

The following version of the regulations is believed by Tom Peckham to be current as of January 19, 2016. It includes changes approved by the Board and promulgated in late 2009; changes to 1216 and 1221 in 2014; the major revisions to Sections 1 and 10 in 2015; and the amendment to 1223 in late 2015. It does not contain any of the other proposed changes contemplated by the Board.

## INTERPRETATIVE RULES AND DEFINITIONS

101. Scope

This rule sets forth the definitions of various terms used in these regulations and interpretive aids.

102. Construction

Nothing in these regulations shall be construed so as to conflict with any provision of the Gaming Code, the Compact, or the IGRA.

103. Severability

If any provisions of these regulations are held invalid, it shall not be construed to invalidate any other provisions of these regulations.

104. Definitions

When used in these regulations, the term:

- (a) "Applicant" means a natural person, entity, or organization, including an employee, agent, or representative of any such person, entity, or organization that has begun the process of obtaining a license issued by the TGRA under the authority of the Board.
- (b) "Background Investigation" means an investigation into the criminal history, financial suitability, or other background matter of an Applicant for a license in order to establish suitability of the Applicant to hold a gaming license.
- (c) "Chair" means the chairperson of the Board.
- (d) "Charitable Gaming" is Gaming Activity that promotes the health, education, or welfare of the Pueblo or its members and that is for prizes of minimal value and may be conducted by the Pueblo, its members, and other Pueblo entities on Pueblo lands.
- (e) "Class I Gaming" means:
  - (1) Social games played solely for prizes of minimal value; or
  - (2) Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.
- (f) "Class II Gaming" means bingo or lotto (whether or not electronic, computer, or other technological aids are used) when players:
  - (1) Play for prizes with cards bearing numbers or other designations;
  - (2) Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
  - (3) Win the game by being the first person to cover a designated pattern on such cards;

- (4) If played in the same location as bingo or lotto, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo;
- (5) Non-banking card games that:
  - (i) State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
  - (ii) Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitation on wagers and pot limits.
- (g) "Class III Gaming" means all forms of gaming that are not Class I Gaming or Class II Gaming, including but not limited to:
  - (1) Any house banking, including, but not limited to:
  - (2) Card games such as baccarat, chemin de fer, blackjack ("21"), and pai gow (if played as house banking games);
  - (3) Casino games such as roulette, craps, and keno; and
  - (4) Any gaming devices defined in §104(m) and electronic or electromechanical facsimiles of any game of chance;
  - (5) Any sports betting or pari-mutuel wagering, including, but not limited to, wagering on horse racing, dog racing, or jai alai; or
  - (6) Lotteries.
- (h) "Code" or "Gaming Code" means the Pueblo of Laguna Gaming Control Code, Chapter 1 of Title XIV of the Pueblo of Laguna Code and effective September 1, 2013, and including any amendments approved by the Pueblo Council and the National Indian Gaming Commission. The Gaming Code is the "Ordinance" or "Gaming Ordinance" required by IGRA and its implementing regulations.
- (i) "Board" means the Pueblo of Laguna Gaming Board or any individual duly authorized under §204.
- (j) "Compact" means the Indian Gaming Compact between the Pueblo of Laguna and the State of New Mexico dated July 30, 2007 and approved by Department of the Interior effective October 15, 2007, and any approved amendments or successor agreements thereto.
- (k) "Disciplinary Proceedings" means those procedures undertaken by the Board to suspend or revoke any license issued by it, to levy a civil fine or penalty against any Licensee, or to otherwise sanction violations of gaming laws and these regulations.
- (l) "Distributor" means any person that sells, leases, markets, offers, or otherwise distributes a gaming device for use or play on Pueblo Lands.
- (m) "Game" means any game played with cards, dice, equipment or any gaming device for cash or any other thing of value, including, without limitation, any banking or percentage game or any other game or device approved by the Board.

- (n) "Gaming" means Class II Gaming, Class III Gaming, or other game of chance involving prize, chance and consideration, except for Class I Gaming.
- (o) "Gaming Activity" means all forms of Class II Gaming and Class III Gaming conducted by a Gaming Operation on Pueblo Lands.
- (p) "Gaming Device" Means:
  - (1) Any so-called slot machine or any other machine or mechanical device an essential part of which is a drum or reel with insignia thereon, video screen and/or
    - (i) Which when operated may deliver, as result of the application of an element of chance, any money or property, or
    - (ii) By the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property; or
  - (2) Any other machine or mechanical device (including, but not limited to, roulette wheels and similar devices) designed and manufactured primarily for use in connection with gambling, and
    - (i) Which when operated may deliver, as the result of the application of an element of chance, any money or property, or
    - (ii) By the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property; or
  - (3) Any subassembly or essential part intended to be used in connection with any such machine or mechanical device, but which is not attached to any such machine or mechanical device as a constituent part.
- (q) "Gaming Employee" means a Key Gaming Employee or a Non-Key Gaming Employee.
- (r) "Gaming Enterprise" means Laguna Development Corporation, a federally chartered corporation, or any enterprise, corporation, or other entity wholly owned by the Pueblo and authorized to conduct Gaming Activity in any Gaming Facility, or, for purposes of these regulations, a Management Contractor operating or managing all or part of a Gaming Facility under a Management Contract.
- (s) "Gaming Equipment" means any equipment, device, contrivance, or supplies, other than a Gaming Device, used to conduct Class II or Class III gaming.
- (t) "Gaming Facility" means the portions of a building or location in which Gaming Activity is conducted or which are intended to be integrally related to a Gaming Activity.

The Board shall reasonably determine the extent of a Gaming Facility when applying the Gaming Code and these regulations; provided, however, that when IGRA, other Applicable Law, or the Compact specifically requires a different definition of Gaming Facility, that definition shall be applied to the extent necessary to comply with Applicable Law or the Compact.

- (u) "Gaming Operation" means a division, department, or unit of a Gaming Enterprise that is responsible for Gaming Activity or Gaming Revenues, including issuing the prizes and paying the expenses in connection with the conduct of Gaming Activity. For purposes of these regulations, unless the context dictates otherwise, a Gaming Operation includes any Management Contractor having a Management Contract related to the Gaming Operation.
- (v) "Gaming-Related Contract" means a contract or agreement providing for any goods, services, or concessions to the Pueblo, a Gaming Operation, or a Management Contractor in connection with the conduct of Gaming Activity in a Gaming Facility (but not including professional, legal, or accounting services) in an amount reasonably anticipated to be in excess of \$10,000 in a calendar year (or a greater amount established by the Board by regulation and calculated to protect the integrity of Gaming Activities and the proceeds therefrom). No Gaming-Related Contract may be broken up into parts for the purpose of avoiding this definition and any corresponding requirement of licensure or certification.
- (w) "Gaming Revenues" means all revenues of a Gaming Operation earned or collected at a Gaming Facility. If a Gaming Enterprise does not segregate clearly non-gaming revenue from Gaming Revenues for accounting purposes, all such undifferentiated revenue shall be considered Gaming Revenues.
- (x) "Gaming Services" means the provision of any goods, services or concessions in connection with any gaming to the pueblo, Gaming Enterprise, or Management Contractor.
- (y) "Gaming Systems" means computer hardware and software, including networking components, used directly in the operation and monitoring of Gaming Activity or the accounting or management of Gaming Revenues, excepting applications and data maintained by a government-regulated financial institution.
- (z) "Gaming-Related Contractor" means any person who is a party to a Gaming-Related Contract as defined in the Gaming Code.
- (aa) "IGRA" means the Indian Gaming Regulatory Act of 1988, 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§ 1166-1168, including any amendments, and where appropriate all lawful regulations promulgated thereunder.
- (bb) "Immediate" or "without delay" means as soon as possible, delayed only by undertaking other actions that are essential to the public safety or welfare.
- (cc) "Key Gaming Employee" means:
  - (1) any natural person employed by a Gaming Operation who falls within the definitions of "Key Employee" or "Primary Management Official" under IGRA and its implementing regulations, and also any natural person employed by a Gaming Enterprise who falls within one of those definitions because of job responsibilities that relate to a Gaming Operation, Gaming Activity, or Gaming Revenues, and
  - (2) such other employees as may reasonably be included by the Board by regulation because they exercise significant responsibility or influence with respect to a Gaming Activity or Gaming Revenues. All valet personnel shall also be considered Key Gaming Employees unless expressly excluded by the Board by regulation or order.

The distinction between Key and Non-Key Gaming Employees is addressed more fully in 1003(c).

- (dd) "Licensee" means a natural person, entity, or organization, including an employee, agent or representative of any such person, entity or organization, holding a license issued by the Board.
- (ee) "Management Contract" means a contract between the Pueblo and the Management Contractor or between a Management Contractor and a subcontractor to manage all or part of a gaming Enterprise.
- (ff) "Management Contractor" means any person who enters into a Management Contract with the pueblo.
- (gg) "MICS" means the minimum internal control standards established by the Commission and adopted as revised by the Board as "TICS" or Tribal Internal Control Standards.
- (hh) "Moral Turpitude" means an act done contrary to honesty and good morals; it is an act of baseness, vileness, or depravity in the private and social duties which a person owes to a fellow person or to society in general.
- (ii) "NIGC" means the National Indian Gaming Commission.
- (jj) "Non-Gaming Contract" means a contract or other agreement reasonably anticipated to be in excess of \$10,000 in a calendar year (or a greater amount established by the Board by regulation calculated to protect the integrity of Gaming Activity and the revenues therefrom) to provide any goods, services, or concessions which are not directly related to a Gaming Activity but which are for use or consumption
  - (1) by a Gaming Operation,
  - (2) at a Gaming Facility, or
  - (3) significantly by patrons of a Gaming Facility.
- (kk) "Non-gaming Services" means the provision of any goods, services or concessions, which are not connected to any gaming on Pueblo Lands, to the Gaming Enterprise, or Management Contractor.
- (ll) "Non-Gaming Employee" means an employee of a Gaming Enterprise or Gaming Operation who is not a Key Gaming Employee or Non-Key Gaming Employee.
- (mm) "Non-Key Gaming Employee" means any person:
  - (1) who is not a Key Gaming Employee;
  - (2) who is employed either by
    - (a) a Gaming Operation or
    - (b) any employer within a Gaming Facility;

and

- (3) whose employment includes work in areas in which Gaming Activity is conducted or in which cash or other valuable items or information relating to Gaming Activity or Gaming Revenues are handled; provided, however, that categories of employees, such as beverage servers, barbacks, and similar employees, whose exposure to the Gaming Activity in such areas is limited and who are not licensed by the Board as of September 1, 2013 will not be licensed under this chapter unless at the express direction of the Pueblo Council. Examples of such areas are a cage, pit, drop and count room, poker room, card and dice room, surveillance, administrative office, and player's club room.

Employees whose employment does not meet this definition or the definition of a Key Gaming Employee are not licensed by the Board. Notwithstanding the foregoing, any employee who is not a Key Gaming Employee but who is required to be licensed by the Board under Applicable Law (excepting the Board's regulations) or the Compact is nevertheless a Non-Key Gaming Employee. The distinction between Key and Non-Key Gaming Employees is addressed more fully in 1003(c).

- (nn) "Non-gaming Contractor" means any person providing non-gaming services.
- (oo) "Patron" means any natural person frequenting a Gaming Facility and who must be at least 18 years of age to enter and/or participate in class II gaming or non-gaming area, and who must be at least 21 years of age to enter and/or participate in a Class III Gaming or a Class III Gaming area.
- (pp) "Person" means any individual, partnership, corporation, company, or other legal entity.
- (qq) "Prizes of Minimal Value" means the aggregate amount of all prizes awarded or given in a single gathering or session that is allowed by the Board by regulation not to exceed the greater of \$5,000 or an amount allowable for similar activities under New Mexico law. The Board may authorize raffles for prizes of greater amounts.
- (rr) "Pueblo" means the Pueblo of Laguna, a federally recognized Indian tribe, its authorized officials, agents and representatives.
- (ss) "Pueblo Council" means the Laguna Pueblo Council, the governing body of the Pueblo.
- (tt) "Pueblo Lands" means
- (1) land with the exterior boundaries of the Laguna Reservation, or
  - (2) land over which the Pueblo exercises governmental power and that is either:
    - (i) held in trust by the United States for the benefit of the Pueblo or its members, or
    - (ii) held by the Pueblo or its members subject to restriction by the United States against alienation.
- (uu) "Sensitive Area" means an area in which Gaming Machines, Gaming Equipment, Gaming Systems, Gaming Revenues, and other potentially vulnerable Gaming Activity-related assets are located, including but not limited to cage, pit, drop and count room, poker room, card and dice room, surveillance, administrative office, player's club room,

shipping and receiving, and similar areas as designated by TGRA either temporarily or permanently.

