



Siletz Tribal Gaming Commission

2120 NW 44th Street, Suite A Lincoln City, OR 97367

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www.SiletzTribalGaming.com

MEMORANDUM

Date: Tuesday, October 29, 2024

To: Chinook Winds Casino Resort (CWCR)

Confederated Tribes of Siletz Indians (CTSI)

CTSI Portland Area Office

CTSI Salem Area Office

CTSI Eugene Area Office

From: Shawna Gray, Executive Director, Siletz Tribal Gaming Commission

Re: Public Notice of Proposed Regulation Updates & Changes

Per Tribal Code §6.100 Charter of the Siletz Tribal Gaming Enterprise and Siletz Tribal Gaming Commission (STGC) Regulations, we kindly request that you publicly post the proposed Regulations in a publicly accessible location for review and comment from **Friday, November 1, 2024**, until the submission deadline of **Saturday, November 30, 2024**. Your cooperation in ensuring broad access to these proposed Regulations is greatly appreciated.

PUBLIC NOTICE

The Siletz Tribal Gaming Commission (STGC) is publicly announcing proposed updates and changes to its Regulations. The full text of these proposed changes and updates are available for public review and comment. Copies of the proposed changes and updates are posted at the Commission Office, on the Commission website www.SiletzTribalGaming.com and the locations addressed above. Additionally, the Commission will make reasonable efforts to mail/e-mail copies to individuals or entities likely to be affected by these changes.

The public has **30 days**, until **Saturday, November 30, 2024**, from the posting date to submit written comments via:

MAIL: Siletz Tribal Gaming Commission
2120 NW 44th St. Suite A
Lincoln City, OR 97367

EMAIL: contact@stgcommission.com

The public is asked to cite the page number, chapter and paragraph a comment refers to and include their contact information if the Commission should have questions or need clarification on the comment.

Following the end of the public comment period, the Commission may, at its discretion, hold a public hearing to gather further input on the proposed updates and changes to the Regulations. In such cases, the date, time, and location of the hearing will be shared widely to encourage community participation.



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SILETZ TRIBAL GAMING COMMISSION

REGULATIONS



DRAFT REVISIONS

PUBLISHED NOVEMBER 01, 2024

SILETZ TRIBAL GAMING COMMISSION ♦ REGULATIONS

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SILETZ TRIBAL GAMING COMMISSION ♦ REGULATIONS

DEFINITIONS

All terms used in these Regulations shall be understood in their ordinary, everyday meaning unless specifically defined or otherwise explained within the relevant section. When a term appears within the Regulations in small caps font (SMALL CAPS FONT), it signifies that a corresponding definition is listed for reference.



- **ADVERTISING:** Media, marketing or public relations companies (including but not limited to broadcast radio, television, cable, outdoor advertising venues, newspaper, trades, print media, internet, public relations or promotional firms, advertising agencies, direct mail companies or facilities, printing companies, and any individual, group, freelance, or agency) that is paid or reimbursed for the purpose of advertising, marketing or promoting the Gaming Operation. Advertising activities may take place either on or off Tribal lands, and includes events and promotions which are endorsed, supported, or sponsored by the Gaming Operation.
- **APPLICANT:** Any person, vendor or entity seeking a Gaming License from the Commission.
- **BACKGROUND INVESTIGATION:** Personal, criminal, security and financial history checks of a Gaming Operation Associate, Applicant, Licensee or other person required to qualify for a Gaming License. *Language from Compact:* The security and financial history checks of a Class III Gaming Vendor or an Applicant for a License, whether the Applicant is a prospective employee, consultant or vendor.
- **CARD GAME:** A game in which the Gaming Operation is not party to wagers and receives compensation in the form of a rake-off, a time buy in or other fee/payment from a Patron for the privilege of playing.
- **CHARTER:** Tribal Code §6.100 Charter of the Siletz Tribal Gaming Enterprise.
- **CHIP¹:** A non-metal or partly metal representative of value which evidence a debt owed to their custodian, is issued by the Gaming Operation for use at the table gaming stations and are not the property of anyone other than the Gaming Operation.
- **CLASS II GAMING VENDOR:** Any vendor that provides goods and/or services to the Gaming Operation which are solely related to the conduct or operation of Class II gaming activity as defined by the Indian Gaming Regulatory Act (IGRA).
- **CLASS III GAMING VENDOR:** Any vendor who falls under the definition of major or sensitive procurement within the Compact.
- **CLASSIFICATION:** Designation for the purposes of determining the level of background investigation and amount of fees charged.

¹ Direct Definition from Tribal/State MICS

- **COMMISSION:** Siletz Tribal Gaming Commission, the Tribal entity established by the Tribe with independent authority to regulate gaming activity on Tribal lands.
- **COMPACT:** The approved agreement between the Siletz Tribe and the State of Oregon for regulation of Class III Gaming. The compact outlines the terms and conditions under which the Tribe operates Class III gaming within the State of Oregon.
- **COMPACTED POSITION:** Primary Management Official (PMO) or position that requires a High Security Class III Gaming License, excluding Class II, STGC High Security and Low Security Non-Gaming License.
- **COMPLAINT:** An allegation of a violation of any relevant Gaming Laws, Compact, Tribal Ordinances, Regulations, internal controls, or policies and procedures. It may also include any disagreement between a Patron and the Gaming Operation concerning gaming rules, rules of play and is by its nature a regulatory issue rather than an operational issue.
- **COMPLIANCE ISSUE:** The discovery or report of activity or actions that might, if substantiated and not remedied, be determined to be a violation of Gaming Laws, Regulations, Compact, ordinances, internal controls, or policies and procedures affecting the fairness, integrity, security, or honesty (**FISH**) of the Gaming Operation.
- **COMPLIMENTARY ITEMS (COMPS):** Items and/or services that include, but are not limited to, travel, lodging, food, beverages, or entertainment expenses, which are issued or authorized for the purpose of attracting new Patrons, rewarding frequent Patrons, retaining existing Patrons, or which are otherwise issued or authorized to advance the business purposes of the Gaming Operation.
- **CONSULTANT:** Any person or entity, other than a Gaming Operation employee, with a vendor relationship with the Gaming Operation for the purpose of providing professional advice and/or technical expertise, recommendations and/or training on any subject or issue. A consultant who provides services involving Class II Gaming activity shall be classified as a Class II Gaming Vendor. A consultant who provides services involving Class III gaming activity shall be classified as a Class III Gaming Vendor. *Language from Compact:* Any person, other than an Gaming Operation employee, who provides advice or expertise to the Tribe concerning the operation, management, or financing of the Tribe's Class III gaming activity for compensation. "Consultant" does not include a person engaged for the purpose of training or teaching Gaming Operation employees if the contract for those services is episodic, and no greater than ninety (90) days in duration.
- **CONVERSION:** The process of changing the program or denomination on a Slot Machine. In the gaming industry, slot machines are programmed to operate with specific parameters, including game themes, payout percentages, and denominations (such as penny, nickel, quarter, etc.). Slot conversion involves modifying these settings to accommodate changes in game preferences, player demand, or regulatory requirements.
- **COUNTERFEIT CHIP:** Chip-like object(s) that is not approved pursuant to this Regulation.
- **CURSORY REVIEW:** The initial examination of criminal history, credit check and general investigative review.
- **ENTERTAINMENT:** Any individual, group, promoter, agency, or company that is paid or reimbursed for the purpose of performing within the Gaming Operation's areas of control.
- **ENTICEMENT:** Something offered to influence a person illegally or improperly to act in favor of the giver, such as a kickback, bribe, spiff or vendor gift.

- **EXECUTIVE DIRECTOR:** Executive Director of the Siletz Tribal Gaming Commission.
- **FISH (FAIRNESS, INTEGRITY, SECURITY/SAFETY AND HONESTY):** The framework of the Commission that emphasizes the principles of fairness in gameplay, integrity in operations, security/safety of player data, and honesty in marketing and communications. These principles ensure a transparent and trustworthy gaming environment, promoting player protection and industry accountability.
- **GAMING ACTIVITY²:** Any process related a particular type of game run in a particular form, for example, house-banked blackjack, pull-tabs, keno, video lottery terminals, roulette, craps, poker, bingo, speed bingo, and slot machines. This also includes the supporting of game play by surveillance, security, revenue collection, accounting for, reporting and auditing of the results produced.
- **GAMING AGENT:** Personnel of the Commission acting in their official regulatory role.
- **GAMING AREA:** Any Commission approved location within the Gaming Operation’s designated for the operation of gaming activity.
- **GAMING COUNCIL:** Activity of the Tribal Council/Tribal Council member acting in their Gaming Operation oversight role. It does not include the activity of the Tribal Council/Tribal Council member acting in their Tribal governmental role.
- **GAMING COURT:** Branch of the Siletz Tribal Court which has jurisdiction over Patron dispute when the Patron chooses to appeal the decision of the General Manager of the Gaming Operation.
- **GAMING EQUIPMENT:** Machine or other devices used in the Gaming Operation, including, but not limited to gaming tables, layouts, drop boxes, gaming chips, discriminators, slip dispensers, dealing shoe, locking devices, card reader devices and data processing equipment.
- **GAMING FACILITY:** The building or buildings constructed on land taken into trust for the Tribe including any property used to store Class III gaming equipment, supplies, or records.
- **GAMING LAWS:** IGRA, NIGC Regulations, Tribal-State Compact, Tribal/State MICS, applicable Tribal Ordinances, STGC Regulations, and Gaming Operation’s Policies & Procedures.
- **GAMING OPERATION³:** Any enterprise operated by the Tribe that operates gaming under Tribal authority, and receives revenues, issues prizes, and pays expenses in connection with games authorized by Gaming Laws, and includes both gaming and non-gaming activity conducted in a location or in a building or group of associated buildings, under one General Manager.
- **GAMING OPERATION ASSOCIATE:** Prospective and current Gaming Operation employees and any person seeking to conduct, operate, or manage any gaming activity on Tribal lands, whether as an owner, operator, vendor, vendor technician or within the scope of a contractual agreement.
- **GAMING SOFTWARE:** Gaming software for use in connection with remote gaming but does not include for use solely in connection with a gaming machine. The Commission does not consider software which is used by non-gaming businesses as well as gaming businesses, such as general infrastructure or business applications, to be gaming software. For example, we do not intend to provide oversight of companies that supply or install general Microsoft, Oracle, or Apple applications. This exclusion does not extend to cover the products produced using non-gaming business applications, such as Microsoft Visual Studio. For example, the resultant software produced from these tools would be

² Part of definition from Charter.

³ Part of definition from Charter.

considered gaming software if it meets the definition explained herein. Subject to the exception as previously explained, the Commission considers any software which is designed for use in connection with remote gaming (including online), that is intended to be used or is used by the Gaming Operation in the provision of gaming, to be gaming software. This includes any gaming specific application, such as software used in:

- Virtual Event web pages;
- Virtual Event control;
- Bet capture/matching;
- Settlement;
- Random number generation; and
- Gaming records, showing detailed results of games.

The purpose of gaming software oversight is to ensure that those manufacturing software which can impact on the fairness of gaming do so in a regulated environment. At its core this generally means the software that accepts and records gaming transactions, determines the result, calculates, and allocates any wins to the Patron's account. It would not include software developed more generally for associated activities such as performance analytics, affiliate, and CRM management.

