

#### 1 PURPOSE

- 1.1 The purpose of this Regulation is to establish consistent guidelines and procedures for the control and accountability of Visitors/Vendors at the Casino for non-gaming personal or business reasons who will generally be allowed to access all but sensitive areas of the Casino.

#### 2 POLICY

- 2.1 It will be the regulatory policy that any Visitor, whether on official business or not, who will be allowed access to non-public areas without consistent escort from security or management personnel, will be required to check in with the Security Department and be issued and wear in a prominent location, a visitor's badge.

#### 3 PROCEDURE

- 3.1 Any Visitor/Vendor at the Casino who requires unescorted access to non-public areas to conduct business of any nature, or to simply visit, tour or meet with management or personnel, will first check in with Security Department and be issued a badge. Such badge will be worn in plain view at chest level at all times while the Visitor is on the Casino premises.
- 3.2 Upon arrival at the Security podium, the officer will request a piece of identification from the visitor, preferably a photo I.D. such as a driver's license.
- 3.3 The Officer will then fill out the visitor's I.D. logbook, which will require at a minimum the following information:
  - 3.3.1 Date and time the visitor's I.D. badge issued.
  - 3.3.2 Name of officer issuing the badge.
  - 3.3.3 Name, current address, telephone number of visitor receiving the badge.
  - 3.3.4 Reason or nature of visit or business and list department.
  - 3.3.5 The date and time badge is returned (this information to be filled in by officer who receives badge when it is returned).
  - 3.3.6 Name of officer receiving badge when it is returned by visitor.

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- 3.4 The officer will retain the Visitor's provided piece of identification until the Visitor returns the visitor's badge. When the badge is returned, the officer will give the Visitor back their piece of I.D. initially retained.
- 3.5 There are two types of visitor's badges, i.e. "Vendor" and "Visitor". Depending on the nature of the visit, the officers will use discretion on which badge is appropriate to issue.
- 3.6 Designated officers must review the visitor badge log book at the beginning of each shift to determine and account for what, if any, visitor's badges are outstanding and to monitor their return.
- 3.7 No visitor will be allowed access to Sensitive areas without being escorted, as required in existing regulatory and internal control documentation.

4 FORMS

- 4.1 Attachment "F" sample of Visitor's I.D. logbook page.
- 4.2 Attachment "G" sample of Visitor's I.D. badges.

GCR008: REGULATED DEPARTMENTS RESPONSIBILITIES

1 PURPOSE

- 1.1 Pursuant to the Compact, and any applicable NIGC Regulations, the Casino will be constructed, operated and maintained in a manner, which adequately protects the environment, the health and safety of Guests and employees and the financial stability of the Casino. This Regulation will set forth minimum guidelines to provide for that protection through other Casino Departments.

2 POLICY

- 2.1 The Commission will generally require responsible Casino Departments to maintain detailed policies and procedures that define and fulfill their areas of responsibility. The responsibilities established in this Regulation are not necessarily all inclusive. The Commission retains jurisdiction to monitor the operation and regulation at the Casino and to recommend additional regulatory measures to the Departments based on the applicable laws and these Regulations.

### 3 RESPONSIBILITIES BY DEPARTMENT

#### 3.1 Security Department. The Security Personnel are responsible to:

- 3.1.1 Maintain peace and order in the facility among Guests and employees.
- 3.1.2 Maintain vigilance within and around the facility to protect the Guests, and employees from theft, assault or property damage.
- 3.1.3 Maintain vigilance within and around the facility for safety and security hazards, which would cause injury to persons.
- 3.1.4 Render aid or assistance to any ill or injured Guest or employee.
- 3.1.5 Provide physical security of cash and cash equivalents during drop and count procedures and/or movement of cash from place to place within or around the immediate surroundings of the facility.
- 3.1.6 Maintenance and security of spare, duplicate or visitor badges. Including logs and accountability.
- 3.1.7 Maintain accountability and control of lost and found property.
- 3.1.8 Maintain traffic and crowd control when the volumes are at levels that reasonable require such attention.
- 3.1.9 Provide for adequate emergency plans for handling such things as building evacuation for fire or bomb threats, robbery response plans, and emergency medical aid.
- 3.1.10 Assist Commission when requested.

#### 3.2 Surveillance Department: The Surveillance Department will be responsible for the following:

- 3.2.1 The personnel, policies and maintenance of the Surveillance Department will fall under the exclusive jurisdiction of the Commission. Generally speaking, the Surveillance Department will provide adequate coverage to reasonably assure the protection of Tribal assets and assist in the safety and security of Guests and employees and their property. Surveillance personnel will cooperate with and assist Security personnel and Casino Management when requested and when reasonably necessary to enhance security and management's ability to fulfill their responsibilities.

**CERTIFICATION**

We, the undersigned duly elected officials of the Big Sandy Rancheria Band of Western Mono Indians, certify under penalty of perjury that at on May 1, 2002, these Tribal Gaming Regulations were adopted at a duly called meeting of the Tribal Council, with a quorum present, by a vote of: 2 for, 0 against, and 1 abstaining.

Wilbur Beecher  
Wilbur Beecher, Tribal Chairperson

5-1-02  
Date

**ATTESTED BY:**

Heather R. Sewell  
Heather Sewell, Secretary

5-1-02  
Date