- (vv) "Sponsoring Organization" means any organization not organized for pecuniary profit that has been granted an exemption from federal income tax as an organization described in 501(c)(3) of the Internal Revenue Code, or any organization affiliated with or recognized by the Pueblo and organized for the purpose of promoting any interest of the Pueblo.
- (ww) "State" means the State of New Mexico, its authorized officials, agents, and representatives.
- (xx) "State Gaming Representative" means a Person designated by the New Mexico Gaming Control Board, pursuant to the New Mexico Gaming Control Act, to be responsible for actions of the state under the compact. The state gaming representative shall be the single contact with the Board and may be relied upon as such by the Board.
- (yy) "Pueblo Court" means the Pueblo of Laguna Tribal Court.
- (zz) "Wager" means a sum of money or a thing of value risked on an uncertain occurrence.

## RULE 2

### ORGANIZATION AND OPERATION OF THE CONTROL BOARD

201. Scope.

This rule sets forth the organization of the Control Board and the delegation of authority.

202. Organization of Control Board.

- (a) At the first meeting of each calendar year, the Control Board shall select a chair and a vice-chair from among its membership. The Control Board may also select a secretary-treasurer who does not need to be a member of the Control Board.
  - (1) The chair shall schedule and preside at all regular and special meetings. The chair shall have general supervision, direction and control of the affairs of the Control Board and shall carry out other duties that are incidental to the office or that may be assigned by the Control Board.
  - (2) The vice-chair shall have the powers and carry out the duties assigned by the Control Board. In the absence or inability of the chair to serve, the vice-chair shall be empowered to carry out all of the responsibilities and duties of the chair.
  - (3) The secretary-treasurer shall be the official custodian of all files and records of the Control Board, and shall keep and maintain minutes of each meeting of the Control Board. The secretary-treasurer shall also be responsible for management of and accounting for funds allocated to the Control Board. The secretary-treasurer shall be the custodian of the seal.

203. Meetings.

- (a) The Control Board shall meet at least once a month to transact Control Board Business. When practicable, the chair shall give written notice of meetings to Control Board members, but the chair may call a meeting by giving oral notice thereof to the members of the Control Board. The Control Board may request the attendance of representatives of the Management Contractor at its monthly meetings.
- (b) The Control Board may hold special meetings to transact Control Board business.
- (c) In addition to meeting in person the Control Board may take action by a telephone conference call. If a telephone conference call is used, the Executive Director must participate in the call and take minutes of the Controls Board's action. A telephone conference call constitutes a meeting of the Control Board.
- (d) The Control Board shall ensure that accurate minutes are kept of each meeting. The minutes shall be transcribed and approved by the Control Board at the next meeting after they are made available to the members of the Control Board.
- (e) The Control Board may adopt a seal that shall be affixed to all documents to certify the official action of the Control Board.

204. Delegation of Authority.

- (a) The Control Board may, in its discretion and where permitted by law, delegate its authority to perform any of its functions under the ordinance, these regulations, or the compact to the executive director or other member of its staff. Except as provided in paragraph (d) of this Section below, a delegation of authority shall be deemed to be the final action of the Control Board, without approval, ratification, or other further action by the Control Board.
- (b) Except as provided in paragraph (f) of this Section, any delegation of authority by the Control Board shall be authorized through the adoption of a formal resolution by the Control Board. The resolution shall specify the following:
  - (1) The specific authority delegated;
  - (2) The member of the Control Board's staff to whom the authority is delegated; and
  - (3) Any limitations or conditions imposed on the authority delegated.
- (c) All delegations of authority shall remain in effect indefinitely, unless otherwise specified in the implementing resolution. Any delegation of authority previously approved by the Control Board may be revoked or modified by the Control Board through the adoption of a subsequent resolution.
- (d) Any determination by the Control Board staff pursuant to a delegation of authority may be reviewed by the full Control Board, upon timely written request by a party adversely affected by the determination. The request must be received by the Control Board within ten calendar days after the date of the determination. No determination by the Control Board staff, pursuant to a delegation of authority, shall be deemed final until all parties have been afforded an opportunity of review by the Control Board in accordance with these regulations. Alternatively, the full Control Board, on its own motion, at the discretion of the chair, or upon request of the Control Board staff, may review any determination of the Control Board staff made under a delegation of authority.
- (e) The use of the term "Control Board", "chair", or "member", in these regulations shall not be interpreted to preclude any delegation of authority to the Control Board staff in accordance with this Section.
- (f) The Executive Director is hereby designated by the Control Board to:
  - (1) Accept any notice, filing, petition, or other document required by these regulations to be served on or submitted to the Control Board;
  - (2) Issue, suspend, summarily suspend or revoke temporary and permanent licenses;
  - (3) Inspect, examine, without notice, any Gaming Facility or Gaming Devices or equipment on Pueblo Lands; and
  - (4) Investigate the conduct of all licensees and other persons having any involvement with the licensee and to ensure that there is no involvement in or with a licensee by any unqualified or unsuitable person.

## RULE 3

### ENFORCEMENT

301. Scope

This rule sets forth the rules for disciplinary proceedings.

302. Grounds for Disciplinary Proceedings

In addition to assessing a civil fine or penalty as set forth in Rule 4, the Control Board may, in accordance with the procedures set forth in this Rule 3, suspend, up to six months, or revoke any license issued by it for the violation of any provision of the Ordinance or these regulations by the Licensee, or the Licensee's employees or agents. Acceptance of a gaming license or renewal thereof by the Licensee constitutes an agreement on the part of the Licensee to be bound by all the regulations of the Control Board, including any regulations that may hereafter be amended or promulgated. It is the responsibility of the Licensee to keep informed of the content of all regulations, and ignorance thereof will not excuse violations.

303. Initiation of Disciplinary Proceedings

- (a) The Control Board may initiate Disciplinary Proceedings against any person licensed under the Ordinance and these regulations where it determines that there are reasonable grounds to believe that the Licensee, the Licensee's employees or agents, or persons associated with the Licensee have violated any provision of the Ordinance or these regulations; that the Licensee, the Licensee's employees or agents, or persons associated with the Licensee are of unsatisfactory moral character; or that violations of laws other than Ordinance or these regulations by the Licensee, the Licensee's employees or agents, or persons associated with the Licensee, make the Licensee no longer suitable for licensing by the Control Board.
- (b) The Control Board shall initiate Disciplinary Proceedings by sending to the Licensee a notice of violation by first class mail at the last known mailing address of the Licensee. The notice of violation shall state the grounds for the proposed disciplinary action and the time and place for any hearing before the Control Board concerning the proposed disciplinary action. The notice shall be mailed or hand-delivered to the Licensee at least 30 days before the hearing.

304. Informal Consultation

The Executive Director may consult with the Licensee and the parties affected in an effort to resolve the matter satisfactorily without a hearing. The Executive Director must notify in writing the affected parties of the results of the informal consultation. The informal consultation does not prevent the Control Board from conducting a hearing.

305. Assurance of Voluntary Compliance

The Executive Director may accept an assurance of voluntary compliance regarding any act or practice alleged to violate the Ordinance or these regulations, from a Person who has engaged in, is engaging in, or is about to engage in such acts or practices. The assurance must be in writing and may include a stipulation for the voluntary payment of the costs of the investigation and an amount necessary to restore to a Person money or property which may have been

acquired by the alleged violator because of the acts or practices. An assurance of voluntary compliance may not be considered an admission of a violation for any purpose; however, proof of failure to comply with the assurance of voluntary compliance is prima facie evidence of a violation of the Ordinance or these regulations. The Control Board may approve or review an assurance of voluntary compliance.

306. Decision to Initiate Disciplinary Action

At any time during the review and investigation of a Licensee, the Executive Director may decide to initiate Disciplinary Proceedings.

307. Criminal Convictions as Grounds for Revocation or Suspension

The Control Board may revoke or suspend the gaming license of any Person who is convicted of a crime, even though the convicted person's post conviction rights and remedies have not been exhausted, if the crime or conviction involves a felony, gambling, or if it discredits or tends to discredit the Pueblo or the gaming industry.

308. Facts of Criminal Charge

The charge in any jurisdiction of a Licensee with a felony or with a misdemeanor involving Moral Turpitude is grounds for disciplinary action. The Control Board may find the Licensee guilty of a violation of this Section based on the facts of the criminal charge even though the Licensee has been acquitted on the criminal charge.

309. Final Action by Control Board

After hearing the evidence and reaching a decision in connection with any Disciplinary Proceedings, the Control Board may find the Licensee not guilty of any of the grounds alleged for disciplinary action in which event the Disciplinary Proceedings shall be terminated. The Control Board may, however, find the Licensee guilty by a preponderance of the evidence of some or all of the grounds alleged for disciplinary action in which event the Control Board: (i) may revoke the license, (ii) suspend the license for a particular period of time, (iii) impose a civil fine or penalty as provided Rule 4, (iv) issue a public or private letter of reprimand to be placed in the file of the Licensee, (v) accept an assurance of voluntary compliance, or (vi) may take any combination of these actions. This Section does not prevent the Control Board from compromising or settling at any time. A written decision must be entered before any decision of the Control Board to suspend or revoke a license shall be considered final. The Control Board may allow or require briefs of law before making any decision.

310. Summary Suspension

(a) Where the Control Board has reasonable grounds to believe and finds that any Person licensed under the Ordinance and these regulations has been guilty of a deliberate or willful violation of any provision of the Ordinance or these regulation, or that the Licensee has been charged with a felony in any state or other jurisdiction, or that due to other violations of law by the Licensee, the public health, safety, or welfare imperatively requires emergency action, and where the Control Board incorporates such findings in its order, the Control Board may summarily suspend the Licensee's license pending Disciplinary Proceedings for suspension or revocation. Any such Disciplinary Proceedings shall be promptly instituted and determined.

(b) The summary suspension of a license without notice pending a public hearing shall be for a period not to exceed 30 days.

- (c) The Executive Director must have delivered a notice of summary suspension personally or by mail to the Licensee who has been suspended. The notice must state when the suspension will begin and end, and must state the reasons for the suspension.
- (d) The Executive Director must have served upon the summarily suspended Licensee a formal notice initiating Disciplinary Proceedings and a notice of hearing within five days after receipt by the Licensee of the notice of summary suspension. The notice initiating Disciplinary Proceedings and the notice of hearing may be issued by the Executive Director without prior Control Board approval. The Control Board shall hear the matter on an expedited basis, but in no event later than 30 days after the imposition of the summary suspension.

311. Conditions Imposed by Control Board for Re-issuance of License

The Control Board or Executive Director may require a Person who formerly held a license to meet certain conditions before reissuing a license to that Person, including but not limited to the following:

- (a) Restitution of money;
- (b) Restitution of property; and
- (c) Making periodic reports to the Control Board or Executive Director as required.

312. Order of Temporary Closure

- (a) Simultaneously with or subsequently to issuance of a notice of violation under § 303(b) of these regulations, the Control Board may issue an order of temporary closure of all or part of a Gaming Facility, if one or more of the following substantial violations are present:
  - (1) A Gaming Enterprise operates for business without a license from the Control Board;
  - (2) A Gaming Enterprise operates for business without licenses granted to all Key Gaming Employees and Gaming Employees;
  - (3) There is clear and convincing evidence that a Gaming Enterprise defrauds a Patron;
  - (4) A Management Contractor operated for business without a Management Contract approved by the NIGC;
  - (5) The Gaming Enterprise refuses to allow an authorized representative of the Control Board or other authorized official to enter or inspect a Gaming Facility;
  - (6) The Gaming Enterprise fails to suspend a licensee upon notification by the Control Board or NIGC that a Key Gaming Employee or Gaming Employee does not meet the standards for licensing;
  - (7) The Gaming Enterprise operates Class II gaming or Class III Gaming in violation of the Ordinance, the compact, or these regulations; and if

- (8) A Gaming Facility is constructed, maintained, or operated in a manner that threatens the environment or the public health and safety.
- (b) The Gaming Enterprise shall close the Gaming Facility upon service of an order of temporary closure, unless the order provides otherwise.
- (c) Within seven calendar days after service of an order of temporary closure, the respondent may request, in writing, informal expedited review by the Control Board.
  - (1) The Control Board shall complete the expedited review within three business days after receipt of a timely request.
  - (2) The Control Board shall, within two business days after the expedited review:
    - (i) Decide whether to continue an order of temporary closure; and
    - (ii) Provide the respondent with an explanation of the basis for the decision.
    - (iii) Whether or not the respondent seeks informal expedited review hereunder, the respondent may appeal the order of temporary closure to the full Control Board within 20 calendar days after the Control Board serves the order of temporary closure. Otherwise, the order shall remain in effect unless rescinded by the Control Board for good cause.

## RULE 4

### FINES AND PENALTIES

401. Scope

This rule addresses the assessment of civil fines.