- **HIGH SECURITY EMPLOYEE⁴**: A person who participates in the operation or management of the Class III Tribal Gaming Operation, whether employed by the Tribe or by a person or entity providing on-site or off-site operation or management services to the Tribe, including but not limited to: Gaming Operation administrators, managers and assistant managers, Gaming Operation surveillance or security personnel, dealers, croupiers, shift supervisors, cage personnel (including cashiers and cashier supervisors), drop and count personnel, slot technicians, and any other person whose employment duties require or authorize access to areas of the Gaming Operation related to Class III Gaming and which are not otherwise open to the public.
- **IGRA (Indian Gaming Regulatory Act)**: A U.S. federal law enacted in 1988 to regulate gaming activity on Native American lands. It establishes a framework for Tribal gaming, dividing it into three classes (I, II, and III), and creates a regulatory system involving Tribal governments, state governments, and the federal government.
- **KEY EMPLOYEE⁵**:
 - (a) Any person who performs one or more of the following functions for the Gaming Operation:
 - (1) Bingo Caller;
 - (2) Counting Room Supervisor;
 - (3) Chief of Security;
 - (4) Floor Manger;
 - (5) Pit Boss;
 - (6) Dealer;

⁴ Direct definition from Compact

⁵ Direct definition from 25 CFR §502.14 effective 09/14/2023

- (7) Croupier;
 - (8) Approver of credit;
 - (9) Custodian of gaming systems as defined in 25 CFR 547.2 and similar Class III systems, gaming cash or gaming equivalents, gaming supplies, or gaming system records.
 - (10) Custodian of surveillance systems or surveillance system records
- (b) Any Gaming Operation employee authorized by the Gaming Operation for unescorted access to secured Commission designated secured gaming areas.
 - (c) If not otherwise licensed as a Key Employee or Primary Management Official (PMO), the four (4) persons most highly compensated by the Gaming Operation.
 - (d) Any other employee of the Gaming Operation as documented by the Tribe as a Key Employee.

Language from Compact: Any officer or person who can substantially affect the course of business, make decisions, or is in a sensitive position in an organization or corporation that is a Class III Gaming Contractor or an Applicant for a Class III Gaming License.

- **LICENSE:** Gaming License issued by the Siletz Tribal Gaming Commission.
- **LICENSEE:** An employee, vendor, vendor technician or consultant of the Gaming Operation who has been issued a Gaming License from the Siletz Tribal Gaming Commission.
- **LOW SECURITY GAMING EMPLOYEE⁶:** Any employee of the Gaming Operation whose duties require the employee’s presence in any area of the Gaming Operation where Class III gaming activity take place, but who is not a High Security employee and who is not involved in the operation of Class III gaming.
- **LOW SECURITY NON-GAMING EMPLOYEE:** Any non-compacted Gaming Operation employee whose duties do not require the employee’s presence in any areas of the Gaming Operation where Class III Gaming activity take place.
- **MICS (MINIMUM INTERNAL CONTROL STANDARDS):** A system of internal control that meets or exceeds the Tribal Internal Control Standards (TICS) and complies with all applicable Gaming Laws.
Language from the Compact: The Tribal/State "Minimum Standards for Internal Controls" attached as the Appendix to this Compact, Page 9 -Siletz/Oregon Class III Gaming Compact 9/03/99 AGS02817 including revisions that may be agreed upon by the Tribal Gaming Commission and the Oregon State Police from time to time.
- **NEW GAME:** Game that requires new rules and possibly new Regulations.
- **NOTIFICATION:** The formal process of providing official information or required notice to the Commission, either verbally or in writing, as specified in the regulation.
- **NON-GAMING VENDOR:** A vendor that provides goods and/or services to the Gaming Operation that are not related to gaming activity.
- **OFFICE OF HEARINGS AND APPEALS (OHA):** Entity within the Commission comprised of Hearings Officers, when acting in its capacity to review appeals and/or hold hearings.
- **ON-CALL GAMING AGENT:** A Gaming Agent who has been assigned by the Commission to receive

⁶ In Compact as “Low Security Employee”

notifications outside of the Commission's regular office hours. A monthly list of the on-call Gaming Agents will be provided to Management of the Gaming Operation.

- **OSP-TGS (Oregon State Police, Tribal Gaming Section)⁷:** The Gaming Enforcement Division, or the administrative unit charged with gaming enforcement regulatory responsibilities, of the Department of State Police established under Oregon Revised Statutes section 181.020, or its successor agency established by law.
- **PATRON:** Individual who purchases goods, participates in gaming activity, participates in non-gaming activity, or uses services offered by the Gaming Operation.
- **PATRON DISPUTE:** A disagreement between a patron and the Gaming Operation concerning the payment or non-payment of prizes and is by its nature an operational issue rather than a regulatory issue.
- **PLAYER⁸:** One (1) person who is playing any game at the Gaming Operation.
- **POLICY:** A defined course or method of action designed to guide and determine present and future decisions to ensure compliance with regulations.
- **PMO (Primary Management Official)⁹:**
 - (a) Any person having management responsibility for a management contract;
 - (b) Any person who has authority:
 - (1) To hire and fire employees of the Gaming Operation; or
 - (2) To establish policy for the Gaming Operation.
 - (c) The Chief Financial Officer (CFO) or a position with duties similar to a CFO.
 - (d) The General Manager (GM) or a position with duties similar to a GM.
 - (e) Any other employed management official of the Gaming enterprise as documented by the Tribe as a Primary Management Official (PMO).

Language from Compact: Any person who:

- (1) Has administrative or high-level management responsibility for part or all of the Class III Tribal Gaming Operation, whether as an employee or under management contract;
- (2) Has authority to hire and fire supervisory employees; or to set or otherwise establish working policy for the Gaming Operation; or
- (3) Is the chief financial officer or other person who has financial management responsibility for the Gaming Operation.

Primary Management Official does not include a person or entity that does not have decision-making authority about a Class III Gaming Operation.

- **PROCEDURE:** The method or a series of steps to be followed in specific order to ensure compliance with a regulation.

⁷ Direct definition from Compact

⁸ Similar definition in Tribal/State MICS

⁹ Direct definition from 25 CFR §502.19 effective 09/14/2023

- **PROFESSIONAL SERVICES:** Contracted assistance provided to the Gaming Operation by specialists in their expertise that do not directly involve gaming activity, including but not limited to legal, medical, accounting, financial institutions, education, and human resources.
- **PROMOTIONAL CHIP:** A chip-like object issued by the Gaming Operation for use in promotions or tournaments at the Gaming Operation.
- **PROMULGATION¹⁰:** The drafting, announcement, review, and internal adoption within the Commission and submission to the Executive Director of a proposed form of any new or existing Commission rule and/or regulation. Any such proposed rule, regulation or policy shall not become an officially enacted rule, regulation or policy of the Siletz Tribe or of the Commission until it has been approved by Tribal Council Resolution as provided for in the Charter. Once a proposed rule, regulation or policy has been promulgated within the Commission by decision of the Commission Executive Director, the rule, regulation or policy shall be formally forwarded to the Tribal Council for further action.
- **REGULATIONS¹¹:** A set of requirements adopted by the Commission and approved by the Tribal Council, established to guide and control how the Commission and Gaming Operation implement and comply with applicable laws, rules, regulations, policies and procedures. Regulations includes rules and are intended to ensure proper adherence to these governing standards.
- **REPORT:** A formal document created and written with the intention of conveying information, analyzing data or recounting events, particularly in compliance with regulatory requirements.
- **RESPONDENT:** A person or entity, including the Gaming Operation, which is the subject of specific compliance or enforcement action.
- **RETALIATION:** Discharge, demotion, suspension, threatening, harassment, or unfavorable treatment where the cause is determined to be as a result for direct reporting.
- **REVISION:** Games that do not require a new set of rules and regulations.
- **SANCTION:** Any official action taken by the Commission to ensure compliance with all applicable Gaming Laws, Tribal Ordinance, Regulations and the Gaming Operation Policies and Procedures. Sanctions are implemented as a means of enforcing compliance, deterring non-compliance, and upholding the integrity of the Gaming Operation. These actions may include fines, penalties, License suspensions or revocations, corrective measures, or other enforcement actions deemed necessary to address violations and maintain regulatory standards within the Gaming Operation. Sanctions are applied in accordance with established procedures and due process to ensure fairness and accountability in regulatory enforcement efforts.
- **SENSITIVE PROCUREMENT¹²:** S any procurement action or contract that is not a "Major Procurement," for Class III gaming equipment (such as cards, dice, keno balls, roulette wheels, roulette balls, chips, tokens, VL T or keno paper, gaming tables, table layouts or the like), or any other products that are not used directly in the conduct of Class III gaming, but that directly relates to the operation and administration of the Tribe's Class III gaming activity such as replacement parts for video lottery terminals (bill acceptors, printers), locks and keys for secure storage areas or gaming devices, or individual surveillance cameras.

¹⁰ Direct definition from the Charter

¹¹ Direct definition from Tribal/Sate MICS

¹² Definition from the Compact

- **SENSITIVE SOFTWARE:** Collectively applies to one or more of the following, but not limited to: USB drives, CompactFlash card, CDs, hard drive, game media, etc. for Slot Machines.
- **SHILL:** In relation to Poker, a house player who does not have any of their own money at risk; a cardroom employee paid a predetermined rate to play and who is bankrolled by the house. Shill is distinct from a prop because props provide their own bankroll and distinct from a stake player because stake players are paid based on winnings while shills' pay is predetermined. Shills may be required to play using a set of predetermined actions for certain circumstances, such as not calling a raise with a drawing hand.
- **SLOT MACHINE¹³:** Gaming equipment collectively referred to as Slot Machine, Video Lottery Terminal (VLT), Multi-Player Stations, In-house Progressives, Wide Area Progressives, Server Based Game, Server Supported, Mobile Gaming Devices, and Electronic Gaming Device as allowed in the Compact and in conformity with the Tribal/State MICS.
- **STATE:** State of Oregon
- **SUITABLE:** Individual found to be eligible for a License as determined by the Commission upon the results of a background investigation.
- **SICS (System of Internal Control Standards)¹⁴:** Is the plan of organization beginning with the Compact and descending through the Tribal Gaming Operation standard operating policies & procedures and all the coordinated methods and measures adopted within a business to safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies.
- **TABLE GAME¹⁵:** Any Class III game allowed under this Compact except video lottery games, keno, off-race course mutuel wagering, and race book.
- **TICS (Tribal Internal Control Standards):** A system of internal controls that ensures the Gaming Operation are complying with Gaming Laws.
- **TIMELY MANNER:** Three (3) to ten (10) calendar days.
- **TITLE 31:** Refers to Title 31, Subtitle B, Chapter X, part 1021 of the Code of Federal Regulations, which encompasses regulations related to money and finance. In a compliance and regulatory context, Title 31 includes provisions for anti-money laundering measures, the reporting of suspicious activities, and regulations governing the financial systems and certain businesses to implement controls to detect and report potential money laundering and other financial crimes.
- **TRIBAL COUNCIL:** Siletz Tribal Council, acting in their Tribal government role pursuant to the authority delegated to it by the Constitution of the Confederated Tribes of Siletz Indians and as limited in Tribal Code §6.100 Charter of the Siletz Tribal Gaming Enterprise.
- **TRIBAL COURT:** Tribal Court of the Confederated Tribes of Siletz Indians of Oregon.
- **TRIBE/TRIBAL:** Confederated Tribes of Siletz Indians of Oregon
- **VENDOR:** Individual or business entity, which provides goods and/or services to the Gaming Operation but not limited to:

¹³ Definition directly from Tribal/State MICS

¹⁴ Definition directly from Tribal/State MICS

¹⁵ Definition from the Compact

- (1) Gaming equipment, hardware, software, and surveillance and security systems; or
- (2) Services and consulting as required by the Executive Director.
- **VIOLATION:** Failure to adhere to any Gaming Law, Compact, Tribal Ordinance, Regulation, internal control, or policy and procedure affecting the fairness, integrity, security, or honesty (FISH) of the Gaming Operation.
- **VIRTUAL EVENT:** Event where the outcome is generated by an electronic device, whose outcome can be based on a pre-determined random number generator or real time otherwise considered a live event where the outcome is determined by a random number generator in combination with adaptive behavior, artificial intelligence, or human interactivity.