402. Review of Notice of Violation

The Control Board shall review each notice of violation to determine whether a civil fine will be assessed, the amount of the fine, and, in the case of continuing violations, whether each daily illegal act or omission will be deemed a separate violation for purposes of the total civil fine assessed.

403. Civil Fine; Amount; Determination

The Control Board may assess a civil fine, not to exceed \$5,000.00 per violation, against a Gaming Enterprise, Key Gaming Employee, Gaming Employee, or any other Person for each notice of violation issued by the Control Board after considering the following factors:

- (a) The Control Board shall consider the extent to which the respondent obtained an economic benefit from the noncompliance that gave rise to a notice of violation, as well as the likelihood of escaping detection.
  - (1) The Control Board may consider the documented benefits derived from the noncompliance, or may rely on reasonable assumptions regarding the benefits.
  - (2) If noncompliance continues for more than one day, the Control Board may treat each daily illegal act or omission as a separate violation.
- (b) The Control Board may adjust the amount of a civil fine to reflect the seriousness of the violation. In doing so, the Control Board shall consider the extent to which the violation threatens the integrity of gaming.
- (c) The Control Board may adjust a civil fine by an amount that reflects the respondent's history of violations over the preceding year.
  - (1) A violation cited by the Control Board shall not be considered unless the associated notice of violation is the subject of a final order of the Control Board and has not been vacated; and
  - (2) Each violation shall be considered whether or not it led to a civil fine.
- (d) The Control Board may adjust the amount of the civil fine based on the degree of fault of the respondent in causing or failing to correct the violation, either through act or omission.
- (e) The Control board may reduce the amount of a civil fine based on the degree of good faith of the respondent in attempting to achieve rapid compliance after notification of the violation.

404. Procedures for Assessment of Civil Fines

- (a) Within Seven calendar days after service of a notice of violation, or such longer period as the Control Board may grant for good cause shown, the respondent may submit written information about the violation to the Control Board. The Control Board shall consider any information submitted in determining the facts surrounding the violation and the amount of the civil fine.
- (b) The Control Board shall serve a copy of the proposed assessment on the respondent within 15 calendar days after the notice of violation was issued, when practicable.
- (c) The Control Board may review and reassess any civil fine if necessary to consider facts that were not reasonable available on the date of issuance of the proposed assessment.

405. Reduction, or Waiver of Civil Fine

- (a) Upon written request of a respondent received at any time, before the filing of an appeal pursuant to § 806 of these regulations, the Control Board may reduce or waive a civil fine if the Control Board determines that, taking into account exceptional factors present in a particular case, the fine is demonstrable unjust.
- (b) All petitions for reduction or waiver of fine shall contain:
  - (1) A detailed description of the violation that is the subject of the fine;
  - (2) A detailed recitation of the facts that support a finding that the fine is demonstrable unjust, accompanied by relevant documentation, if any; and
  - (3) A declaration, signed and dated by the respondent and respondent's counsel or representative, if any, as follows: "Under penalty of perjury, I declare that, to the best of my knowledge and belief, the representations made in this petition are true and correct."
- (c) The Control Board shall serve the respondent with written notice of determination under § 403, including a statement of the grounds for the Control Board's decision.

406. Settlement

The Control Board and the respondent may agree to settle an enforcement action, including the amount of the associated civil fine. In the event a settlement is reached, a settlement agreement shall be prepared and executed by the Control Board and the respondent. If a settlement agreement is executed, the respondent shall be deemed to have waived all rights to further review of the violation or civil fine in question, except as otherwise provided expressly in the settlement agreement. In the absence of a settlement of the issues hereunder, the respondent may contest the assessed civil fine before the Control Board in accordance with Rule 8.

407. Final Assessment

If the respondent fails to request a hearing as provided in Rule 8, the proposed civil fine assessment shall become a final order of the Control Board. Civil fines assessed under these regulations shall be paid by the Person assessed and shall not be treated as an operating expense of the Gaming Enterprise.

## RULE 5

### FEES

501. Scope

This rule sets forth the rules for the imposition of fees.

502. Application and Investigative Fees

The applicant shall pay all fees and cost incurred by the Control Board in conjunction with the application for license and Background Investigation of the applicant in the manner prescribed by these regulations.

503. Schedule of Fees

Each application for license must be accompanied by a non-refundable application fee and background investigative fee in the amount specified on the schedule of fees, which shall be prepared and posted by the Control Board 30 calendar days before the beginning of each fiscal year of the Control Board.

504. Supplemental Fees

If the actual cost to the Control Board for a Background Investigation exceeds the amount on the schedule of fees, the Control Board may require an applicant to pay supplemental background investigative fees and costs.

505. Final Action

The Control Board shall not take final action to approve any application unless all application and background investigative fees and costs have been paid in full by the applicant. The Control Board may deny the application if the applicant fails or refuses to pay all application and background investigative fees and costs.

506. Accounting of Fees

Upon final action on the application for license, the Control Board shall give to the applicant an itemized accounting of the background investigative fees and the costs incurred.

## RULE 6

### DECLARATORY ORDERS

601. Scope

This rule establishes procedures for the issuance of declaratory orders from the Control Board.

602. Petition for Declaratory Order; Contents

- (a) Any Person desiring the Control Board to issue a declaratory order regarding the applicability to that Person of any provision or rule relating to gaming, or order of the Control Board or the Executive Director may file a petition for declaratory order. The petition must be filed with the Executive Director along with a non-refundable filing fee in the amount of \$100.00; however, upon good cause shown the filing fee may be waived by the Control Board. No fee shall be required, if the petitioner is a tribal governmental agency.
- (b) The petition shall state the following:
  - (1) The specific provision, regulation, rule, order, decision, or determination in question;
  - (2) The facts and circumstances that give rise to the issue to be answered by the Control Board's declaratory order; and
  - (3) The precise issue to be answered by the declaratory order.

603. Control Board Action on Petition

Upon receipt of an original and four copies of the petition, the Control Board may request any additional information from the petitioner that it requires for the issuance of its declaratory order. Following receipt of the petition, the Control Board must dismiss the petition, hold a hearing, or issue its declaratory order within 60 days if no additional information is requested or where such additional information is promptly provided, and serve a copy of it by mail on the petitioner. The Control Board shall not issue a declaratory order where additional information has been requested and has not been provided.

## RULE 7

### ISSUANCE OF REGULATIONS

701. Scope

This rule establishes procedures for the issuance of regulations by the Control Board.

702. Draft Regulation, Comment Period

At least 30 calendar days before adopting or amending any regulation, the Control Board shall post notice of its proposed action at the following locations and any others that the Board may identify: the Pueblo's governmental headquarters, each gaming facility affected by the proposed action, and the Control Board's offices. The Control Board shall also notify by mail any interested Person who has filed an annual written request for notices of proposed action by the Control Board. The notice shall: (i) describe the substance of the proposed action; (ii) state the manner in which the comments of any interested party pertaining to the proposed action may be submitted to the Control Board; and (iii) afford the interested party a reasonable time period of not less than 30 calendar days within which to comment on the proposed action.

703. Adoption of Final Regulations

After considering all the written comments regarding the proposed action, the Control Board may adopt final regulations at any time after the close of the comment period. The Control Board, in its discretion, may revise the proposed regulation in light of comments received from an interested party or for other reasons deemed appropriate by the Control Board. The Control Board shall publish a copy of the final regulation in any newspaper or other publication of general circulation within Pueblo Lands and mail a copy of the final regulation to the interested persons that submitted comments on the proposed regulation.

704. Effective Date

Unless otherwise specified, the final regulation shall take effect on the day after the notice adopting the final regulation is published by the Control Board.

705. Emergency Regulations

The Control Board may issue emergency regulations to take effect immediately in order to deal with an emergency situation or avoid serious jeopardy to the integrity of gaming upon making written findings. However, the Control Board shall publish notice and request comments from interested parties pertaining to the emergency regulations in the same manner as provided in Sections 702 and 703, and upon consideration of any comments received, shall make any amendments to the emergency regulations as the Control Board deems appropriate.

706. Filing of Regulations

All final regulations adopted by the Control Board shall be officially filed with the Tribal Secretary.

707. Public Hearings

Nothing in these regulations shall prohibit the Control Board from holding a public hearing to receive oral comments pertaining to any proposed action.

## RULE 8

### ADJUDICATIVE HEARINGS

#### 801. Scope

This rule establishes procedures for hearing before the Control Board.

#### 802. Hearings

Whenever any provision in the ordinance, regulation, or compact provides for a hearing on any proposed action of the Control Board and a hearing is requested in accordance with that provision, the Control Board shall promptly schedule a hearing. The Control Board shall give written notice to all interested parties of the time and place of the hearing and of the particular matter to be heard. Except in extraordinary situations, no hearing shall be held less than ten business days after the written notice is given.

#### 803. Delegation to Hear Matter

The Control Board may delegate authority to a specific member of the Control Board to hear any Administrative Adjudicatory Proceeding or appeal and to decide any matter arising under these regulations, ordinance, or compact. However, the ruling or decision made by the member of the Control Board shall be subject to reconsideration by the full Control Board upon the request of any other member of the Control Board. The Control Board may also delegate authority to a hearing officer employed by the Control Board for the specific purpose of hearing any administrative adjudicatory proceedings or appeal and to decide any matter arising under these regulations, ordinance, or compact. In the absence of any delegation of authority, the full Control Board shall hear the matter.

#### 804. Hearing Procedure

Hearings shall be conducted in a semi-formal manner; however, the Control Board or duly authorized individual provided for in § 803 shall not apply strict evidentiary standards to the receipt of evidence, but shall use its discretion to assure that the evidence submitted is relevant, material, and reasonably trustworthy. All testimony shall be given under oath and no Person shall be allowed to provide testimony without being subject to cross-examination by the adverse party or the Control Board. A party may be represented by counsel and shall be entitled, on written request at least five calendar days before the hearing, to have subpoenas issued by the Control Board to compel the attendance of witnesses.

- (a) The appellant or party requesting the hearing shall proceed first with the presentation of sworn testimony, documentary evidence, or other competent evidence in support of the appellant's position.
- (b) Following the presentation of the case of the appellant or the party requesting the hearing, the appellee may be heard in opposition. At the close of evidence, the Control Board may receive argument by the parties or their counsel on the issues before the Control Board, after which the Control Board may recess the hearing.

#### 805. Decision

The Control board shall, within one week following a hearing, render a ruling or decision thereon. The Control Board may require additional testimony, or, upon good cause shown, permit additional evidence to be offered before rendering a decision on the merits. The decision of the Control Board following a hearing shall be rendered in writing and copies of the decision sent to all parties or their counsel.

806. Tribal Court Review

Any party aggrieved by a final decision of the Control Board may appeal that decision to the Tribal Court pursuant to §14 of the Ordinance, by filing a written notice of appeal with the clerk of the tribal court, and serving a copy thereof on the Control Board and all other interested parties, no later than thirty days from the date of the Control Board's decision. Within 30 calendar days after receiving the notice of appeal, the Control Board shall transmit a certified copy of the complete file of the matter to the tribal court. The tribal court shall decide the appeal on the basis of the evidence presented to the Control Board. No additional evidence shall be presented to the tribal court, but the tribal court may permit legal arguments on the record.

## RULE 9

### CONFLICT OF INTEREST

901. Scope

This rule establishes guidelines for conflicts of interest.

902. Prohibition on Gaming

No Control Board member, officer, agent, or employee of the Control Board may participate in any gaming authorized by the Compact, the Ordinance, or these regulations. Violation of this Section, knowingly, by a Licensee or the licensee's officer, agent, or employee is grounds for disciplinary action against the Licensee. This Section does not prohibit gaming by a Control Board agent or employee in the course of the agent or employee's lawful discharge of duties.

903. Prohibition on Receiving Items of Value

No Control Board member, officer, agent, or employee of the Control Board may receive anything of value from a Licensee or an officer, agent, or employee of a Licensee. No Control Board member, officer, agent, or employee of the Control Board may receive an item of value from an applicant for a license or an officer, agent, or employee of an applicant for a license. This Section does not apply to items of insignificant value that are distributed without charge to the general public by a Licensee or applicant for a license. A violation of this Section by a Licensee or any of the licensee's officers, agents, or employees is a ground for disciplinary action against the Licensee. A violation of this Section by an applicant for a license or any of the applicant's officers, agents, or employees is a ground for denial of an application.

904. Prohibitions on Giving Items of Value

No Licensee or applicant for a license shall give anything of value to any member, employee, or agent of the Control Board. This Section does not apply to items of insignificant value that are distributed without charge to the general public by a Licensee or applicant for a license.

## Rule 10

### LICENSING

#### 1001. Scope

This Rule governs the evaluation of all applications for licenses under the Gaming Code.

#### 1002. Revocable Privilege

- (a) Any license that is issued by authority of the Board is a revocable privilege and no Person holding a license or approval shall be deemed to have acquired any vested rights therein or thereunder.
- (b) The burden of proving the Applicant's suitability to hold any license is at all times on the Applicant. An Applicant accepts any and all risk of adverse public notice, embarrassment, criticism, or other action or financial loss that may result from the application process. By making the licensing process available to applicants for and to recipients of licenses, the Board does not intend either to create any cause of action or to waive its sovereign immunity unless expressly stated in the Gaming Code or these regulations.
- (c) An application for a license shall constitute a request to the TGRA for a decision upon the Applicant's general suitability, character, integrity, and ability to participate or engage in, or be associated with, Gaming Activity in the manner or position sought by the Applicant. By filing an application with the TGRA, the Applicant specifically consents to the making of that decision by the Board and TGRA.

#### 1003. License Requirement: Gaming Employees

- (a) Any Person who will be employed by a Gaming Operation in a Gaming Employee position shall, prior to beginning such employment or receiving any compensation for such employment, be required to hold a current and valid temporary or permanent license issued in accordance with these regulations.
- (b) A Gaming Operation shall not employ a Key Gaming Employee who does not hold a permanent license within 90 days of his or her date of hire.
- (c) Classification of Gaming Employees
  - (1) Purpose. In some instances, the distinctions between Key Gaming Employees and Non-Key Gaming Employees, and between Gaming Employees and Non-Gaming Employees has caused confusion. Those distinctions have evolved over time based on position-by-position assessments. The factors considered in those assessments are too complex to define in these regulations a manner that would provide certain results as new positions are created. Moreover, the Pueblo Council, in enacting the Gaming Code amendments in 2013, placed a restriction on the discretion of the Board in classifying employees who must be licensed, stating that "categories of employees, such as beverage servers, barbacks, and similar employees, whose exposure to the Gaming Activity in such areas is limited and who are not licensed by the Board as of September 1, 2013 will not be

licensed under this chapter unless at the express direction of the Pueblo Council." Accordingly, this subsection (c) provides a mechanism for continued evaluation of each position as it is created for classification as a Key Gaming Employee, Non-Key Gaming Employee, or Non-Gaming Employee position and for maintaining a definitive listing of those classifications in a schedule published by the Board and updated on a periodic basis.

- (2) Classifications by Position Title. The Board shall maintain a schedule listing each position title and its classification for licensing purposes. The schedule shall be available on the TGRA website and shall be provided promptly to each Gaming Enterprise and Gaming Operation.
- (3) As new position titles are created, and as position descriptions are changed, by a Gaming Enterprise or Gaming Operation, the Executive Director has the authority to make an interim determination of the classification of the new position pending formal action by the Board to add the position to 1003(c)(2). The Executive Director shall promptly notify each Gaming Enterprise and Gaming Operation of the interim classification, which shall be effective and not subject to review until the Board updates the schedule under paragraph (4).
- (4) The Board shall, not less than annually, review the interim classifications made by the Executive Director under paragraph (3) and make final classification determinations pursuant to the Gaming Code and these regulations, and update the classifications schedule.

#### 1004. Classification of Licenses

As provided in the Gaming Code, certain Persons are required to obtain a license from TGRA before working for or conducting business with a Gaming Operation or at a Gaming Facility, and the Gaming Operation may not conduct business with a Person who or which must be but is not licensed.

- (a) Gaming License. A Gaming License is required of natural persons as prescribed by the Gaming Code and these regulations, and are issued in the following subcategories:
  - (1) A Primary Management Official License is required for any Person employed by a Gaming Enterprise or Gaming Operation who meets the definition of a Primary Management Official in 25 C.F.R. § 502.19(a)-(d).
  - (2) A Key Gaming Employee License is required for any Person employed as a Key Gaming Employee who is not required to have a Primary Management Official License.
  - (3) A Non-Key Gaming Employee License is required for any Person employed as a Gaming Employee but not as a Key Gaming Employee.
  - (4) A Primary Management Official Gaming License is required for each Board member and any Person employed by TGRA or otherwise under the authority of the Board in any capacity involving the regulation of any Gaming Activity or access to information involving any Gaming Activity.

- (5) A Primary Management Official Gaming License is required for each member of the board of directors or similar body of a Gaming Enterprise, Gaming Operation, or Gaming Facility.
- (b) A Management Contractor License is required for any Person managing all or part of a Gaming Enterprise under a Management Contract between the Pueblo and the Management Contractor, or between a Management Contractor and subcontractor.
- (c) A Gaming Facility License is required for a Gaming Enterprise or Gaming Operation to conduct Gaming at a Gaming Facility.
- (d) Contractor License. Contractor licenses are required of certain Persons conducting business with a Gaming Enterprise, Gaming Operation, or Management Contractor if their relevant receipts do, or are reasonably expected to, exceed \$10,000 in a calendar year as provided in the Gaming Code and these regulations. Contractor licenses are issued in the following subcategories:
  - (1) A Gaming-Related Contractor License is required for any Person providing goods or services under a Gaming-Related Contract, including individual Persons who both are employed or retained by the Gaming-Related Contractor who will have access by any means to Gaming Machines, Gaming Equipment, Gaming Systems, Gaming Revenues, or areas of a Gaming Facility deemed sensitive by the TGRA, or to sensitive information regarding any of the aforementioned.
  - (2) A Non-Gaming Contractor License is required for any Person providing goods or services under a Non-Gaming Contract.
  - (3) A Construction Contractor's License is required for any Person providing construction services to the Pueblo or to a Gaming Enterprise, Gaming Operation, or Management Contractor which are not directly related to a Gaming Activity but which are for use or consumption by a Gaming Operation, at a Gaming Facility, or significantly by patrons of a Gaming Facility.
- (e) A Special Gaming License may be granted to any Person that the TGRA determines must be licensed under § 14-1-5A(7) to protect the integrity of gaming but does not fit within any of the license types listed above.
- (f) Exemptions from License Requirement.

TGRA may issue an exemption regarding Persons otherwise required to have a Non-Gaming Contractor License or a Construction Contractor License.

- (1) Such exemptions shall be requested by the Gaming Operation on forms prescribed by TGRA. Any exemption is issued to the Gaming Operation and exempts it from the prohibition on doing business with a Person otherwise requiring a license. An exemption also relieves the Person from the requirement to have a license.
- (2) TGRA may request from the Gaming Operation any information deemed necessary to assess the request for an exemption. As an alternative and in its discretion, TGRA may request such information directly from the Person seeking the exemption.

- (3) TGRA may assess a reasonable fee when making a determination regarding a request for exemption, including research and staff costs.
- (4) Exemptions are granted at the sole discretion of TGRA under the authority of the Board. Denials of exemption requests are subject to hearing by the Board under Section 8.
- (5) Entities Subject to Exemption Consideration. TGRA may grant an exemption to a Non-Gaming Contractor or Construction Contractor when it determines that doing so is both in the best interest of the Pueblo and does not pose an undue risk to the integrity of any Gaming Activity or Gaming Revenues. An exemption may be granted to entities meeting one or more of the following descriptions or criteria, or to entities having substantially similar characteristics in the sole discretion of the TGRA:
  - (i) Corporations that are publicly traded on a recognized stock exchange with annual gross revenue of more than \$50 million;
  - (ii) National or regional chains having ten or more locations in at least five states;
  - (iii) Public utilities and communications companies (including cooperatives) whose rates charged to the Gaming Operation are set by tariff or other schedule approved by an independent regulatory entity;
  - (iv) National delivery services, including the United States Post Office, United Parcel Service, Fed Ex, and similar entities;
  - (v) Entities wholly owned by Pueblo members if the goods and services provided to all Gaming Operations is reasonably anticipated to be less than \$50,000 in a calendar year;
  - (vi) Entertainers and other similar Persons retained, directly or indirectly, by a Gaming Operation to perform on a one-time basis or infrequently for an event of limited duration;
  - (vii) Transportation companies retained by a Gaming Operation or Gaming Enterprise to provide service to Patrons at a fixed contract rate;
  - (viii) Print, broadcast, internet, satellite, and cable media, including newspapers, magazines, and radio and television stations from which only the physical media or electronic content is purchased;
  - (ix) Advertising media, including print publications, broadcast, internet, cable, satellite, and cellular, whose advertising rates are fixed by schedule (even if subject to discounts for volume or otherwise), provided, however, that a license exemption does not relieve the Gaming Operation from obtaining approval of any promotion contained within any advertising, and provided that advertising agencies, advertising brokers, and similar entities are expressly not subject to exemption.
  - (x) The United States, the State of New Mexico, and the Pueblo of Laguna, each as the recipient of payments from Gaming Revenues as required by Applicable Law, the Compact, or agreement.
  - (xi) Trade or Interest Group Associations that are registered with a tribal, state or federal government (e.g., the National Indian Gaming Association).
  - (xii) Non-profit organizations registered with a tribal, state or national government and which must regularly report their financial condition publicly.
  - (xiii) Commercial airlines, Amtrak, and other regulated public carriers.
  - (xiv) Internet merchants who sell standard retail products at generally available prices, provided that purchases are subject to a Gaming Operation protocol intended to identify competitive prices.

- (6) Other Exemption Factors. A Non-Gaming Contractor or Construction Contractor is less likely to threaten the integrity of a Gaming Activity or Gaming Revenues, and therefore more likely to qualify for an exemption, if:
  - (i) It provides only standardized goods at published prices, notwithstanding any volume discounts;
  - (ii) It does not provide tangible or intangible items of value to the individual placing an order (e.g., gift cards, coupons).
- (7) Exceptions. Even if a Person would otherwise meet the criteria for a license exemption, that Person shall not be granted an exemption if the contract requires or allows:
  - (i) on-site work in or near a sensitive area, or
  - (ii) any work that provides access to Gaming Machines or Gaming Systems.

1005. Application

- (a) An Applicant for any type of license must apply on forms provided by the Board. The application forms shall be completed under the penalty of perjury. The application forms may include questions concerning the following:
  - (1) Personal background information;
  - (2) Financial information;
  - (3) Participation in legal and illegal gaming or other activities in any jurisdiction;
  - (4) Criminal record information;
  - (5) Information concerning all pecuniary and equity interest in the Applicant; and
  - (6) Other information as required.
- (b) The application forms shall be accompanied and supplemented by the documents and information as may be specified or required. The failure to supply the information constitutes grounds for delaying or denying the application.
- (c) All documents and information required to be included in an application for license must be true and complete as of the date the application is filed with the TGRA. The Applicant shall promptly amend any document or information based on facts occurring after filing the original application so as to keep the information true and accurate.
- (d) An application may be amended in any respect by leave of the TGRA at any time before final action by the TGRA. Any amendment to the application shall have the effect of establishing the date of the amendment as new filing date of the application with respect to any time requirements for the action on the application.

1006A. Ineligibility to Apply.

If an Applicant is deemed by the TGRA to be ineligible to apply for a license under Section 1017 or otherwise, the application may be summarily rejected.

- (a) The fee paid shall not be refunded.
- (b) A summary rejection is not a license denial.
- (c) The Applicant may seek a hearing before the Board under Rule 8 of these regulations. Applicants are cautioned, however, that matters leading to an ineligibility determination are generally straightforward and not likely to be overturned after a hearing.
- (d) The Applicant shall remain ineligible to apply until the underlying matter resulting in ineligibility (e.g., a pending criminal charge) is resolved.

1006. Withdrawal of Application

- (a) An Applicant may file a written request to withdraw an application at any time before the TGRA takes final action on the application. Final action by the Board on the application occurs when the TGRA grants or denies a license.
- (b) The TGRA may, in its discretion, deny or grant the request for withdrawal of application with or without prejudice. The application fee is nonrefundable.
- (c) If the TGRA grants a request for withdrawal with prejudice, the Applicant is not eligible to apply for licensing for a period of six months from the date of the withdrawal.

1007. Background Investigation

Consistent with § 14-1-6 of the Gaming Code, Applicants for licenses shall provide all documents and information requested by their application forms and all other documentation or information that the TGRA may deem necessary. The TGRA shall examine the Applicant's background, personal history, financial associations, character, record, and reputation and persons associated with the Applicant to the extent that the TGRA determines that it is necessary to evaluate the qualifications and suitability of the Applicant for licensing but in no case shall the evaluation be less than required by applicable federal law or the Compact.

1008. Temporary Licenses

- (a) The TGRA, may its discretion, issue a temporary license, for up to 90 days, to any Applicant for license upon the following grounds:
  - (1) The application in its entirety indicates that:
    - (i) The Applicant meets the preliminary criteria for licensing;
    - (ii) The Applicant does not appear to present any danger to the public or to the reputation of gaming on Pueblo Lands;
    - (iii) Preliminary review reveals no indication that further investigation will reveal disqualifying information; and
  - (2) The Applicant has paid all applicable fees.
- (b) The TGRA may change a temporary license into a permanent license when the Background Investigation is complete and the TGRA is satisfied that the holder of the temporary license is suitable to hold a permanent license.