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SILETZ TRIBAL GAMING COMMISSION ♦ REGULATIONS

CHAPTER 1

GENERAL PROVISIONS

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§1.0 DELEGATION OF AUTHORITY

The TRIBAL COUNCIL, as the governing body of the TRIBE, has delegated its regulatory authority over all GAMING ACTIVITY within the TRIBE'S jurisdiction to the COMMISSION. This delegation grants the COMMISSION the responsibility to oversee and enforce REGULATIONS related to any GAMING ACTIVITY, ensuring compliance with applicable GAMING LAWS and industry standards.

The delegation of regulatory authority is rooted in applicable GAMING LAWS and REGULATIONS, including TRIBAL Ordinances and the COMPACT for Regulation of Class III Gaming between the Confederated Tribes of Siletz Indians and the State of Oregon.

The delegation of authority dates to the original adoption of TRIBAL Code §6.001, the Gaming Ordinance, on August 20, 1994. The Gaming Ordinance established the legal framework for regulating GAMING ACTIVITY and formalized the COMMISSION'S role in overseeing such operations.

§1.1 ROLE OF THE COMMISSION

The COMMISSION, an independent regulatory agency of the TRIBE, is responsible for regulating the GAMING OPERATION, subject only to oversight authority of the TRIBAL COUNCIL acting in its governmental capacity. The COMMISSION shall, subject to TRIBAL COUNCIL review and approval, adopt REGULATIONS as necessary to fulfill its responsibilities under the CHARTER and pursuant to GAMING LAWS.

In carrying out its duties, the COMMISSION is committed to upholding the cornerstone principles of fairness, integrity, security/safety and honesty to ensure that all aspects of the GAMING OPERATION has

PROCEDURES in place to administer, monitor, and ensure compliance with these REGULATIONS

The role of the COMMISSION is further detailed in TRIBAL Code §6.105 CHARTER of the Siletz Tribal Gaming Enterprise.

§1.2 ORGANIZATION OF THE COMMISSION

The regulatory and administrative functions of the COMMISSION, including management of the Surveillance Department, preliminary approval of proposed REGULATIONS, COMMISSION decision-making and preparation of an annual budget for the COMMISSION shall be the responsibility of the EXECUTIVE DIRECTOR, who shall be the chief officer of the COMMISSION.

The EXECUTIVE DIRECTOR shall be the official representative in the COMMISSION'S official dealings with other governments and the TRIBAL COUNCIL. The EXECUTIVE DIRECTOR shall develop and keep current internal procedures of the COMMISSION. The EXECUTIVE DIRECTOR is accountable solely to the TRIBAL COUNCIL. The departments of the COMMISSION shall include, but not limited to Licensing, Compliance/Enforcement, Surveillance, Auditing and Administration.

The Office of Hearings and Appeals (OHA) shall be comprised of one permanent Hearings Officer, who shall serve as the Chair of the OHA and will be responsible for all administrative functions and duties of the OHA. The TRIBAL COUNCIL shall have authority to discipline, remove or terminate a Hearing Officer for cause, upon due notice and after opportunity for a hearing, and with a right of appeal to the TRIBAL COURT. The OHA is accountable to the TRIBAL COUNCIL. The role of OHA is further laid out in TRIBAL Code §6.105 (g) CHARTER of the Siletz Tribal Gaming Enterprise.

§1.3 PROMULGATION OF REGULATIONS

- (1) New, rescinded and amended REGULATIONS shall be proposed and drafted as appropriate for the COMMISSION to carry out its duties and responsibilities to comply with applicable GAMING LAWS.
- (2) The need for new, rescinded, or amended REGULATIONS may be initiated by the EXECUTIVE DIRECTOR, TRIBAL COUNCIL, GAMING OPERATION, COMMISSION personnel or by any interested person/entity.
- (3) New, rescinded or amended REGULATIONS shall be submitted in written draft form for review, modification, and/or adoption by the EXECUTIVE DIRECTOR.
- (4) The EXECUTIVE DIRECTOR will review any draft proposed, rescinded, or amended REGULATIONS within 30 days after receiving the draft. When the EXECUTIVE DIRECTOR is satisfied with the draft of proposed, rescinded or amended REGULATIONS the EXECUTIVE DIRECTOR will issue an order adopting proposed, rescinded or amended REGULATIONS in the form of "Notice of Proposed Regulation".
- (5) The COMMISSION will publish and post the proposed new, rescinded or amended REGULATIONS for the public to review and comment. Any proposed changes will be posted publicly at the COMMISSION office, GAMING OPERATION, TRIBAL Area offices, and the COMMISSION website. The COMMISSION will attempt to send by Certified Mail®, to any person or entity that the COMMISSION reasonably believes will or may be affected by the proposed new, rescinded or amended REGULATIONS. The deadline for submission of written comments shall be 15 calendar days from the date of posting. At its discretion the COMMISSION may hold a public hearing to receive comments on any draft REGULATIONS. In such an event, the date, time, and location of said public hearing (in person or by teleconference) shall be disseminated to encourage broad participation.

- (6) The COMMISSION shall have 15 calendar days after the completion of any written comment period or public hearing, whichever is later, to review all comments received and to prepare the Final Proposed Draft REGULATIONS. The EXECUTIVE DIRECTOR shall, within 15 days after preparation of the Final Proposed Draft, issue an order adopting or rejecting in whole or in part, the Final Proposed Draft REGULATIONS. The Final Proposed Draft REGULATIONS shall then be submitted to the TRIBAL COUNCIL for approval by Tribal Resolution.

§1.4 APPROVAL OF REGULATIONS

- (1) The TRIBAL COUNCIL is responsible for final approval of REGULATIONS. Final Proposed Draft REGULATIONS shall not be in effect until it has been formally approved by TRIBAL Resolution, except as set forth in §1.5 and §1.6.
- (2) The COMMISSION will provide the Final Proposed Draft REGULATIONS to the TRIBAL Attorney before submission to the TRIBAL COUNCIL. Upon receipt of the Final Proposed Draft REGULATIONS from the COMMISSION, the TRIBAL COUNCIL shall schedule time at their next regular meeting for review and decision.
- (3) At the monthly GAMING COUNCIL meeting, the EXECUTIVE DIRECTOR shall provide a list of all Final Proposed Draft REGULATIONS that have been formally submitted to the TRIBAL COUNCIL for decision, but which have not yet had action taken.
- (4) The TRIBAL COUNCIL shall approve or reject, in whole or in part, any proposed new, rescinded or amended REGULATIONS by TRIBAL Resolution. The TRIBAL COUNCIL may make any changes it deems appropriate prior to final passage. The TRIBAL COUNCIL may return any proposed new, rescinded or amended REGULATIONS to the COMMISSION for further modification.
- (5) The TRIBAL COUNCIL Office personnel shall transmit a copy of the TRIBAL Resolution with the approved REGULATIONS to the EXECUTIVE DIRECTOR.
- (6) The EXECUTIVE DIRECTOR will publish and distribute copies of the final REGULATIONS to each person or entity that submitted comments during the PROMULGATION process. Copies of the approved REGULATIONS will be provided to TRIBAL COUNCIL, the GAMING OPERATION, the TRIBAL Attorney, TRIBAL COURT, and published on both the TRIBE'S and COMMISSION'S websites.
- (7) REGULATIONS shall take effect immediately upon approval by passage of the TRIBAL Resolution. The TRIBAL COUNCIL or EXECUTIVE DIRECTOR, may provide that the REGULATIONS take effect at a later date when written in the TRIBAL Resolution. If an affected person or entity needs more time to put the REGULATIONS in to effect, they must submit a written request for an extension to the EXECUTIVE DIRECTOR for consideration.

§1.5 EMERGENCY ENACTMENT OF REGULATIONS

- (1) Pursuant to §6.105(b) of the CHARTER, the EXECUTIVE DIRECTOR may provide for the immediate temporary effectiveness of proposed REGULATIONS when it is determined that an emergency exists. In such event, the EXECUTIVE DIRECTOR shall issue an order adopting the REGULATIONS and provide for its immediate implementation which shall include a statement setting out the nature of the emergency with the need for immediate implementation of the REGULATIONS.
- (2) Whenever REGULATIONS are enacted on an emergency basis, copies of the REGULATIONS will be given directly to any person, entity, and/or GAMING OPERATION directly affected.
- (3) At the time the REGULATIONS temporary effectiveness are enacted, it shall be immediately

transmitted to the TRIBAL COUNCIL for review and action. The temporary effectiveness of REGULATIONS shall expire unless approved by TRIBAL Resolution at the next regularly scheduled TRIBAL COUNCIL meeting. Expiration of any REGULATIONS under this section does not prevent the EXECUTIVE DIRECTOR from thereafter submitting the proposed REGULATIONS under the normal approval process.

- (4) The TRIBAL COUNCIL shall promulgate or amend REGULATIONS on its own upon failure of the COMMISSION to act.

§1.6 PROMULGATION OF INTERNAL PROCEDURES

- (1) The PROMULGATION of internal procedures, shall be as formal or informal as necessary and appropriate, as determined by the EXECUTIVE DIRECTOR. The COMMISSION, shall as appropriate in its discretion, follow the provisions set out for PROMULGATION of REGULATIONS except as expressly provided otherwise in this section, including but not limited to notices of public hearings, and emergency adoption of internal procedures. Approved internal procedures shall be provided to the GAMING OPERATION and the TRIBAL Attorney.
- (2) The COMMISSION may adopt internal procedures, as defined by these REGULATIONS as the EXECUTIVE DIRECTOR deems appropriate and necessary. The internal procedures shall become effective upon approval by the EXECUTIVE DIRECTOR. The COMMISSION will transmit any approved, amended, or rescinded internal procedures to the TRIBAL COUNCIL, with a copy to the TRIBAL Attorney, for the TRIBAL COUNCIL’S information and review. The TRIBAL COUNCIL shall have the authority to reject internal procedures by TRIBAL Resolution passed within 45 days from the date the procedure was transmitted to the TRIBAL COUNCIL. If not expressly rejected by the TRIBAL COUNCIL, the internal procedures will remain in effect.

§1.7 FORMAT REQUIREMENTS FOR REGULATIONS

- (1) A legal font and size will be used on all COMMISSION REGULATIONS.
- (2) Draft proposed, rescinded, or amended REGULATIONS shall be identified with a “DRAFT” watermark, and in the footer shall include the date of the draft, initials of the Author, draft number, and “PROPOSED REGULATION” and submitted in layout format as these REGULATIONS.
- (3) Final approved REGULATIONS shall be formatted by the COMMISSION according to these requirements prior to formal publication.