- (c) When the TGRA changes a temporary license into a permanent license, the date of issuance of the license shall be that of the temporary license.
- (d) A temporary license may expire on its own accord, or it may be suspended, revoked or summarily suspended under the same terms and conditions as a permanent license.
- (e) The TGRA may issue consecutive temporary licenses except to employees meeting the definition of a Key Gaming Employee.

1009. Drug Test

- (a) At the time it hires any Gaming Employee, the Gaming Enterprise or Gaming Operation shall cause an independent drug testing agency to administer a drug test to the Applicant in accordance with Section 1228 of these regulations.
- (b) The Gaming Enterprise or Gaming Operation shall not hire or retain any employee who tests positive for illegal drugs.
- (c) If a positive drug test result is obtained, the Gaming Enterprise or Gaming Operation may permit the employee or Applicant to be retested in accordance with the drug testing plan approved pursuant to §1228 of these regulations.

1010. Fingerprints

Applicants shall submit to fingerprinting by the Board or its authorized agent. The Gaming Enterprise or Gaming Operation shall direct all Applicants to the TGRA offices or other authorized location for the taking of fingerprints as provided in the Code.

1011. Duration of License

Every license issued under these regulations shall have a term of one calendar year except: (1) Any license for a Management Contractor shall be renewed automatically each year during the term of the Management Contract unless the Board determines that the Management Contractor is in violation of applicable law; (2) Gaming Facility Licenses shall be for up to three years.

1012. Renewal

Every Licensee shall submit an application for renewal of a license on a form prescribed by TGRA and pay the appropriate renewal fee no more than 60 calendar days and no less than 30 calendar days before the license expires.

- (a) TGRA may consider any application for renewal of a license submitted after the 30 calendar day deadline only if the Licensee pays a late charge, but the TGRA may not consider any application for renewal of a license received by TGRA after the license has expired. Instead, the Applicant must submit a new license application, including all fees and penalties.
- (b) A timely filed application for renewal of a license shall be deemed to incorporate all information contained in the Licensee's original application. The Licensee shall be required to supply only

- (1) new or corrected information that responds to the questions on the original application, and
- (2) information that responds to questions not previously asked by TGRA.
- (c) TGRA may, if it deems it necessary, conduct further Background Investigation with respect to any application for renewal of a license.
- (d) TGRA shall renew or deny the license renewal but may deny an application for renewal only on the basis of new information not before TGRA when it previously granted the license.
- (e) In the event of a denial, the Licensee shall receive written notice thereof and shall have the right to a hearing as set forth in Rule 8.
- (f) An employee whose application for a License renewal is approved shall surrender the old badge upon issuance of the new badge.

1013. Identification Badge

The Gaming Enterprise, Gaming Operation, or Management Contractor shall issue an identification badge to each licensed Gaming Employee, to include: full name, photograph, an employee license number assigned by TGRA, and expiration date.

(a) Display of Identification Badge

- (1) Each Gaming Employee shall prominently wear his or her Identification badge in a manner so that it is visible to Surveillance operations while on duty or while in an area restricted to employees. Surveillance and security personnel may conceal their badges if in accordance with an internal procedure approved in advance by the TGRA.
- (2) Each other Licensee shall prominently wear his or her Identification badge in a manner so that it is visible to Surveillance operations while conducting business within a Gaming Facility or sensitive area.

(b) Identification badges shall not be altered, defaced, or obscured.

(c) Badge Disposition Upon Employee Separation.

- (1) Upon separation from employment, each licensed employee shall surrender his or her identification badge to the Gaming Enterprise, Gaming Operation, or Management Contractor by the end of the employee's last day of employment.
- (2) The Gaming Enterprise, Gaming Operation, or Management Contractor shall promptly return each badge to the TGRA.

(d) Contractor Badges - Disposition

- (1) Upon the termination of a Contractor License, any and all badges in the possession of the contractor shall be surrendered to the TGRA as soon as practicable.

If a licensed representative of a contractor separates from the contractor, the contractor shall immediately notify both the TGRA and the Gaming Enterprise, Gaming Operation, or Management Contractor with which it contracts.

1014. Right to Hearing Any Applicant whose license application is denied by the TGRA or or a Licensee whose (non-temporary) gaming license is subject to a proposed suspension or revocation by the TGRA may request a hearing before the Board by filing a written request for hearing with the Board within seven calendar days after receiving the notice of denial of application or notice of proposed revocation or suspension. The Board shall set a hearing date, which shall be no later than thirty calendar days after receipt of the request for hearing, unless the Applicant for good cause requests an extension or unless one or more of (1) pre-hearing procedures, (2) pre-hearing briefing, and (3) availability of the parties and a hearing officer requires a longer time. The Applicant or Licensee may be represented by counsel at the hearing. The hearing shall be held in accordance with the provisions in Rule 8. The Board's decision following the hearing shall be final, subject to the Applicant's or Licensee's right of appeal to the Pueblo Court as set forth in Section 14-1-5C(4) of the Code. Temporary licensees do not have a right to a hearing, although the Board may at its discretion and under extraordinary circumstances elect to grant a hearing if the temporary licensee requests one in writing within seven calendar days of receiving notice of a revocation or suspension.

1015. Issuance of a Permanent License

- (a) Upon its approval, TGRA shall issue a permanent license to the Applicant within seven calendar days, at which time the temporary license (if any) shall expire.
- (b) The Board shall not issue a permanent license to any Key Gaming Employee Applicant until the earlier of
  - (1) the expiration of the 30-day period for the NIGC to review the Applicant's application for a license and TGRA's investigative report, including the eligibility determination, as set forth in 25 C.F.R. § 558, or
  - (2) receipt of a Notice of Results from the NIGC stating no objection.

1016. Lost or Missing Identification Badge: Reporting and Replacement

- (a) Timely completion of the notifications in (b) and (c) is imperative. All Licensees should be aware that TGRA and the Board consider control of identification badges to be critical to the integrity of Gaming and the protection of Gaming Revenues.
- (b) If any Licensee loses or has not maintained control of his or her identification badge, the Licensee shall:
  - (1) immediately notify the Gaming Enterprise, Gaming Operation, or Management Contractor,
  - (2) file a sworn statement with the Gaming Enterprise, Gaming Operation, or Management Contractor verifying the loss and the circumstances thereof, and
  - (3) pay a fee for a replacement badge.
- (c) Upon learning from a Licensee that an identification badge has been lost, the Gaming Enterprise, Gaming Operation, or Management Contractor shall notify at the earliest opportunity and in the following order:

- (1) the IT Department of the loss or loss of control so that the badge is disabled immediately;
  - (2) risk management or other designated department by email; and
  - (3) TGRA Licensing of the loss and the circumstances thereof by email.
- (d) Each Gaming Enterprise, Gaming Operation, or Management Contractor shall develop a protocol for determining when an employee or other Licensee's absence is unexplained and to disable the Licensee's badge in a timely manner until the security risks relating to an unexplained absence are fully resolved.

1017. Disqualification Criteria

- (a) A prospective Licensee is ineligible to apply for a license:
- (1) During the pendency of a current prosecution or pending charge in any jurisdiction for any offense that, if convicted thereof, would or could result in a license denial,
  - (2) If he or she does not meet the age requirement for a license,
  - (3) If the Applicant's status to work in the United States is under review,
  - (4) If the Applicant has been temporarily excluded from Pueblo lands by the Pueblo, or
  - (5) As determined by the TGRA, the Applicant cannot currently be licensed but may be eligible for a license in the future.
- (b) The TGRA shall deny a license to any Applicant on the basis of the following criteria:
- (1) Failing to prove by clear and convincing evidence that the Applicant is qualified in accordance with the Gaming Code and these regulations;
  - (2) Conviction of any felony or any gambling related crime;
  - (3) Conviction of any gambling related misdemeanor or other misdemeanor involving theft, fraud, misrepresentation, or dishonesty;
  - (4) Failing to pass a drug test deemed credible and trustworthy by TGRA;
  - (5) Failing to reveal any material fact pertaining to qualification, or supplying information that is untrue or misleading as to any material fact pertaining to qualification;
  - (6) Refusal to cooperate with any legislative body or other official investigatory body of any state, Indian tribe, or of the United States when such body is engaged in the investigation of crimes; or
  - (7) The Applicant, or any of its officers or directors, or any of its general partners, or any stockholders, limited partners, or other persons having a financial or equity

- interest of five percent or greater in the Applicant, is or has been a professional gambler.
- (8) Failure to comply with any lawful directive or order of TGRA or the Board.
- (9) Failure to disclose material information to a Gaming Enterprise, Gaming Operation, or Management Contractor, even if truthful information is later disclosed.
- (c) The TGRA may deny a license to any Applicant on the basis of the following criteria:
- (1) Failure to provide information, documentation and assurances required by the Gaming Code or requested by the Board;
- (2) A final decision by any other governmental entity responsible for licensing persons or entities with respect to gaming activity under such entity's jurisdiction on grounds suggesting unfitness on the part of the Applicant;
- (3) Association with known criminals or person reliably believed by law enforcement agencies to be engaged in corrupt or criminal activities, or with persons identified by the Board or any other governmental entity as being disqualified from gaming activities;
- (4) Violation of any tribal or federal laws or regulations related to Indian gaming;
- (5) For any other reason that the TGRA reasonably determines that the Applicant could pose a threat to the public interest or to the effective regulation of Gaming Activity on Pueblo Lands, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming activity on Pueblo Lands; or
- (6) Past due financial obligations that exceed \$2,500 for any one collector or \$5,000 in the aggregate, except that the TGRA may, in its discretion, consider whether those debts are composed of one or more of the following categories and therefore are likely to pose an acceptable level of risk regarding the integrity of Gaming:
- (i) Medical expenses;
  - (ii) Closed delinquent debt;
  - (iii) Repossession;
  - (iv) Charge-Offs; or
  - (v) Foreclosure.
- (d) Applicants for a license renewal are subject to automatic disqualification based on the criteria in subsection (b) above. The TGRA may deny an application for a license renewal based on the criteria listed in subsection (c) above. If a renewal Applicant has a pending prosecution or charge in any jurisdiction for any offense that, if convicted thereof, would or could result in a license denial, the TGRA may
- (1) declare the Applicant ineligible to apply for a renewal until the prosecution or charge is resolved,
- (2) grant the license renewal subject to required appropriate reporting by the Licensee on the status of the prosecution or charge, or

- (3) take such other action as may be appropriate under all the circumstances of the renewal application.
- (e) If a license application is denied, the Board may after hearing and under extraordinary circumstances waive a criterion for mandatory or discretionary disqualification if, under all the circumstances, it concludes that granting a license would not pose an undue risk to the integrity of gaming. Relevant factors may include the nature of the disqualifying event as it relates to any threat to the integrity of gaming, the length of time since the disqualifying event, the Applicant's conduct since the disqualifying event, and similar considerations. Waiver is at the sole and absolute discretion of the Board.

1018. Applicants and Licensees: Provision of Information

- (b) Fingerprints, Handwriting Exemplars, and Photographs. All Applicants for licenses issued by the TGRA, and all persons holding such licenses, including all persons interested, directly or indirectly, in the gaming business or license held by an Applicant or Licensee, shall upon request by the Board or division provide fingerprints and handwriting exemplars, and each such Person shall allow himself or herself to be photographed in accordance with procedures established by the Board.
- (c) Requests or Subpoenas for Information. Upon issuance of a formal request or subpoena issued under the authority of the Board to answer or produce information, evidence, or testimony, each Applicant and Licensee shall comply with the request or subpoena. Where an Applicant or Licensee, or any employee or Person interested, directly or indirectly, in an application or license either refuses or fails to comply with such a request or subpoena, the license or application may be suspended, revoked, or denied based solely upon such failure or refusal.
- (d) Notification of Current Address
  - (1) It is the responsibility of each Licensee to inform the Board of any change in his, her, or its current address within 10 days of the change.
  - (2) As provided in Section 14-1-13B(2) of the Gaming Code, the Board and TGRA may rely on the last reported address for purposes of providing service or notice to a Licensee or Applicant under the Code, these regulations, and the policies and rules of the Board.

1019. Requirements for Gaming Facility License

- (a) The Applicant must submit a drawing to scale of the Gaming Facility that depicts the number of gaming devices, table games, or other games of chance for play and their location within the Gaming Facility in a manner that provides for adequate supervision of each gaming device, table game, or other game of chance, including:
  - (1) An unobstructed view of each gaming device, table game, or other game of chance from the point of supervision;
  - (2) Any mirrors necessary to maintain adequate supervision; and
  - (3) The location of surveillance cameras.