§1.8 CONFIDENTIAL INFORMATION

- (1) Access to information within the possession of the COMMISSION shall be considered confidential and restricted to GAMING AGENTS who require such information in the performance of their official duties.
- (2) All information and data furnished to or obtained by the COMMISSION which relates to internal controls shall not be released or disclosed to any person except in accordance with item (8) below.
- (3) The earnings, revenue, criminal record, family relationships, business relationships, and/or BACKGROUND INVESTIGATION of any APPLICANT or LICENSEE shall not be released, or disclosed to any person except in accordance with item (8) below.
- (4) Any questions concerning whether a specific item of information or data within the possession of the COMMISSION is deemed to be confidential information, or any other applicable statutory provision, judicial decision, or rule of court, shall be submitted to the EXECUTIVE DIRECTOR for determination

for referral to appropriate authorities.

- (5) Authorized personnel shall not remove confidential information from designated secure storage facilities unless such removal is necessary to the fulfillment of their official COMMISSION duties. Confidential information, which is not presently being utilized by authorized personnel, shall be promptly returned to the secure storage facility.
- (6) The COMMISSION shall establish and maintain a records retention schedule for all confidential information within its possession.
- (7) Any confidential information in possession of the COMMISSION shall be promptly destroyed in accordance with the provisions of the retention records schedule in (6) above.
- (8) Confidential information within the possession of the COMMISSION shall not be released or disclosed in whole or in part to any person, except:
 - (a) During the necessary administration of the TRIBAL Code §6.001 Gaming Ordinance, COMPACT, Indian Gaming Regulatory Act (IGRA), or other applicable GAMING LAWS;
 - (b) Upon lawful order of a court of competent jurisdiction;
 - (c) Upon presentation of proper identification, by the APPLICANT or LICENSEE who furnished the confidential information to the COMMISSION; or
 - (d) Upon presentation of a duly executed and notarized *Authorization for Release Of Information* by the APPLICANT or LICENSEE who furnished the confidential information, to any person making a written request for specifically identified confidential information.

§1.9 COMMISSION ACCESS REQUIREMENTS

GAMING AGENTS shall be granted immediate access to the GAMING OPERATION including all records, computer systems, data files and equipment.

§1.10 OSP-TGS ACCESS REQUIREMENTS

- (1) Upon request and presentation of appropriate identification and in cooperation with the COMMISSION the GAMING OPERATION shall make available to any Oregon State Police, Tribal Gaming Section (OSP-TGS) representative, all areas of the GAMING OPERATION. All records pertaining to the operation, management, and regulation of Class III Gaming shall be made available for inspection and copies of pertinent documents provided upon request.
- (2) General audits, audit information and follow-up letters are the TRIBE'S confidential proprietary information and may not be removed from the COMMISSION'S premises or photocopies made. OSP-TGS may make note of the information, however that information may not become part of any OSP-TGS record.
- (3) All GAMING OPERATION records:
 - (a) Shall always remain the property of the TRIBE and shall not be subject to disclosure.
 - (b) Shall be returned to the COMMISSION immediately after use, in accordance with the COMPACT; and
 - (c) Are confidential and shall without exception, be marked clearly and legibly, as follows:

“CONFIDENTIAL – These materials are confidential and shall remain at all times the property of the Confederated Tribes of Siletz Indians of Oregon. These materials shall be returned to the Tribe

immediately after the use for which they are obtained. These materials shall not be duplicated and/or disclosed to any other party without the Tribe's permission."

§1.11 NATIONAL INDIAN GAMING COMMISSION (NIGC) ACCESS REQUIREMENTS

Upon request and presentation of appropriate identification and in cooperation with the COMMISSION, the GAMING OPERATION shall make available to the National Indian Gaming Commission (NIGC) representative, all areas of the GAMING OPERATION. All records pertaining to the operation, management, and regulation of Class II Gaming shall be made available for inspection and copies of pertinent documents provided upon request.

§1.12 ENVIRONMENTAL, PUBLIC HEALTH AND SAFETY STANDARDS

The COMMISSION has regulatory responsibilities and requirements for enforcement of applicable TRIBAL Ordinances and REGULATIONS governing health and safety standards per the COMPACT, Section 11, Applications of State Regulatory Standards, the NIGC Environmental, Public Health and Safety (EPHS), and other applicable GAMING LAWS or requirements.

- (1) GAMING OPERATION'S POLICY and PROCEDURES regarding Environmental, Public Health and Safety (EPHS) will be submitted to the COMMISSION for review and approval.
- (2) Environmental, Public Health and Safety checks shall include, but are not limited to:
 - (a) EPHS codes, laws, ordinances, and REGULATIONS i.e., fire codes, life safety codes, building codes, electrical codes, food codes and OSHA, if applicable.
 - (b) Written safety and health program containing a training program and standard operating PROCEDURES for handling hazardous material and an example of a training document.
 - (c) Active Safety Data Sheet (SDS).
 - (d) If applicable, hazardous waste disposal Environmental Protection Agency (EPA) ID #.
 - (e) Hazardous waste disposal documentation.
 - (f) If applicable, a permit/regulation/PROCEDURE for how wastewater is discharged or otherwise disposed of.
 - (g) If applicable, an on-site treatment plant, documentation that wastewater treatment plant operators are trained (if treated on-site).
 - (h) If applicable, for on-site septic tanks or lagoons, documentation, or evidence of maintenance.
 - (i) If applicable, documentation of maintenance of underground or aboveground storage tanks.
 - (j) Biohazard disposal program and written training records.
 - (k) COVID/communicable/infectious disease plan.
 - (l) First Aid/CPR employee training records.
 - (m) Emergency Preparedness Plan
 - (n) Water safety testing and PROCEDURE if water quality falls below standards.
 - (o) Employee food handler training/certification.
 - (p) Food inspection and testing program.

- (q) Emergency evacuation/fire drill training.
 - (r) Fire sprinkler testing if applicable.
 - (s) Facility maintenance inspection plan or checklist.
 - (t) List of codes used for original construction of the facility i.e., building, plumbing, electrical and mechanical.
- (3) VIOLATIONS of EPHS will be resolved through Chapter 10, Compliance and Enforcement, beginning on page 52.

§1.13 NOTICE OF PRIVACY ACT

In compliance with the Privacy Act of 1974, the following information is provided on the LICENSE Application:

Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a license. The information will be used by the Commission and by the National Indian Gaming Commission (NIGC) who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal, or regulatory investigations or prosecutions or when pursuant to a requirement by the Tribe or the NIGC in connection with the issuance, denial, or revocation of a License, or Background Investigation while associated with a Tribe or Gaming Operation. Failure to consent to the disclosures indicated in this notice will result in the Tribe being unable to License you for a Primary Management Official (PMO) or Key Employee position. The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your License Application.

§1.14 NOTICE REGARDING FALSE STATEMENTS

The following information will be provided on the LICENSE Application:

A false statement on any part of your License Application may be grounds for denying, suspending or revocation of a License. Also, you may be punished by fine or imprisonment (U.S. Code, Title 18, Section 1001).

§1.15 SEVERABILITY

Should any provision of the REGULATIONS or the LICENSE Application thereof, to any person, entity or circumstance be determined to be invalid, the invalid provision shall be severed from the REGULATIONS and the remaining provisions of the REGULATIONS shall remain in legal force or effect unless the TRIBAL COURT determines otherwise.



SILETZ TRIBAL GAMING COMMISSION ♦ REGULATIONS

CHAPTER 2

LICENSING

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SUBSECTION I: ASSOCIATES

§2.0 PURPOSE

These REGULATIONS aim to ensure that the licensing process for the GAMING OPERATION is conducted consistently and in accordance with the relevant legal frameworks, including TRIBAL Ordinances, federal regulations, and provisions of the COMPACT.

- (1) **Fairness:** The COMMISSION wants to ensure all APPLICANTS are treated equitably and without prejudice. By promoting a level playing field with consistent criteria for licensing, regardless of the APPLICANT'S BACKGROUND INVESTIGATION, this ensures everyone has an unbiased chance to obtain a LICENSE to become a GAMING OPERATION ASSOCIATE.
- (2) **Integrity:** The COMMISSION aims to ensure all actions, decisions, and processes are in full compliance with GAMING LAWS. The REGULATIONS demand that all stakeholders act ethically and in good faith, ensuring that no part of the process is compromised by favoritism, corruption, or any unethical behavior.
- (3) **Security:** By being granted a LICENSE, this demonstrates the LICENSEE has undergone a rigorous BACKGROUND INVESTIGATION and has been deemed SUITABLE to be a GAMING OPERATION ASSOCIATE and unlikely to be a security risk to the GAMING OPERATION.
- (4) **Honesty:** The REGULATIONS require APPLICANTS to provide accurate and truthful information, ensuring that there is no falsification or misrepresentation in their applications. This helps prevent fraud and ensures that those who are licensed are trustworthy.

While ensuring compliance with these principles, the REGULATIONS also aims to promote and maximize licensing opportunities for TRIBAL Members. This suggests a commitment to empowering TRIBAL Members by providing them with opportunities to participate in and benefit from the GAMING OPERATION within their community.

§2.1 GAMING LICENSE CLASSIFICATIONS

There are four (4) types of Gaming LICENSE CLASSIFICATIONS for job positions within the GAMING OPERATION:

- (1) Primary Management Official (PMO)
- (2) HIGH SECURITY
- (3) LOW SECURITY
- (4) LOW SECURITY NON-GAMING

§2.2 LICENSING OF GAMING OPERATION ASSOCIATES

- (1) In accordance with the provisions of the COMPACT, NIGC Regulations and TRIBAL Code §6.001 Gaming Ordinance, all GAMING OPERATION ASSOCIATES shall meet the requirements of the COMMISSION prior to engaging in employment with the GAMING OPERATION and/or any GAMING ACTIVITY.

- (2) Engaging in employment and/or GAMING ACTIVITY without first obtaining the required LICENSE, or after a LICENSE has expired, been denied, suspended, or revoked, shall be deemed a VIOLATION of GAMING LAWS.
- (3) Approval of a LICENSE by the COMMISSION constitutes an agreement on the part of the LICENSEE to be bound by GAMING LAWS the same as now or hereafter as may be revised or promulgated.
- (4) The COMMISSION will develop a LICENSE Application to gather information from all APPLICANTS to meet the provisions set forth in GAMING LAWS.
- (5) A BACKGROUND INVESTIGATION shall be performed with respect to all prospective GAMING OPERATION ASSOCIATES, whether a PMO, HIGH SECURITY or LOW SECURITY LICENSEE. Prospective GAMING OPERATION ASSOCIATES shall provide to the COMMISSION and OSP-TGS any required application fees and fully complete the appropriate LICENSE Application. Failure to do so will result in licensing action.
- (6) In addition to providing a complete LICENSE Application, all prospective PMO, HIGH SECURITY and LOW SECURITY LICENSEES shall be fingerprinted as part of the BACKGROUND INVESTIGATION.
- (7) ¹⁶The COMMISSION shall conduct a BACKGROUND INVESTIGATION on each GAMING OPERATION ASSOCIATE as required by GAMING LAWS. The level of BACKGROUND INVESTIGATION is dependent on the LICENSE CLASSIFICATION of the job position.
 - (a) The COMMISSION shall forward the APPLICANT information for each prospective PMO and HIGH SECURITY LICENSEE to the OSP-TGS. When the COMMISSION conducts the BACKGROUND INVESTIGATION of a prospective PMO or HIGH SECURITY LICENSEE, it shall submit the completed REPORT to the OSP-TGS within 60 days.
 - (b) The OSP-TGS may conduct a BACKGROUND INVESTIGATION on all prospective PMO and HIGH SECURITY LICENSEES. OSP-TGS shall provide a REPORT to the COMMISSION within a reasonable period of time, but in no event shall BACKGROUND INVESTIGATION exceed 60 days without written NOTIFICATION to the COMMISSION.
- (8) Except as otherwise provided, the COMMISSION shall deny a LICENSEE in accordance with applicable GAMING LAWS such as the mandatory disqualification provisions of §7.A.5 of the COMPACT.
- (9) ¹⁷In addition to the mandatory denial criteria set out in GAMING LAWS, the COMMISSION may deny a LICENSEE to any prospective PMO, HIGH SECURITY, or LOW SECURITY LICENSEE for any reason the COMMISSION deems sufficient.
- (10) The COMMISSION may deny a LICENSE to any Non-Gaming GAMING OPERATION ASSOCIATE who has committed a crime as listed in the COMPACT within the timeframes specified therein.
- (11) The COMMISSION may reject a LICENSE Application if the APPLICANT has not provided all the information requested in the LICENSE Application.
- (12) No PMO shall be granted a LICENSE by the COMMISSION until the BACKGROUND INVESTIGATION required under the COMPACT is completed.
- (13) All LICENSES are the property of the COMMISSION and shall be returned upon denial, expiration,

¹⁶ Compact Section 7.A.4.a. (pg. 23) 09/03/1999

¹⁷ Compact 7.A.5.d (pg 25) 09/03/1999

suspension, revocation, or termination of employment with the GAMING OPERATION.