- (b) The Gaming Enterprise shall not increase the number of gaming devices, table games, or other games of chance or change the location of any gaming device, table game, or other game of chance without the approval of the TGRA.
- (c) A request for approval to increase the number of gaming devices, table games, or other games of chance, or a change in the location of any gaming devices, table games, or other games of chance shall be accompanied by a diagram to scale depicting the new location of the gaming devices, table games, or other games of chance within the Gaming Facility.
- (d) A request to change surveillance camera coverage must be approved in advance by the TGRA and must be supported by adequate documentation.

1020. Gaming Facility License Application

- (a) A separate application is required for each Gaming Facility.
- (b) The TGRA may deny an application for a Gaming Facility License, if it determines that the proposed place or location for the Gaming Facility is unsuitable for the conduct of gaming. Without limiting the generality of the foregoing, the following places or locations may be deemed unsuitable:
  - (1) the immediate vicinity of churches, schools, religious sites, and children's public playgrounds;
  - (2) any place where gaming would be contrary to Pueblo law;
  - (3) premises lacking adequate supervision or surveillance;
  - (4) premises difficult to police; or
  - (5) any other premises where the conduct of gaming will be inconsistent with the public policy of the Pueblo.

1021. Compliance with Health and Safety Codes

- (a) With respect to construction and maintenance of a Gaming Facility, the Gaming Enterprise, Gaming Operation, or Management Contractor shall comply with, and certify to the Board its compliance with, the more stringent of either
  - (1) Pueblo law, or
  - (2) Each of the following codes:
    - (i) Uniform Building Code;
    - (ii) Uniform Plumbing Code;
    - (iii) Uniform Mechanical Code;
    - (iv) National Electrical Code; and
    - (v) National Fire Code.

The standard to be applied shall be based on the Pueblo law and the uniform codes in force at the time the construction or maintenance is performed.

- (b) Pursuant to the Compact, the State Environment Department may inspect a Gaming Facility's food service operations during normal business hours to assure compliance with applicable standards and requirements set forth in the New Mexico Food Service Sanitation Act, §§15-1-1 to 25-1-13 NMSA 1978 (1993 Repl.).

1022. Compliance with Provision of Compact

Each Gaming Operation shall comply with all applicable provisions of the Compact including, but not limited to, the following specific provisions:

- (a) The Gaming Operation shall comply with the more stringent of:
  - (1) Pueblo law, or
  - (2) Federal laws generally applicable to Indian tribes and relating to wages, hours of work, and conditions of work (including applicable implementing regulations), including specifically
    - (i) the Fair Labor Standards Act of 1938 and
    - (ii) the Occupational Safety and Health Act of 1970.

A federal law is "generally applicable to Indian tribes" if:

- (i) the law is not susceptible to a good faith argument that it does not apply to Indian tribes,
    - (ii) the United States Court of Appeals for the Tenth Circuit or the United States Supreme Court has held in an opinion that has not been reversed or overruled that the law is generally applicable to Indian tribes, or
    - (iii) a court of competent jurisdiction has held that the law is applicable to the Gaming Operation specifically.
- (b) With respect to any construction project involving any Gaming Facility or related structure that is funded in whole or in part by federal funds, all workers will be paid wages meeting or exceeding the standards established for New Mexico under the federal Davis-Bacon Act.

1023. Charitable Gaming

- (a) A Sponsoring Organization may engage in charitable gaming on Pueblo Lands pursuant to a charitable gaming permit.
- (b) The TGRA may, in its discretion,
  - (1) Grant or deny a charitable gaming permit,
  - (2) investigate charitable gaming (whether or not operated under a permit) or any Sponsoring Organization,
  - (3) take measures to ensure the integrity of charitable gaming, and
  - (4) determine whether charitable gaming is in violation of the Code and the regulations and enforce the violations thereof.

- (c) Before making application for a charitable gaming permit a Sponsoring Organization shall register with the TGRA to secure an identification number.
  - (1) All applications for charitable gaming permit, amendment of charitable gaming permits, and any other papers relating to a charitable gaming event shall bear the identification number of the Sponsoring Organization.
  - (2) Copies of applications, reports, agreements and other papers shall be forwarded to the Board at least fourteen calendar days before the charitable gaming event.
  - (3) Registration and assignment of an identification number shall not constitute or be any evidence of the eligibility of any Sponsoring Organization to receive a charitable gaming permit or to conduct any charitable gaming.
- (d) The Sponsoring Organization shall designate two of its members that shall supervise the charitable gaming event(s) described in the application for a charitable gaming permit. The Sponsoring Organization shall attach a signed statement to the application, under penalty of false statement, that:
  - (1) The designated members shall be responsible for the operation and conduct of charitable gaming in accordance with the terms of the charitable gaming permit, these regulations, and other applicable law; and
  - (2) The Sponsoring Organization shall not allow anyone who is not a member of the Sponsoring Organization to operate or conduct any charitable gaming.
- (e) Only cash or checks shall be used at charitable gaming events.
- (f) Sponsoring Organization may conduct charitable gaming subject to the following restrictions:
  - (1) Only members or volunteers of the Sponsoring Organization may promote or operate charitable gaming.
  - (2) No member of a Sponsoring Organization may receive any compensation for the promotion or operation of charitable gaming.
  - (3) No Person under the age of 18 shall promote or conduct charitable gaming or work at any charitable gaming event.
  - (4) All funds derived from charitable gaming shall be used exclusively for the purpose stated in the application for charitable gaming permit.
  - (5) Charitable gaming shall only take place at the time, date, and place specified on the charitable gaming permit.
- (g) Charitable gaming may be conducted with gaming equipment owned by the Sponsoring Organization, borrowed from or donated by a third party without a fee or rented for a fixed fee under a written contract with a contractor licensed under these regulations.

## RULE 11

### REGULATIONS CONCERNING ALL GAMES

#### 1101. Scope

This rule provides the guidelines for all games of chance.

#### 1102. Electronic, Electrical and Mechanical Devices Prohibited

Except as specifically permitted by the Control Board, no Person shall possess with the intent to use, or actually use, at any table game, either by himself or in concert with others, any calculator, computer, or other electronic, electrical or mechanical device to assist in projecting an outcome at any table game or in keeping track of or analyzing the cards having been dealt, the changing probabilities of any table game, or the playing, strategies to be utilized.

#### 1103. Minimum and Maximum Wagers

- (a) Except as otherwise specifically provided in this rule, the minimum and maximum wagers permitted at any authorized table game in a Gaming Facility shall be established by the Gaming Enterprise; provided, however, that any required minimum Wager of \$100.00 or less which has corresponding payout odds of five to one or less shall be required to have a maximum Wager which is at least ten times the amount of the minimum Wager.
- (b) A Gaming Enterprise may offer:
  - (1) Different maximum wagers at one gaming table for each permissible Wager in an authorized game; and
  - (2) Different maximum wagers at different gaming tables for each permissible Wager in an authorized game.
- (c) A Gaming Enterprise shall provide notice of the minimum and maximum wagers in effect at each gaming table, and any changes thereto, in accordance with Section 1104.
- (d) Dealers shall not accept any Wager in excess of the established maximum permitted Wager. However, any Wager accepted by a dealer which is in excess of the established maximum permitted Wager at that gaming table shall be paid or lost in its entirety in accordance with the rules of the game, notwithstanding that the Wager exceeded the current table maximum.

#### 1104. Rules of the Games: Notice

- (a) Whenever a Gaming Enterprise is required by rule to provide notice of the rules pursuant to which a particular table game will be operated, the Gaming Enterprise shall post a sign at the gaming table advising patrons of the rules in effect at that table.
- (b) Except as provided in paragraph (c) of this Section as to changes in permissible minimum and maximum wagers, no Gaming Enterprise shall change the rules pursuant to which a particular table game is being operated unless, at least one-half hour in advance of such change, the Gaming Enterprise:

- (1) Posts a sign at the gaming table advising patrons of the rule change and the time that it will go into effect;
  - (2) Announces the rule change to patrons who are at the table; and
  - (3) Notifies the Control Board of the rule change, the gaming table where it will be implemented and the time that it will become effective.
- (c) Notwithstanding, (b) above, a Gaming Enterprise may at any time change the permissible minimum or maximum Wager at a table game, without notifying the Control Board of the change, upon posting a sign at the gaming table advising patrons of the new permissible minimum or maximum Wager and announcing the change to patrons who are at the table.
- (d) The location, size and language of each sign required by this section shall be submitted to and approved by the Control Board prior to its use.

1105. New Games; Regulations and Procedures for Application, Declaratory Ruling, Test or Experiment, and Final Approval of New Authorized Game.

- (a) The Gaming Enterprise may petition the Control Board for approval of a new game.
- (b) A petition for approval of a proposed new game must include as a petitioner at least one Gaming Enterprise who has agreed in writing to participate in a test or experiment of the game in its casino. All petitioners shall be jointly and severally liable for payment of all regulatory review costs and other related expenses incurred by the Control Board in the review, testing and approval of the game.
- (c) A proposed new game may be a variation of an authorized game, a composite of authorized games, or any other game compatible with the public interest and suitable for casino use.
- (d) A petition for a proposed new game shall be in writing, signed by the petitioners, and shall include the following information:
  - (1) The names and addresses of petitioners;
  - (2) Whether the game is a variation of an authorized game, a composite of authorized games, or another game which is compatible with the public interest and is suitable for casino use;
  - (3) A complete and detailed description of the game for which approval is sought, including:
    - (i) A summary of the game, including the objectives of the game, the method of play and the wagers offered;
    - (ii) The draft of proposed rules describing the equipment used to play the game, and the proposed rules of the game;
    - (iii) The true odds, the payout odds, and the house advantage for each Wager;
    - (iv) A sketch or picture of the game layout, if any; and

- (v) Sketches or pictures of the equipment used to play the game;
  - (4) Whether the games, its name, or any of the equipment used to play is covered by any copyrights, trademarks or patents, either issued or pending;
  - (5) An agreement, satisfactory in form and content to the Control Board, releasing and indemnifying the Control Board and the Pueblo from all copyright, trademark, patent or other claims of petitioners and any other persons;
  - (6) A request for a declaratory ruling, pursuant to Section 5 of these regulations, that the proposed new game is a variation of an authorized game, a composite of authorized games or is compatible with the public interest;
  - (7) A request for a test or experiment of the game; and
  - (8) Any other pertinent information or material requested of specific petitioners by the Control Board.
- (e) In making a determination whether a proposed new game is an acceptable variation of an authorized game or a composite of authorized games, or is compatible with the public interest, the Control Board may consider rules and method of play; true and payout odds; wagers offered; layout; equipment used to play the game; personnel requirement; game security and integrity; similarity to other authorized games or other games of chance; other variations of composites of the game previously approved as authorized games; as well as any other relevant factors. Any such determination shall be subject to a condition that the game must undergo a successful test for suitability of casino use as provided below.
- (f) If the proposed new game is preliminarily approved by the Control Board in accordance with paragraph (e) of this Section, petitioners shall submit the following in connection with any proposed test of the game:
- (1) For any petitioner that is not a Gaming Enterprise:
    - (i) A completed application for the appropriate type of license, together with the applicable non-refundable license application fee; and
    - (ii) An application for a transactional waiver, pursuant to the rules of the Control Board, if required; and
  - (2) A test submission, which shall include, at a minimum:
    - (i) The names of the Gaming Facility where the test of the proposed new game will take place;
    - (ii) The dates and times when the test will take place, and the gaming, tables or other gaming equipment that will be involved;
    - (iii) The proposed sign to be posted at the entrances to the casinos where the test is to be conducted;

- (iv) The criteria proposed for use in determining the success of the test, and the methods proposed for documenting it, including any necessary forms; and
  - (v) Any other materials or information requested of specific petitioners by the Control Board.
- (g) A test of the new games shall take place at such times and places, and under such conditions, as the Control Board may require. The rules of the game and the test may be modified at any time during, the test period if the Control Board deems it necessary to do so. No final approval of a new game shall be granted until:
  - (1) The Control Board has determined that the game is suitable for casino use;
  - (2) Any necessary regulatory amendments have been adopted and have become effective.
  - (3) All necessary license applications have been filed, and all necessary transactional waivers have been issued; and
  - (4) All regulatory review costs and other related expenses incurred by the Control Board in the review, testing and approval of the game, have been paid in full.
- (h) Nothing in this Section shall be construed to restrict or limit the Control Board in any way from proposing new games or game variations on its own initiative, at any time.