- (14) Denial of a LICENSE by the COMMISSION may be appealed to the Office of Hearings and Appeals (OHA) within 15 calendar days of receipt of the action. The COMMISSION shall include notice in any denial of the right to appeal. The Administrative PROCEDURES for the OHA can be found in Chapter 16, starting on page 71.
- (15) The COMMISSION will REPORT to the TRIBAL COUNCIL on a periodic basis the number of approved or denied LICENSES and the grounds (without names) for denial. The REPORT will be broken down into Siletz TRIBAL Members, other Tribal Members, and non-Tribal Members.

§2.3 WAIVER OF DISQUALIFYING CRITERIA

- (1) Notwithstanding the mandatory disqualification provisions of §7.A.5 of the COMPACT, if a prospective PMO, HIGH SECURITY or LOW SECURITY LICENSEE is disqualified for a LICENSE under the provisions of §7.A.5 of the COMPACT and the COMMISSION believes there are mitigating circumstances that justify a waiver of the disqualifying factor, the COMMISSION may give written NOTIFICATION to the OSP-TGS requesting a meeting to discuss a waiver of the disqualification. The COMMISSION and the OSP-TGS shall meet within 15 days after written NOTIFICATION is given.
- (2) To waive disqualification of licensing any prospective PMO, HIGH SECURITY or LOW SECURITY LICENSEE, both the COMMISSION and OSP-TGS must agree on the waiver of the disqualification.
- (3) A waiver of disqualification of licensing may be based on one (1) or more of the following criteria:
 - (a) Passage of time since conviction of a crime;
 - (b) The APPLICANT'S age at time of conviction;
 - (c) The severity of the offense committed;
 - (d) The overall criminal record of the APPLICANT;
 - (e) The APPLICANT'S present reputation and standing in the community;
 - (f) The nature of the job position for which the LICENSE Application is made; and/or
 - (g) The nature and seriousness of a misstatement or omission in the LICENSE Application.
- (4) In any request for a waiver of disqualification made under these REGULATIONS, the COMMISSION will describe in the request for a waiver of disqualification how it believes the prospective PMO, HIGH SECURITY or LOW SECURITY LICENSEE meets the waiver criteria set out in (3) above, and shall include relevant documentation.
- (5) The COMMISSION will REPORT on a periodic basis to the TRIBAL COUNCIL the number of individuals for whom waivers have been requested, processed, and the disposition or status. The REPORT will be broken down into Siletz TRIBAL Members, other Tribal Members, and non-Tribal Members.

§2.4 TEMPORARY LICENSING OF GAMING OPERATION ASSOCIATES¹⁸

- (1) The COMMISSION may issue a temporary LICENSE to HIGH SECURITY or LOW SECURITY LICENSEES one (1) day after submission of a completed LICENSE Application and CURSORY REVIEW.
 - (a) If the APPLICANT has been deemed SUITABLE, the temporary LICENSE shall expire and become

¹⁸ Compact 7.A.8.

void upon completion of the full BACKGROUND INVESTIGATION.

- (b) If the GAMING OPERATION ASSOCIATE does not qualify for a permanent LICENSE, the COMMISSION shall immediately revoke the temporary LICENSE and deny a permanent LICENSE.
- (2) The COMMISSION may issue a temporary LICENSE to a LOW SECURITY LICENSEE upon completion of a CURSORY REVIEW. Any LOW SECURITY LICENSEE shall be subject to immediate LICENSE revocation if OSP-TGS or the COMMISSION determines that the LICENSEE no longer meets the criteria as established in the COMPACT.
- (3) For purposes of this section, if a LICENSE Application is forwarded by USPS mail to OSP-TGS or the results of a BACKGROUND INVESTIGATION by OSP-TGS are provided to the COMMISSION by mail, the material is deemed to be submitted three (3) days after the date of mailing as determined by the postmark.
- (4) The provisions of this section shall apply to any CONSULTANT retained by the GAMING OPERATION to consult on a Class III GAMING ACTIVITY or PMO functions/duties. A CONSULTANT shall be subject to immediate LICENSE revocation if the OSP-TGS or the COMMISSION determines that the CONSULTANT does not meet the criteria for a LICENSE under the COMPACT.
- (5) No temporary LICENSE will be granted under this section to a PMO.

§2.5 BACKGROUND INVESTIGATION DURING EMPLOYMENT

The COMMISSION or the OSP-TGS may conduct additional BACKGROUND INVESTIGATIONS of any GAMING OPERATION ASSOCIATE at any time during their employment. If, following the BACKGROUND INVESTIGATION, the OSP-TGS finds cause for the revocation or suspension of a GAMING OPERATION ASSOCIATE'S LICENSE based on the criteria established in the COMPACT, OSP-TGS will promptly REPORT to the COMMISSION, providing all relevant information supporting the determination. The COMMISSION will review the OSP-TGS REPORT and supporting materials. If the COMMISSION determines that substantial justification for revocation or suspension exists under the criteria established in the COMPACT, the LICENSE shall be suspended or revoked in accordance with the PROCEDURES outlined in TRIBAL Code §6.001 Gaming Ordinance and REGULATIONS.

§2.6 DURATION OF LICENSE

- (1) The LICENSE for a PMO, HIGH SECURITY or LOW SECURITY LICENSEE is valid for no more than three (3) years from the date of issuance. However, a licensed PMO, HIGH SECURITY or LOW SECURITY LICENSEE who has applied for renewal may continue to be work under the expired LICENSE until final decision is made on the renewal LICENSE Application, in accordance with the provisions of §7.A.2 to §7.A.5 of the COMPACT.
- (2) When applying for a renewal a PMO, HIGH SECURITY or LOW SECURITY LICENSEE must provide the COMMISSION with updated information on the Renewal Application but historical data already submitted does not need to be resubmitted. The COMMISSION and/or OSP-TGS may conduct a new BACKGROUND INVESTIGATION for any PMO, HIGH SECURITY or LOW SECURITY LICENSEE renewing their LICENSE.
- (3) A LOW SECURITY NON-GAMING LICENSEE may continue working while their LICENSE is being renewed, and the COMMISSION, at its discretion, may require updated information or conduct an additional BACKGROUND INVESTIGATION.

§2.7 LICENSEE AGE RESTRICTIONS

- (1) Any LICENSEE who is under 21 years of age is prohibited from working in any GAMING AREA.
- (2) Any LICENSEE whose duties require presence in a Class III GAMING AREA shall be at least 21 years of age.
- (3) Any LICENSEE whose duties require presence in a Class II GAMING AREA where alcohol is present shall be at least 21 years of age.
- (4) Any LICENSEE under 21 years of age whose duties require them to retrieve a bank from the Main Cage must be accompanied by a Security escort.

§2.8 TEMPORARY GAMING OPERATION ASSOCIATE

In the event the GAMING OPERATION needs to hire a temporary GAMING OPERATION ASSOCIATE, the COMMISSION shall have the authority to issue a temporary LICENSE to that individual based upon established COMMISSION criteria, not to exceed 90 days.

§2.9 CONDITIONAL LICENSE

- (1) The COMMISSION may impose conditions on a LICENSE. Written NOTIFICATION to the LICENSEE that their LICENSE is contingent upon the fulfillment of the imposed conditions. Failure on the part of the LICENSEE to comply with the conditions will result in revocation of the LICENSE. The COMMISSION'S issuance of a Conditional LICENSE may provide that upon the fulfillment of the specified conditions or upon the passage of a set amount of time, the Conditional LICENSE will automatically convert to a Permanent LICENSE.
- (2) The COMMISSION will periodically REPORT to the TRIBAL COUNCIL on the number of Conditional LICENSES granted. The REPORT will be broken down into Siletz TRIBAL Members, other Tribal Members, and non-Tribal Members.

§2.10 SUSPENSION OF LICENSE

The COMMISSION may suspend a LICENSE when it is necessary to protect the fairness, integrity, security, and honesty (FISH) of the GAMING OPERATION. The Order of Suspension may be appealed to the OHA within 15 calendar days upon receiving the Order of Suspension. The Administrative PROCEDURES for the OHA can be found in Chapter 16, starting on page 71.

§2.11 REVOCATION OF LICENSE

The COMMISSION shall revoke the LICENSE pursuant to POLICY set forth in GAMING LAWS. The COMMISSION shall revoke the LICENSE upon determination the LICENSEE violates/does not meet the eligibility criteria for licensure. In the event the LICENSE is revoked, the GAMING OPERATION ASSOCIATE may reapply for a LICENSE after one (1) year, or at the discretion of the EXECUTIVE DIRECTOR, has lapsed since the revocation commenced. A LICENSE revocation is the final decision of the COMMISSION and not appealable to the OHA.

§2.12 GAMING OPERATION ASSOCIATE LIST

The COMMISSION agrees to provide the OSP-TGS, on a monthly basis, a list of all current GAMING OPERATION ASSOCIATES, specifically the employees. The COMMISSION will give notice to the OSP-TGS of any disciplinary action or termination of a GAMING OPERATION ASSOCIATE, specifically the employees, related to the fairness, integrity, security or honesty (FISH) of the TRIBE'S Class III GAMING ACTIVITY. Any suspension or revocation of a GAMING OPERATION ASSOCIATE'S LICENSE will be REPORTED to the

OSP-TGS by the COMMISSION.

§2.13 GAMING PROHIBITION FOR PMOS AND COMMISSION PERSONNEL

- (1) All PMOs are expressly prohibited from engaging in direct or indirect game play within the GAMING OPERATION.
- (2) COMMISSION personnel are expressly prohibited from engaging in direct or indirect game play within the GAMING OPERATION.