1106. Patron Access to the Rules of the Games; Gaming Guides

- (a) Each Gaming Enterprise shall maintain at its security podium , a printed copy of the complete text of the rules of all authorized games and all other information required to be made available to the public. This information shall be made available to the public for inspection upon request.
- (b) Each Gaming Enterprise shall make available to patrons upon request an abridged version of the information required to be made available. Each such version, known as a "gaming guide", may be produced in a printed, video or other format approved by the Control Board.
- (c) No gaming guide shall be issued, displayed or distributed by a Gaming Enterprise unless and until a sample thereof has been submitted to and approved by the Control Board. No Gaming Enterprise shall issue, display or distribute any gaming guide that is materially different from the approved sample thereof.
- (d) Prior to issuing, distributing or displaying a gaming guide that is materially different from the approved sample thereof, each Gaming Enterprise shall submit and obtain Control Board approval for a sample of the complete guide which contains the material changes.
- (e) Each Gaming Enterprise may display an approved gaming guide at any location in its establishment.

## RULE 12

### GENERAL OPERATING REGULATIONS

1201. Scope

This rule provides general operating obligations for the Gaming Enterprise.

1202. Responsibility of Licensee

Responsibility for the employment and maintenance of lawful methods of operation rests with the Gaming Enterprise, and willful or persistent use or toleration of methods of operation considered unlawful by the Control Board is prohibited. The Gaming Enterprise shall fully and timely perform each and every term, condition and duty required by the rules and regulations of the Control Board.

1203. Discovery of Violations

All licensees, including the Gaming Enterprise, shall immediately notify the Control Board of the discovery of a violation or of a suspected violation of the Ordinance or these regulations.

1204. Authorized Gaming

Gaming permitted pursuant to the Ordinance and the Compact shall include only those games that are specifically authorized by the Control Board. The Gaming Enterprise shall conduct all Gaming in accordance with the Ordinance, these regulations, and the Compact.

1205. Unauthorized Gaming

The Gaming Enterprise or Sponsoring Organization shall not conduct or permit any Gaming except that which is conducted according to all rules and regulations promulgated by the Control Board.

1206. Employee Report

- (a) On or before January 1, April 1, July 1, and October 1 of each year, the Gaming Enterprise shall submit an employee report to the Control Board. The employee report shall identify every individual who is, or who has been since the filing of the previous report, employed by the Gaming Enterprise as a Gaming Employee or Key Gaming Employee.
- (b) The employee report shall list the name of the employee or official, job position, title, social security number, and designation as to whether that individual is a Gaming Employee or a Key Gaming Employee.

1207. Termination of Employment of Gaming Licensees

- (a) Key Gaming Employee Personnel. Upon the termination, resignation, demotion, or suspension of any Key Gaming Employee, the Gaming Enterprise shall notify the Control Board in writing, within 24 hours, of such action, or within four hours, if termination is based on any violation(s) of the ordinance, the regulations, or the compact.

- (b) Gaming Employee Personnel. Upon the termination, resignation, demotion or suspension of any Gaming Employee, the Gaming Enterprise shall notify the Control Board in writing, within three business days, of such action, or within four hours, if terminations are based on any violation(s) of the ordinance, the regulations, or the compact.

1208. Employee Benefits

The Gaming Enterprise shall provide the following benefits to all full-time employees of the Gaming Enterprise, which shall be at least as favorable as those provided by comparable state programs: sick leave, life insurance, paid annual leave, medical and dental insurance, unemployment insurance, and workers' compensation insurance.

1209. Political Contributions

Section 4(B)(20) of the Compact states:

[T]he Tribe, the Tribal Gaming Enterprise or a Management Contractor [shall] report to the secretary of state in the same manner and at the same times as are required of political committees under the provisions of the State's Campaign Reporting Act (NMSA 1978 § 1-19-25 through 1-19-36) any and all contributions, whether directly or through an agent, representative or employee, of any moneys derived from revenue from the Gaming Enterprise, or of anything of value acquired with that revenue, to a candidate, political committee or person holding an office elected or to be elected at an election covered by the State's Campaign Reporting Act . . . .

The Compact provision also includes penalties for failure to report such contributions. The Control Board will no less than annually obtain an attestation from appropriate Gaming Enterprise and Pueblo officials regarding the reporting of any contributions covered by the Compact provision.

1210. Job Descriptions; List of Personnel

Prior to opening for business, a Gaming Enterprise must furnish to the Control Board: (i) a written list of all employees, including birth dates and social security numbers; and (ii) job descriptions of all the employees. Additionally, the Gaming Enterprise must by the first day of the each calendar quarter submit changes to its lists of employees and changes to job description of the employees.

1211. Information to be furnished by Licensee

- (a) Each Gaming Enterprise must report to the Control Board at least yearly the full name and address of every Person, including lending agencies, who has a right to share in the revenues of gaming, whether as an owner, assignee, or otherwise or to whom any interest or share in the profits of gaming has been pledged or hypothecated as security for a debt or deposited as a security for the performance of an act or to secure the performance of a contract of sale.
- (b) Each Management Contractor Licensee must immediately report to the Control Board the name, date of birth, and social security number of all persons who obtain an ownership, financial, or equity interest in the Management Contractor of five (5) percent or greater, or who have the ability to control the Licensee, or who have the ability to exercise significant influence over the Licensee, or who loan any money or other thing of value to the Licensee.

- (c) Any Person licensed by the Control Board, and any associated Person to a Licensee, must make written notification to the Control Board of any criminal Conviction and criminal charge pending against such Person within ten days of such person's arrest, summons, or conviction. This notification requirement shall not apply to non-felony traffic violations unless they result in suspension or revocation of a driver's license or are based on allegations of driving under the influence of intoxicating liquor or drugs. Failure to make proper notification to the Control Board may be grounds for a disciplinary action.
- (d) Each Gaming Enterprise must report to the Control Board on a form available from the Control Board the movement of slot machines, poker tables, and blackjack tables. This notification must be made by both the recipient and sender of devices within 24 hours of any movement of devices to and from any location.
- (e) The Gaming Enterprise or other Licensee shall report any discovered or suspected plan, scheme, design, device or other methods of cheating that may compromise the integrity of any gaming device sold or offered for sale, offered for play, or used for any other gaming purpose within Pueblo Lands by such Licensee. A written report shall be made to the Control Board as soon as possible after the discovery of such cheating plan, scheme, design, device or method, but not later than seven days.
- (f) The subject matter and reports of the investigation conducted hereunder shall be considered confidential, except the Executive Director or the Control Board may, as deemed necessary and prudent in the exercise of their discretion, take whatever steps deemed necessary to address or mitigate the cheating problem, including disseminating a warning to other licensing jurisdictions or licensees about the cheating problem.

1212. Inspections

A Gaming Enterprise must immediately make available for inspection by the Control Board, or its agents or investigator, upon demand, all papers, books, and records produced, used or kept in connection with gaming, and all portions of the premises where gaming is conducted or where gambling devices or equipment are manufactured, sold, used, displayed, kept, or distributed. Upon demand, the Control Board, or its agents or investigators must be given immediate access to any portion of the premises of Gaming Enterprise or Gaming Facility for the Purpose of inspecting or examining records or documents, gaming devices or equipment, or the conduct of gaming activity.

1213. Payoff Schedules

Payoff schedules must accurately state actual payoffs applicable to the particular game and may not be worded in a manner which misleads or deceives the public. Maintenance of misleading or deceptive matter on a payoff schedule or failure on the part of a Licensee to make payment in strict accordance with posted payoff schedules is prohibited.

1214. Player Rules

A Gaming Enterprise must post the following rules for players:

- (a) A patron must be of appropriate age as set forth in §1221;
- (b) No side bets are permitted; and
- (c) No credit is extended.

1215. Advertising

No Licensee shall allow, conduct, or participate in any false or misleading advertising concerning its gaming operations.

1216. Patron Disputes

Patron disputes regarding amounts allegedly won are to be resolved under the Dispute Resolution provisions of the Pueblo of Laguna Gaming Code, Section 14-1-9.

1217. Special Rules of Conduct

A Gaming Enterprise may establish rules of conduct for players and spectators on its licensed site. Any such rules must be posted.

1218. Transfers of Interest

No Person may sell, lease, purchase, convey, or acquire an interest in a Management Contractor without the prior approval of the Control Board.

1219. Termination of General Manager

The Gaming Enterprise shall notify the Control Board in writing within seven days of the termination of a general manager's affiliation with the Gaming Enterprise

1220. Activities Which Constitute Fraud

- (a) Fraudulent acts shall not be permitted by licensees or patrons of gaming. "Fraudulent acts" shall include but shall not be to: misrepresentation of the probabilities of pay out or pay out awards on any gaming device or game; wording pay off schedules or pay out awards in a misleading or deceptive manner; and the failure of the Licensee to make payment in strict accordance with posted payoff schedules.
- (b) Players in any gaming game shall not play, nor attempt to play, in cooperation or collusion with any other Person, nor shall any Licensee knowingly permit such cooperation or collusion. Evidence of collusion may include, but shall not be limited to, the following:
  - (1) Any play by a player which is intended to assist one player over another.
  - (2) A continuing or repeated pattern of betting by and between the same two or more players, the purpose of which is to cause other players to fold or withdraw from a game.
  - (3) Two or more players sharing winnings from a hand or a player agreeing to share winnings with another player if either wins any part of the pot, except as permitted in tournament play authorized by the Control Board.
  - (4) Having an agreement not to bet or not to raise another player.
  - (5) Verbal or non verbal communication pertaining to the game between persons including, but not limited to: imparting information about one's hand to player in the pot; advising someone on how to play a hand or suggesting a particular betting action; reading a hand for a player who has not yet shown his hand; or

any communication between players by means other than spoken English, unless such communication, or its import, is understood by all persons at the table.

- (6) Any other act participated in by two or more players which fraudulently creates an unfair advantage for a player, or which fraudulently creates a disadvantage for any other player in the game.

1221. Underage Gaming

No Patron under the age 21 shall be permitted to Wager at any Class III Gaming Facility, or to enter a Gaming Facility conducting Class III Gaming except:

- (1) To pass directly to another room;
- (2) That Person is employed by the Gaming Enterprise pursuant to Section 1222; or
- (3) A Patron under the age of 21, but over the age of 18, may engage in Class II Gaming in a Gaming Facility.

1222. Underage Employees

The Gaming Enterprise shall not employ any Person under the age of 21, if that person's employment duties will predominately involve the maintenance or operation of Class III Gaming or equipment or assets associated therewith. This prohibition does not apply to any Person employed in Class II Gaming or whose employment duties are unrelated to Class III Gaming.

1223. Authorized Gaming Hours

- (a) Hours of Class II and Class III gaming facilities must be requested in writing, and approved by the Control Board prior to implementation.
  - (1) Each gaming facility must meet the terms of the current Tribal/State Compact and be consistent with NIGC regulations.
- (b) The Executive Director or their designee may authorize a temporary change of hours of a Class II or Class III gaming facility upon written request submitted at least three (3) calendar days before the proposed change. Proposed changes must meet the requirements in 1223(a)(1).
- (c) Charitable Gaming hours of operation may be approved by the Executive Director or their designee at their discretion.

1224. Complimentary Service or Item

The Gaming Enterprise shall not provide or offer complimentary service or item to induce any Person to come to a Gaming facility for the purpose of gambling.

1225. Automated Teller Machines (ATM)

- (a) The Gaming Enterprise shall ensure that any ATM located within any Gaming Facility is programmed not to accept cards issued by the state to AFDC recipients for access to AFDC benefits.
- (b) Within thirty calendar days from the effective date of these regulations or from the date of the installation of an ATM, the Gaming Enterprise shall deliver to the Control Board proof in the form of a notarized certificate from the financial institution providing the ATM for use in a Gaming Facility that the ATM is programmed to comply with Section 1225(a).
- (c) If the Gaming Enterprise fails to comply with Section 1225(a), the gaming Control Board shall have the authority to confiscate or remove any ATM located within a Gaming Facility that is not programmed as required by this Section.

1226. Check Cashing

- (a) The Gaming Enterprise shall not cash any and all paychecks, or any type of government assistance check, including social security, AFDC, or pension, for any Patron.
- (b) Nothing herein shall prohibit the Gaming Enterprise from cashing employee payroll checks or personal checks from patrons.

1227. Posting of Odds

The Gaming Enterprise shall post a notice in a conspicuous location on each Gaming Device defined in Section 104(m)(1) stating the "hit frequency" of such device.