§2.14 SILETZ TRIBAL MEMBER LICENSING PROVISIONS

- (1) In any case where a Siletz TRIBAL member is subject to mandatory denial of a LICENSE the COMMISSION shall consider whether it would be appropriate to waive disqualification of licensing, as described in §2.3, from OSP-TGS. Approval by the APPLICANT will be obtained to submit a request for a waiver of disqualification by the COMMISSION to OSP-TGS. The COMMISSION will compile information that would support the request for a waiver of disqualification while conducting its BACKGROUND INVESTIGATION.
- (2) If the COMMISSION decides that it would not be appropriate to request a waiver of disqualification for a prospective Siletz TRIBAL member LICENSEE, the COMMISSION will provide NOTIFICATION of such denial with the appeal process.
- (3) In any case where the COMMISSION has made the determination to deny a LICENSE to a Siletz TRIBAL member the COMMISSION shall consider whether it would be appropriate to grant a Conditional LICENSE, as described in §2.9, so the TRIBAL member can establish a record of employment with the GAMING OPERATION that will allow the COMMISSION to issue the TRIBAL member a Permanent LICENSE.
- (4) The COMMISSION may defer associated licensing fees for Siletz TRIBAL Members to facilitate their licensing and GAMING OPERATION employment. The Siletz TRIBAL Member will be required to pay the associated licensing fees once hired, by payroll deduction or other payment arrangement.



SUBSECTION II: VENDOR LICENSING

§2.15 PURPOSE

The REGULATIONS concerning the licensing of VENDORS doing business with the GAMING OPERATION serves a dual purpose. It aims to balance regulatory concerns related to the fairness, integrity, security, and honesty (FISH) of GAMING ACTIVITY with the operational needs and economic interests of the GAMING OPERATION.

- (1) **Fairness:** To protect against fraud the REGULATIONS helps safeguard the GAMING OPERATION and its PATRONS from fraudulent activities by ensuring that VENDORS are reputable, and their products and services are reliable and fair.
- (2) **Integrity:** To prevent corruption and influence by setting standards for VENDOR licensing, the REGULATIONS aims to prevent unethical practices, such as corruption or undue influence, which could compromise the fairness and integrity of the GAMING OPERATION.
- (3) **Security:** To ensure secure operations VENDORS often provide critical services and supplies, including GAMING EQUIPMENT and technology solutions. Licensing and permitting ensure that VENDORS adhere to security standards that protect against fraud, cheating, and other security threats.
- (4) **Honesty:** By maintaining high standards, the licensing process helps ensure that VENDORS meet high ethical and operational standards, contributing to the overall integrity and reliability of the GAMING OPERATION. VENDORS are subject to thorough BACKGROUND INVESTIGATION to identify any potential legal or financial issues that could pose a risk to the GAMING OPERATION and its PATRONS.

Economic efficiency while maintaining strict regulatory standards, the REGULATIONS are also designed to facilitate the efficient operation of GAMING ACTIVITY. This includes ensuring that the licensing process is not overly burdensome, which might otherwise impede the GAMING OPERATION ability to procure necessary goods and services. Operational flexibility by providing a framework for licensing VENDORS, the Regulation allows the GAMING OPERATION to engage with a wide range of suppliers and service providers, enabling them to meet their operational needs effectively and efficiently.

In summary, the purpose of regulating the licensing and permitting of VENDORS of the GAMING OPERATION is to ensure that all parties involved in the supply chain meet rigorous standards of fairness, integrity, security, and honesty (FISH). At the same time, it seeks to support the operational and economic needs of the GAMING OPERATION, balancing regulatory concerns with business efficiency and growth.

§2.16 VENDOR CLASSIFICATION

There are three (3) types of CLASSIFICATION for VENDORS:

- (1) Major procurement, which includes, but is not limited to, any acquisition, activity, transaction, or contract for any goods or services involving:
 - (a) Computerized systems responsible for receiving, processing, or recording data from GAMING ACTIVITY or printing and validating vouchers.

- (b) The receiving or recording of number selections in any game;
 - (c) The determination of winners in any game.
 - (d) Purchase, installation, or maintenance of surveillance systems or other equipment used in monitoring GAMING ACTIVITY.
 - (e) Licenses to use a patented game or game product.
 - (f) Video devices or other GAMING EQUIPMENT not included as sensitive procurement.
- (2) Sensitive procurement, which includes, but is not limited to, any acquisition, activity, transaction, or contract, other than major procurement, for:
- (a) Gaming equipment such as cards, dice, gaming tables and layouts, roulette wheels and balls, keno and bingo balls, bingo paper, VLT paper, CHIPS and tokens;
 - (b) VLT replacement parts that affect the outcome of the game;
 - (c) Locks and keys for GAMING EQUIPMENT or secure storage;
 - (d) Accounting or surveillance systems used in GAMING ACTIVITY; or
 - (e) Consulting services related to GAMING ACTIVITY, not including attorneys, accountants, political or public relations consultants, or individual gaming consultants licensed as HIGH SECURITY.
- (3) Limited procurement, which includes any other VENDOR meeting criteria as determined by the EXECUTIVE DIRECTOR includes but is not limited to any transaction.

§2.17 COMMISSION INVESTIGATION

The COMMISSION reserves the right to review any VENDOR contract when the COMMISSION believes the VENDOR, or their activities may threaten the fairness, integrity, security, or honesty (FISH) of the GAMING OPERATION. The COMMISSION may order the GAMING OPERATION to cease to do business with the VENDOR if a VIOLATION of any GAMING LAWS has occurred. Regulatory action by the COMMISSION shall supersede any contractual right or terms said VENDOR might have.

§2.18 GAMING OPERATION RESPONSIBILITIES

- (1) The GAMING OPERATION will be responsible for exercising and demonstrating due diligence when entering a contract with any VENDOR.
- (2) The GAMING OPERATION will keep a copy of every contract it enters with a VENDOR.
- (3) The GAMING OPERATION shall forward a copy of all contracts and include all supporting documentation to the COMMISSION.
- (4) The GAMING OPERATION will provide the COMMISSION with a list of all VENDORS on an annual basis.

The list will include the annual value of all contracts and goods and/or services attributable to each VENDOR. In cases when a total contract amount is not included in the contract the GAMING OPERATION will develop an annual amount budgeted for those goods and/or services.

- (5) To the extent possible, the GAMING OPERATION will include a provision in each contract entered between a VENDOR and the GAMING OPERATION providing that the contract shall be terminated for cause if the COMMISSION orders the GAMING OPERATION to cease doing business with the VENDOR for regulatory VIOLATIONS. The inclusion or absence of such language in a contract or agreement shall not affect the authority of the COMMISSION to order the GAMING OPERATION to cease doing business with a particular VENDOR.

§2.19 CLASS II GAMING VENDORS

CLASS II GAMING VENDORS shall obtain a VENDOR LICENSE from the COMMISSION in accordance with GAMING LAWS before commencing to provide goods and/or services to the GAMING OPERATION.

§2.20 CLASS III GAMING VENDORS

CLASS III GAMING VENDORS shall obtain a VENDOR LICENSE from the COMMISSION in accordance with GAMING LAWS before commencing to provide goods and/or services to the GAMING OPERATION.

§2.21 NON-GAMING VENDORS

- (1) NON-GAMING VENDORS with purchases less than \$300,000 or less annually with the GAMING OPERATION will not be required to be licensed by the COMMISSION.
- (2) NON-GAMING VENDORS with purchases of \$300,000 or more annually with the GAMING OPERATION will be required to be licensed by the COMMISSION.
- (3) ENTERTAINMENT, PROFESSIONAL SERVICES, Non-Gaming CONSULTANTS, and
- (4) ADVERTISING VENDORS shall not be required to obtain a LICENSE from the COMMISSION regardless of whether the contracts, goods and/or services to be provided such VENDORS have an annual value of \$300,000 or more.
- (5) VENDORS that are not a CLASS II GAMING VENDOR or a CLASS III GAMING VENDOR and provide Information Technology (IT) goods and/or services that have access, can modify, configure and/or interfere with the network of the GAMING OPERATION shall be classified as an IT VENDORS. All IT VENDORS with the GAMING OPERATION may be required to have a BACKGROUND INVESTIGATION completed by the COMMISSION.

§2.22 VENDOR GAME PLAY

Gaming VENDOR representatives shall not directly or indirectly engage in game play within the GAMING OPERATION unless waived by the EXECUTIVE DIRECTOR.



SUBSECTION III: FACILITY LICENSING

§2.23 PURPOSE

The purpose of requiring a separate LICENSE for each place, facility, or location on TRIBAL lands where Class II or Class III GAMING ACTIVITY is conducted, as outlined by the Indian Gaming Regulatory Act (IGRA) and regulated by the National Indian Gaming Commission (NIGC), serves several key objectives:

- (1) **Fairness & Integrity:** It ensures the GAMING OPERATION is individually monitored for compliance with REGULATIONS and the specific provisions of the COMPACT. This oversight is crucial for maintaining the integrity of GAMING ACTIVITY, ensuring they are conducted fairly and in accordance with all applicable GAMING LAWS.
- (2) **Safety/Security:** Licensing each location individually helps protect the public and PATRONS by ensuring that all GAMING OPERATION meet health, safety, and environmental standards. This includes the security of GAMING OPERATION and the safety of PATRONS and GAMING OPERATION ASSOCIATES. Licensing and REGULATIONS provide mechanisms for dispute resolution and protect the rights of PLAYERS, ensuring that games are fair and that winnings are paid out.
- (3) **Honesty:** A LICENSE for each GAMING OPERATION help prevent illegal activities, such as money laundering and fraud, by ensuring that each GAMING OPERATION is subject to regulatory scrutiny, including BACKGROUND INVESTIGATIONS on GAMING OPERATION ASSOCIATES.
- (4) **Tribal Sovereignty:** The COMMISSION has the primary responsibility for on-site regulation of Tribal gaming, with the NIGC providing an additional regulatory layer to ensure compliance with federal standards.

In summary, the purpose of requiring a separate LICENSE for each GAMING OPERATION on TRIBAL land is multifaceted, aimed at ensuring fair and legal gaming practices, safeguarding TRIBAL sovereignty, promoting economic development, and protecting both PATRONS and the public.

§2.24 ISSUANCE, COMPLIANCE AND ENFORCEMENT

- (1) As part of the regulatory framework the COMMISSION shall issue a separate Facility LICENSE to each place, facility, or location on TRIBAL lands where Class II or Class III GAMING ACTIVITY is conducted.
- (2) A Facility LICENSE shall be issued or renewed upon the determination of the COMMISSION that the facility is in substantial compliance with all applicable GAMING LAWS, REGULATIONS, and POLICY.
- (3) If the COMMISSION determines that the GAMING OPERATION is not in compliance with all applicable GAMING LAWS, REGULATIONS and POLICY, the COMMISSION has within its authority to suspend, place restrictions, or withdraw the Facility LICENSE as the COMMISSION deems just and proper.



SUBSECTION IV: GAMES DEALER TRAINING

§2.25 PURPOSE

The COMMISSION has established REGULATIONS to ensure that individuals involved in gaming, particularly dealers for Class III TABLE GAMES and Class II CARD GAMES within its jurisdiction, possess a minimum level of experience, training, and competence. This requirement is part of the broader regulatory framework designed to uphold the fairness, integrity, security, and honesty (FISH) of the GAMING OPERATION.

- (1) **Fairness:** By requiring dealers to have a certain level of experience and training, the REGULATIONS help ensure that games are conducted fairly and according to the established rules. This is crucial for maintaining PLAYER trust and the credibility of the GAMING OPERATION.
- (2) **Integrity:** Competent dealers are essential for maintaining the integrity of the games. They must be able to manage the games effectively, recognize and prevent cheating, and ensure compliance with gaming REGULATIONS and standards.
- (3) **Security:** Trained dealers are better equipped to identify potential security threats at the gaming tables, including attempts at fraud or theft. Their vigilance helps protect the assets of the GAMING OPERATION and the safety of PATRONS and GAMING OPERATION ASSOCIATES. Dealers with the requisite level of training and experience are more likely to understand and adhere to the complex regulatory requirements governing Class II and Class III gaming. This includes understanding the legal and procedural aspects of gaming, which is essential for compliance.
- (4) **Honesty:** By setting high standards for dealer qualifications, the REGULATIONS aim to ensure that only individuals with proven honesty and integrity are involved in the conduct of gaming. This is vital for preventing unethical behavior that could harm PLAYERS and tarnish the reputation of the GAMING OPERATION.

Overall, these REGULATIONS are designed to protect the interests of all stakeholders in the GAMING OPERATION, including the TRIBE, PLAYERS, and the broader community, by ensuring that the gaming environment is fair, secure, and operates with the highest level of integrity.

§2.26 DEALER TRAINING, TESTING AND EVALUATION

The COMMISSION requires dealers undergo specific training programs that cover game rules, dealing and operational PROCEDURES, customer service, and sensitivity to potential gambling problems. Additionally, BACKGROUND INVESTIGATIONS are conducted to ensure that dealers have no criminal history that would disqualify them from performing their duties in a gaming environment.

- (1) Prior to hiring, promoting, or transferring a GAMING OPERATION ASSOCIATE to a dealer position, the GAMING OPERATION shall ensure that the GAMING OPERATION ASSOCIATE is trained, tested and evaluated by a qualified instructor. The testing and evaluation shall be proportionate with the dealer position.
- (2) Games Dealers shall be required to demonstrate game knowledge of:
 - (a) Game rules, PROCEDURES and play;
 - (b) Game protection;
 - (c) Card handling;
 - (d) The REGULATIONS and TICS; and

- (e) POLICY and PROCEDURES relevant to dealing the game.
- (3) The GAMING OPERATION training program shall be approved by the COMMISSION before implementation of any change. Records of GAMING OPERATION ASSOCIATES completing dealer training will be maintained for five (5) years after separation of employment.
- (4) The program shall be designed to provide dealers with the knowledge and skills necessary to satisfy requirements established by the GAMING OPERATION and the COMMISSION.

§2.27 INSTRUCTORS

- (1) The instructor of the training program shall be an authorized or certified instructor.
- (2) Instructors, at a minimum, shall;
 - (a) Demonstrate sufficient knowledge and skills to meet minimum requirements consistent with industry standards, and;
 - (b) Have graduated from school, academy or college recognized by the industry as having expertise in the areas of casino management, TABLE GAMES and CARD GAMES, or have an acceptable substitute of actual experience and demonstrated ability to teach TABLE GAMES and CARD GAMES and games protection.

§2.28 SUPERVISORS AND MANAGERS

All TABLE GAME and CARD GAME supervisors, managers and directors shall have experience dealing in a live gaming environment and demonstrated knowledge commensurate for the level of supervision.

§2.29 GAMING OPERATION RESPONSIBILITY

The GAMING OPERATION shall provide certification that all trainings have been completed. The COMMISSION shall conduct periodic audits of the GAMING OPERATION' certification process.



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CHAPTER 3

BADGES

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§3.0 PURPOSE

These REGULATIONS aim to safeguard the GAMING OPERATION by implementing a system where GAMING OPERATION ASSOCIATES and outside visitors are required to possess identification badges.

- (1) **Fairness:** A system has been established whereby GAMING OPERATION ASSOCIATE are required to always possess and display their badge. This measure ensures that only authorized personnel, who have met the necessary standards of fairness and trustworthiness, are permitted access to sensitive gaming areas or allowed to participate in GAMING ACTIVITY.
- (2) **Integrity:** The badge system upholds integrity by providing a clear mechanism for verifying the credentials of individuals involved in the GAMING OPERATION, while promoting transparency and accountability.
- (3) **Security:** These badges serve as a means of identifying authorized personnel and ensuring that only individuals with proper authorization are allowed access to GAMING AREAS or are involved in GAMING ACTIVITY.
- (4) **Honesty:** GAMING OPERATION ASSOCIATES must operate in good faith, with full transparency regarding their roles and responsibilities. By mandating identification badges, the system guarantees that all actions within the GAMING AREA can be traced back to accountable individuals, preventing any form of deceit, fraud, or misconduct. This process helps build a culture of truthfulness and openness, where any improper behavior is easily detected and addressed

By mandating identification badges, the REGULATIONS aims to strengthen security protocols within the GAMING OPERATION, thereby minimizing the risk of unauthorized access, fraudulent activities, or other security breaches. This measure aligns with industry standards aimed at maintaining the fairness, integrity, security, and honesty (FISH) of the GAMING OPERATION while also fulfilling regulatory requirements set forth by GAMING LAWS.

§3.1 GENERAL

All Badges are the property of the COMMISSION and shall;

- (1) Be returned to the COMMISSION upon separation from employment, LICENSE denial, LICENSE suspension or LICENSE revocation.
- (2) Be worn on GAMING OPERATION property while performing functions of job duties;
- (3) At minimum, contain the LICENSEE’S name, photo, and position; and

- (4) Be always clearly visible while on GAMING OPERATION property.

§3.2 GAMING LICENSE BADGES

- (1) The EXECUTIVE DIRECTOR shall issue all Gaming LICENSE Badges.
- (2) For personnel routinely assigned to other job positions within their LICENSE CLASSIFICATION, or lower, the EXECUTIVE DIRECTOR shall issue a Gaming LICENSE Badge for the primary position and a Gaming LICENSE Badge for the secondary position.

§3.3 IDENTIFICATION BADGES

- (1) Identification Badges shall be issued to all COMMISSION personnel, TRIBAL COUNCIL Members, TRIBAL COUNCIL personnel and Internal Auditor(s) assigned audit functions of the GAMING OPERATION.
- (2) Identification Badges may be issued to TRIBAL Attorneys, External Auditors, CTSI Chief Executive Officer, CTSI Chief Administrative Officer and Athletic Commissioners.
- (3) COMMISSION personnel shall have Identification Badges in their immediate possession.
- (4) Internal Audit Department personnel will have a BACKGROUND INVESTIGATION in accordance with the Criminal Justice Information Service (CJIS) POLICY and PROCEDURES.



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CHAPTER 4

DIRECT REPORTING – REGULATORY COMPLAINT

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§4.0 PURPOSE

These REGULATIONS emphasize the importance of maintaining confidentiality in the REPORTING process, ensuring that individuals feel secure in REPORTING VIOLATIONS without fear of RETALIATION or exposure.

- (1) Fairness: The REGULATIONS specifies that REPORTS of potential VIOLATIONS can be submitted in written form or through other means deemed sufficient by the COMMISSION. This flexibility allows for the adaptation of REPORTING methods to suit the circumstances and needs of the individuals involved.
- (2) Integrity: It aims to establish a separate and independent channel for REPORTING potential VIOLATIONS of GAMING LAWS, distinct from the internal REPORTING structures within the GAMING OPERATION. This independence helps to ensure the integrity and impartiality of the REPORTING process.
- (3) Safety/Security: The REGULATIONS underscores the importance of maintaining confidentiality in the REPORTING process. It ensures that information about potential VIOLATIONS is kept confidential unless disclosure is explicitly authorized by the COMMISSION or required by law.
- (4) Honesty: The COMMISSION is tasked with ensuring that the GAMING OPERATION comply with all relevant GAMING LAWS. This includes authorizing direct REPORTING of possible VIOLATIONS by specifically identified individuals.

Overall, the REGULATIONS aims to strengthen oversight and enforcement mechanisms within the GAMING OPERATION by establishing a robust framework for REPORTING and addressing potential VIOLATIONS of GAMING LAWS.

§4.1 SUBMISSION OF COMPLAINT

The COMMISSION shall accept any COMPLAINT that is submitted by any individual (including a GAMING OPERATION ASSOCIATE, VENDOR, PATRON and/or TRIBAL Member) to be hereafter referenced as Complainant. A parent or legal custodian shall submit a COMPLAINT on behalf of their minor child or ward.

§4.2 THE COMPLAINT

A Complainant must submit their COMPLAINT to the COMMISSION by completing the “Siletz Tribal Gaming Commission Direct Reporting Form” which can be found on the COMMISSION website or obtained in the COMMISSION office. If the Complainant refuses to complete the Direct Reporting Form, the COMMISSION will make note of the refusal. The form must be submitted in a TIMELY MANNER from the initial incident.

§4.3 PROCESSING THE COMPLAINT

Within 60 days of the receipt of the COMPLAINT, the COMMISSION shall issue a final REPORT and shall either:

- (1) Dismiss the COMPLAINT;
- (2) Issue a NOTIFICATION in accordance with the COMMISSION REGULATIONS, Chapter 10 Enforcement and Compliance;
- (3) Deny, suspend, or revoke the LICENSE of any individual who has caused or allowed others to cause any VIOLATION through reckless, negligent, intentional, or inadvertent conduct; and/or
- (4) Render any decision the COMMISSION deems sufficient to protect the fairness, integrity, security, and honesty (FISH) of the GAMING OPERATION.

§4.4 COMPLAINT REFFERAL

Any COMPLAINT that is also categorized as an operational issue, including but not limited to a gaming-related PATRON DISPUTE shall be referred to the GAMING OPERATION for resolution.

Any COMPLAINT/PATRON DISPUTE that is categorized as a regulatory or POLICY issue shall be investigated by the COMMISSION, to substantiate or refute the possible VIOLATION(S) set forth in the COMPLAINT.

§4.5 COMPLAINT ACKNOWLEDGEMENT AND RESPONSE

When the COMMISSION refers a COMPLAINT to the GAMING OPERATION, the responding GAMING OPERATION will provide written NOTIFICATION to the COMMISSION of the receipt of the COMPLAINT. Once the GAMING OPERATION has completed their own investigation and resolution, the GAMING OPERATION will provide a REPORT to the COMMISSION of the resolution.

§4.6 COMMISSION DECISION

All decisions made by the COMMISSION are final. If a COMPLAINT results in the COMMISSION issuing a notice pursuant to Chapter 10, the GAMING OPERATION may appeal the COMMISSION’S decision as outlined in §1.1(4).

§4.7 RETALIATION

Taking retaliatory actions against a LICENSEE for fulfilling the obligation of Direct Reporting may result in the COMMISSION taking licensing action and/or imposing SANCTIONS against the individual(s) performing the RETALIATION acts.



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CHAPTER 5

OPERATIONAL PATRON DISPUTE AND RESOLUTION

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§5.0 PURPOSE

These REGULATIONS aim to ensure a fair and prudent mechanism for resolving PATRON DISPUTES related to GAMING ACTIVITY within the GAMING OPERATION. The REGULATIONS clarify PATRON DISPUTES are considered operational matters rather than regulatory matters, distinguishing between issues pertaining to the day-to-day operations of the GAMING OPERATION and those involving regulatory compliance.