1228. Illegal Drugs; Abuse of Alcohol and Legal Drugs.

- (a) It is the policy of the Control Board that the Gaming Enterprise shall maintain and enforce strict policies against the use and/or possession of illegal drugs, abuse of legal drugs or alcohol, and attendance at work under the influence of legal or illegal drugs or alcohol. To that end, the Gaming Enterprise shall adopt and publish to all of its employees a drug and alcohol policy, in a form approved by the Control Board that shall contain, at a minimum, the following elements:
  - (1) An employee assistance program to counsel and provide therapy to employees having problems with drugs or alcohol;
  - (2) A requirement that each job applicant, upon being offered employment, must pass a drug test for illegal drugs;
  - (3) Provision for a drug test of any employee involved in an incident that results in personal injury to any Person or in property damage in excess of one hundred dollars (\$100.00);
  - (4) Provision for random drug tests of employees at the discretion of the Gaming Enterprise or of the Control Board;
  - (5) Procedures to assure the integrity and confidentiality of drug test results;

- (6) Provision for immediate appropriate testing upon a reasonable suspicion that an employee is abusing alcohol or legal drugs in violation of this regulation, any policy, or other applicable law.
  - (7) Provision for disciplinary action, up to and including termination, as to any employee who violates the policy; and
  - (8) Such other provisions as the Control Board deems appropriate.
- (b) The drug testing agency shall immediately submit the results of any drug tests to the Control Board and Gaming Enterprise, and the Gaming Enterprise shall advise the Control Board of any action taken with respect to any employee who fails to pass any drug test.
  - (c) The Control Board may undertake random drug testing of Gaming Enterprise employees at the Control Board's expense, or by written notice to the Gaming Enterprise, direct the Gaming Enterprise to undertake random drug testing of its employees, at the Gaming Enterprise's expense, in a manner to be determined by the Control Board or by the Gaming Enterprise (provided that no program of random tests directed by the Control Board shall result in any employee, whose test have been satisfactory, being tested more than once in any calendar year).

1229. Alcohol Service

- (a) The Gaming Enterprise shall not serve alcoholic beverages within any gaming area of a Gaming Facility. Alcohol may be served in other locations only in accordance with pueblo law and applicable state and federal law.
- (b) The Gaming Enterprise shall not permit:
  - (1) Persons who are visibly intoxicated to participate in gaming activity; or
  - (2) Service of alcoholic beverages to persons who are visibly intoxicated.
- (c) The Gaming Enterprise shall submit proof to the Control Board that each Person who sells or serves alcoholic beverages has completed an alcohol server program certified by the alcohol server education advisory committee pursuant to the New Mexico Alcohol Server Education Act, §§60-6D-1 to 60-6D-8 NMSA 1978 (1994 Repl.).
- (d) No Persons may serve or sell alcoholic beverages unless that Person has first been issued a certificate of course completion from a provider of alcohol server education course approved by the alcohol server education advisory committee.
- (e) The Gaming Enterprise shall cause its insurance provider to submit a certificate of insurance to the Control Board evidencing that the Gaming Enterprise has sufficient insurance to comply with § 4(B)(15)(b) of the compact.

1230. Central Computer Monitoring of Gaming Devices

Prior to the opening of any gaming facility, the Gaming Enterprise shall connect all gaming devices within a Gaming Facility to a centralized computer reporting and auditing system that shall collect on a continual basis the activity data of each gaming device. The Gaming Enterprise shall further ensure that the data collected shall be electronically accessible by the state gaming representative upon entry of an appropriate security code. The Gaming Enterprise

shall certify that centralized computer reporting and auditing system complies with the requirements of this section and with § 4(B)(14) of this compact.

## RULE 13

### MINIMUM INTERNAL CONTROL STANDARDS

1301. Scope

This rule sets forth the MICS for Gaming.

1302. Adoption of Minimum Internal Control Standards

The Control Board hereby adopts the MICS issued by the NIGC as set forth at 25 C.F.R. Part 542 and Appendix 2 hereof.

1303. Accounting

The Gaming Enterprise shall establish and maintain an accounting system and procedures that shall, at a minimum:

- (a) Include an adequate system of internal accounting controls that shall be at least as stringent as those adopted in Section 1302 to ensure:
  - (1) Assets are safeguarded;
  - (2) Financial records are accurate and reliable;
  - (3) Transactions are performed only in accordance general or specific authorization of management;
  - (4) Transactions are recorded adequately to permit proper recording of gaming revenue, including revenue sharing fees, and regulatory fees, and to maintain accountability for assets;
  - (5) Access to assets are permitted only in accordance with the specific authorization of management;
  - (6) Recorded accountability for assets in compared with actual assets at reasonable intervals and appropriate action is taken with respect to any discrepancies; and
  - (7) Functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel; and
- (b) Permit the preparation of financial statements in accordance with generally accepted accounting principles;
- (c) Be susceptible to audit;
- (d) Allow the Gaming Enterprise to calculate the annual fee for Class II Gaming payable to the NIGC under 25 C.F.R. 514.1;
- (e) Permit the calculation and payment of any Management Contractor's fee; and

- (f) Provide for the allocation of operating expenses or overhead expenses among the Gaming Enterprise, the Pueblo, and the Management Contractor, if any.

1304. Reporting

The Gaming Enterprise shall provide the Pueblo Council not less frequently than monthly with verifiable financial reports within 30 days of the month end closing.

1305. Submission and Approval of Accounting System

The Gaming Enterprise shall describe its system of internal accounting controls in written detail for approval by the Control Board. The system of internal Controls must include:

- (a) An organizational chart depicting segregation of functions and responsibilities;
- (b) A description of the duties and responsibilities of each position shown on the organizational chart;
- (c) A detailed narrative description of the administrative and accounting procedures designed to satisfy the minimum internal control standards adopted herein by Section 1303;
- (d) A written statement signed by the chief financial officer and the chief executive officer of the Gaming Enterprise attesting that the system of internal accounting controls satisfies the minimum internal control standards adopted herein Section 1303; and
- (e) A report from an independent certified public accountant stating that the Gaming Enterprise's system of internal accounting controls has been reviewed by the accountant and complies with the minimum internal control standards adopted herein by Section 1302 and the requirements of 25 C.F.R. 542.3(d). The report shall report each event discovered or brought to the accountant's attention that the account believes does not satisfy the minimum internal control standards or variations from the standards that have been approved by the Control Board.
- (f) A copy of the report must be submitted to the Control Board no later than 90 days from the end of the Gaming Enterprise's fiscal year.

1306. Amendments

The Gaming Enterprise shall notify the Control Board of all amendments to its system of internal accounting controls. In conjunction with such notice, the Gaming Enterprise shall also comply with the requirements of Section 1305(d) and (e).

1307. Deadline for Compliance

The Gaming Enterprise shall come into compliance with Rule 13 no later than ten months from February 4, 1999.

1308. Noncompliance

The failure to comply with the minimum internal control standards adopted herein by Section 1302 is an unsuitable method of operation. If the Control Board determines that the Gaming Enterprise's internal control system does not comply with Section 1303, the Control Board shall notify the Gaming Enterprise pursuant to Rule 3 and may impose a civil fine pursuant to Rule 4.

## RULE 14

### CHIPS AND TOKENS

1401. Scope

This rule sets forth the use, issuance and redemption of chips and tokens.

1402. Use of Chips and Tokens

Chips and tokens are solely representative of value which evidence a debt owed to their patrons by the Gaming Enterprise that issued them and are not the property of anyone other than the Gaming Enterprise.

1403. Issuance/Redemption

A Gaming Enterprise that utilizes chips or tokens at its Gaming Facility shall:

- (a) Issue chips or tokens only to patrons of its Gaming Facility;
- (b) Promptly redeem its own chips and tokens from its patrons by cash or check drawn on an account of the Gaming Enterprise; and
- (c) Post conspicuous signs at its establishment notifying patrons that the use of the Gaming Enterprise's chips or tokens outside the establishment for any monetary purpose whatever is prohibited, and that the chips or tokens issued by the Gaming Enterprise are the property of the Gaming Enterprise only.
- (d) Promotional chips and tokens may be used for promotions and tournaments as long as each chip and tokens (with a numerical figure) conspicuously bears the inscription "No Cash Value".

1404. Redemption and Disposal of Discontinued Chips and Tokens

- (a) A Gaming Enterprise that permanently removes from use or replaces chips or tokens at its Gaming Facility, or that ceases operating its Gaming Facility, shall redeem within the period designated by the Control Board discontinued chips or tokens that remain outstanding at the time of discontinuance.
- (b) The destruction or defacing of chips and tokens must be witnessed by representatives of management, security and accounting departments and the documentation thereof maintained for three years.

## RULE 15

### CURRENCY TRANSACTIONS REPORTING

#### 1501. Scope

This rule sets forth the procedures for complying with the Bank Secrecy Act.

#### 1502. Compliance with Bank Secrecy Act

- (a) A Gaming Enterprise must comply with 31 C.F.R. Part 103.
- (b) Subject to Section 1223, the gaming day starts at 6:00 am and ends twenty-four hours later. At this time, the previous day's logs are submitted to the compliance officer and new logs are started for the new day. If there are no entries on the log, the cashier signs and writes "No Action Today" on the currency transaction log.
- (c) Cash in and cash out transactions are aggregated on company-wide basis for a Gaming day.

#### 1503. Definitions

- (a) "Cash" refers to government-minted currency and coin. This includes U.S. minted currency/coin.
- (b) "Aggregation" means combining transaction occurring in each department. Cash in transactions are aggregated separately from cash out transactions. Example: A patron's cash in transaction at blackjack table is combined with his/her cash in transactions at the Gaming Facility cage and cash in transactions at the slot boot.
- (c) "CTR" refers to the Currency Transactions Report for the Gaming Enterprise's form 8362. It also means "Currency Transactions Report". This is the form prepared when a Patron has a single or aggregate transaction exceeding \$10,000.
- (d) "Known Customer" means a Patron for whom the cage and credit department has a written record of the patron's name, address, social security number, and Gaming Facility account number. A known customer does not include someone you simply know.
- (e) "Cash In" means cash received from a Patron:
  - (1) Currency exchanges, including foreign currency;
  - (2) Chip purchases;
  - (3) Token purchases;
  - (4) Patron deposits (front money); and
  - (5) Safekeeping deposits

- (f) "Cash Out" means cash given to a Patron:
  - (1) Currency exchanges, including foreign currency;
  - (2) Chip redemptions;
  - (3) Cash payments for slot winnings;
  - (4) Patron deposits; and
  - (5) Checks cashed for cash
- (g) "Cash Transactions Log" refers to the record maintained at each slot area where a cash in or cash out transactions of \$2,500 to \$10,000 are recorded. Lesser amount transaction may be recorded if you think the Patron may exceed the \$10,000 reporting threshold.
- (h) "Photo Identification Credentials" means items which can be examined to verify the identity of a Patron. The following are examples of these credentials:
  - (1) A valid, current driver's license;
  - (2) A valid, current government issued identification card; and
  - (3) A valid, current passport or alien registration card

Note: Ask to examine the patron's social security card to verify the number. If the Patron refuses, then the patron's representation as to his/her nine-digit social security number is adequate.
- (i) "Agent" means a Person who is conducting a transaction for someone else.

1504. CTR Procedures

- (a) The Gaming Facility shall log all single currency transactions of \$2,500 or more with any Patron. The Gaming Facility shall not complete any transaction of \$2,500 or more without first reasonable attempting to obtain the patron's name, permanent address and social security number.
- (b) If the patron's information is not available through Gaming Facility records and the Patron does not provide the required information, the transaction must be stopped.
- (c) Currency transactions include, but are not limited to:
  - (1) Purchases and redemptions of chips and tokens;
  - (2) Bets of currency;
  - (3) Currency received by a Gaming Facility for transmittal of funds through wire transfer for a Patron;
  - (4) Exchanges of currency for currency, including foreign currency;
  - (5) Payments on bets, including slot jackpots (includes jackpots paid by checks);

- (6) Payments by a Gaming Facility to a Patron based on receipt of funds through wire transfer to a Patron; and
  - (7) Cashing of checks or other negotiable instruments (e.g., traveler's check, money order, cashier's check, etc.)
- (d) All transactions as defined in the above paragraphs shall be recorded on a form that provides at a minimum the following information:
- (1) Date of transaction;
  - (2) Time of transaction;
  - (3) Amount of transaction;
  - (4) Breakdown of currency \$100 bills versus smaller bills;
  - (5) Patron's name;
  - (6) Patron's permanent address;
  - (7) Patron's social security number;
  - (8) Method used to verify the patron's identification; (i.e., driver's license, social security card, etc.)
  - (9) Patron account or reference number with Gaming Facility; (if applicable)
  - (10) Employee name and identification number of the Person handling the transaction; and
  - (11) Type of transaction
- (e) If the Patron is over \$10,000 aggregate cash in or cash out, prepare a CTR.
- (f) All employees are prohibited from providing any information or assistance to patrons in an effort to help them circumvent any and all currency transaction reporting requirements.
- (g) The Title 31 compliance officer will be responsible for performing the duties set forth below:
- (1) Daily review of multiple transaction logs, CTR's, and supporting documents.
  - (2) Filing of CTR's (within 15 days) and record retention.
  - (3) Help train employees and administer employee exams.
  - (4) Issue and follow up reports on compliance.
  - (5) Other duties as required to ensure a successful compliance program.



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