- (1) **Fairness:** The REGULATIONS aim to ensure that PATRONS and management of the GAMING OPERATION have access to a fair and reasonable process for resolving a PATRON DISPUTE related to GAMING ACTIVITY. This process is designed to address operational concerns promptly and effectively, with the goal of maintaining the PATRON'S satisfaction and trust.
- (2) **Integrity:** The REGULATIONS emphasizes the importance of adopting prudent and responsible practices in resolving PATRON DISPUTES. This includes establishing PROCEDURES that prioritize fairness, transparency, and efficiency in addressing PATRON concerns.
- (3) **Security/Safety:** The REGULATIONS ensure that the GAMING OPERATION maintain a secure and peaceful environment for both PATRONS and GAMING OPERATION ASSOCIATES with safeguards that prevent disputes from escalating into disruptive or unsafe situations. By swiftly addressing PATRON concerns in a controlled and structured manner, the safety and well-being of all individuals within the GAMING OPERATION are protected. This ensures that PATRON DISPUTES are not only resolved fairly but also in a way that upholds the physical and emotional security of those involved.
- (4) **Honesty:** In the resolution of a PATRON DISPUTE by ensuring that both parties, the PATRON and the GAMING OPERATION present their concerns and responses truthfully and transparently. The REGULATIONS require that all information provided during the resolution process is accurate and free from any deceit or misrepresentation to promote open communication and fostering a sense of mutual respect between the GAMING OPERATION and its PATRONS.

Overall, the REGULATIONS aims to promote a positive and professional gaming environment by providing a clear framework for resolving PATRON DISPUTES in a fair and prudent manner, while also ensuring compliance with applicable regulatory requirements.

§5.1 INITIAL RESOLUTION WITH MEMBER OF MANAGEMENT

- (1) Any GAMING ACTIVITY related dispute arising between the GAMING OPERATION and any PATRON of the GAMING OPERATION shall be resolved according to the following PROCEDURE:
 - (a) The GAMING OPERATION shall develop a dispute form and make available on their website and at player services.
 - (b) A PATRON may initiate a dispute orally or in writing. In the event the dispute is raised orally, the member of Management of the GAMING OPERATION shall reduce the dispute to writing on the dispute form. If feasible, the Management of the GAMING OPERATION will have the PATRON verify the accuracy of the completed form.
 - (c) In no event, except upon written consent of the GAMING OPERATION, shall a dispute be raised more than 30 days after the dispute is alleged to have occurred.
- (2) A member of Management of the GAMING OPERATION shall be initially responsible for attempting to resolve any operational GAMING ACTIVITY related dispute and shall attempt to resolve the matter with the PATRON.
- (3) If the dispute can be resolved, the member of Management of the GAMING OPERATION shall record the decision in writing and shall retain such record for a period of three (3) years.

§5.2 APPEAL TO THE GENERAL MANAGER

If the PATRON is not satisfied with the resolution reached by the member of Management of the GAMING OPERATION, the PATRON may submit a written appeal to the General Manager.

If the dispute cannot be resolved the General Manager shall issue a written decision, with reasons, and shall serve a copy of the decision to the PATRON.

In no event, shall the time from when the PATRON first raises an appeal with the General Manager to the time the dispute is resolved, either by mutual consent or by decision of the General Manager, exceed ten (10) calendar days.

The General Manger's decision shall be final for the GAMING OPERATION and is subject to appeal as set in §5.4 below.

§5.3 REPORTING TO THE COMMISSION

If the amount of the GAMING ACTIVITY related dispute is \$500 or more a copy of the GAMING OPERATION decision will be provided to the COMMISSION to investigate, pursuant to §9.A.3.c(4) of the COMPACT. If any criminal or regulatory issues are found that may affect the fairness, integrity, security, and honesty (FISH) of the TRIBE'S Class III GAMING ACTIVITY, the COMMISSION may take appropriate regulatory action. A copy of the completed investigation may be forwarded to the OSP-TGS.

§5.4 APPEAL TO GAMING COURT

Any PATRON who is dissatisfied with the decision of the General Manager regarding the operational GAMING ACTIVITY related dispute may appeal the decision to the GAMING COURT according to the TRIBAL COURT Rules of Procedure Ordinance and the following PROCEDURES:

- (1) The TRIBAL COURT Chief Judge shall establish rules of PROCEDURE for the GAMING COURT, subject to approval of the TRIBAL COUNCIL, which will expedite the dispute process, and which shall protect the due process rights of GAMING OPERATION PATRONS. In the absence of such rules, the TRIBAL COURT Rules shall apply. The TRIBAL COUNCIL may by Resolution designate the Siletz District Court to sit in appropriate cases as the GAMING COURT in lieu of establishing a separate GAMING COURT.

- (2) The PATRON shall submit a written account of the dispute to the GAMING COURT. The account shall include a description summary of the events leading up to the dispute.
- (3) The GAMING COURT shall present the General Manager with a copy of the COMPLAINT. The General Manager shall have five (5) days within which to respond, and any response shall be in writing and a copy shall be delivered to the PATRON by Certified Mail®.
- (4) The GAMING COURT may request additional or more specific information from either the PATRON or the General Manager, or it may conduct its own investigation. Written statements from any other person may be submitted by the PATRON and/or the General Manager. Any such written statements shall be accompanied by an explanation of their relevance to the dispute under consideration.
- (5) The GAMING COURT shall complete its investigation and makes its decision within 30 days of receiving the PATRON'S COMPLAINT.
- (6) If the GAMING COURT determines that sufficient grounds exist to support the decision of the General Manager, it will dismiss the COMPLAINT.
- (7) If the GAMING COURT determines that the decision made by the General Manager was incorrect, the GAMING COURT shall take whatever action it determines is necessary to resolve the dispute. Financial compensation shall be limited to actual losses suffered by the PATRON because of the dispute and the actions of the GAMING OPERATION and its personnel.
- (8) The sovereign immunity of the TRIBE shall be waived in limited fashion for purposes of this dispute resolution PROCEDURE. Such waiver of sovereign immunity shall be limited to the GAMING COURT, to redress of the specific dispute of the GAMING ACTIVITY. Waiver of TRIBAL immunity for purposes of financial compensation shall be limited to revenues of the GAMING OPERATION and actual monetary losses suffered because of the GAMING ACTIVITY dispute. This limited waiver of the TRIBE'S sovereign immunity extends only to the PATRON who initiates the dispute resolution under this REGULATIONS, or their representative if incompetent or deceased.

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CHAPTER 6

GAMING EQUIPMENT

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§6.0 PURPOSE

These REGULATIONS aim to ensure all GAMING EQUIPMENT used within the GAMING OPERATION complies with relevant GAMING LAWS, including the COMPACT and the Minimum Internal Control Standards (MICS) established by the National Indian Gaming Commission (NIGC).

- (1) **Fairness:** The REGULATIONS mandates all GAMING EQUIPMENT must adhere to the provisions of GAMING LAWS, the COMPACT, and the NIGC Minimum Internal Control Standards. This ensures that the equipment meets regulatory requirements and operates within established legal frameworks.
- (2) **Integrity:** The REGULATIONS aim to uphold the integrity of the GAMING OPERATION by ensuring that all GAMING EQUIPMENT meets regulatory requirements and operates in compliance with applicable GAMING LAWS and industry standards.
- (3) **Security:** The Regulation grants the COMMISSION sole discretion to approve all GAMING EQUIPMENT. This means that the COMMISSION has the authority to review and assess the suitability of GAMING EQUIPMENT, determining whether it meets regulatory standards and is appropriate for use within the GAMING OPERATION.
- (4) **Honesty:** The REGULATIONS ensure transparency and honesty in the operation of all GAMING EQUIPMENT, requiring it to comply fully with GAMING LAWS. This promotes a fair gaming environment where PLAYERS and the GAMING OPERATION can trust that games are conducted truthfully and in accordance with the rules.

By vesting the COMMISSION with the responsibility for approving GAMING EQUIPMENT, the REGULATIONS facilitate regulatory oversight and ensures that equipment used in GAMING ACTIVITY meets prescribed standards for fairness, integrity, security, and honesty (FISH).

§6.1 TAMPERING

Any person having reason to believe or has evidence that any GAMING EQUIPMENT, machine or device used in the GAMING OPERATION has been tampered with or altered must provide NOTIFICATION to the COMMISSION within 24 hours. Upon receiving such NOTIFICATION, a GAMING AGENT will secure and/or take custody of the suspected GAMING EQUIPMENT, device and any related evidence. The GAMING AGENT will maintain control of the GAMING EQUIPMENT, device and evidence thereafter.

§6.2 SLOT MACHINES

- (1) Application for approval of a SLOT MACHINE:
 - (a) All suppliers must possess a current VENDOR LICENSE.
 - (b) All SLOT MACHINES must be certified by an approved independent testing lab.
 - (c) All suppliers of hardware and software must possess a current VENDOR LICENSE. OSP-TGS must perform a BACKGROUND INVESTIGATION on all gaming VENDORS before they are allowed to distribute SLOT MACHINES to the GAMING OPERATION.
- (2) COMMISSION seals securing any area of a slot machine shall not be altered or removed unless approved by the COMMISSION.
- (3) Arrival of a SLOT MACHINE at the GAMING OPERATION:
 - (a) Upon arrival of a vehicle carrying a SLOT MACHINE, a GAMING AGENT must receive NOTIFICATION and be present before anyone is allowed to remove the SLOT MACHINE from the vehicle.
 - (b) A GAMING AGENT shall visually inspect each machine to make sure serial numbers match the OSP-TGS Shipment Authorization. Only after the GAMING AGENT is satisfied that the machine is properly accounted for, may the receiving process begin.
 - (c) Once the machine is unloaded, the GAMING AGENT, at their discretion, will direct the Slot Personnel/Technician to open the SLOT MACHINE to verify that there is no SENSITIVE SOFTWARE. If any SENSITIVE SOFTWARE is in the machine, the GAMING AGENT will be responsible for securing the items.
 - (d) The GAMING AGENT shall affix a Tribal Gaming Inventory Decal to each machine prior to being put into production for the public. This decal constitutes documentation that each machine is certified by the COMMISSION.
- (4) Whenever a SLOT MACHINE is placed into storage, a GAMING AGENT will secure any SENSITIVE SOFTWARE. The GAMING AGENT shall ensure the cash box is removed from each SLOT MACHINE before it is placed into storage. Each SLOT MACHINE must be stored in a secured area.
- (5) Before the GAMING OPERATION places or returns a SLOT MACHINE to service on the GAMING AREA, a GAMING AGENT:
 - (a) Must verify the installation/reinstallation of SENSITIVE SOFTWARE.
 - (b) Must verify that the surveillance camera provides adequate coverage of the SLOT MACHINE. Specifically, a camera must have a clear view of the screen, machine number and the candle, the mechanism on the top of a slot machine that indicates machine status.
 - (c) Verifies the SLOT MACHINE communicates with the designated Casino Management System.
 - (d) Once the GAMING AGENT ensures all requirements are met, the SLOT MACHINE may be placed

into service in the GAMING AREA.

§6.3 MOVEMENT, CONVERSIONS AND INSTALLATIONS

Refer to §13.1 beginning on page 62.

§6.4 TABLE GAMES

- (1) Before the GAMING OPERATION implements any new TABLE GAME, the COMMISSION must approve the following PROCEDURES of play including by not limited to;
 - (a) Minimum and maximum permissible wagers;
 - (b) PROCEDURES to be followed in the case of irregularities in play;
 - (c) PROCEDURES on side betting between and against PLAYERS; and
 - (d) Rules of operation.
- (2) The COMMISSION shall also adopt specifications for the following if applicable:
 - (a) CHIPS;
 - (b) Cards;
 - (c) Tables;
 - (d) Table layout;
 - (e) Dealing shoes/shufflers; and
 - (f) Other GAMING EQUIPMENT that may be required for use in the game.
- (3) The COMMISSION shall review rules, POLICY, and PROCEDURES for each NEW GAME that is consistent with GAMING LAWS, that include provisions for the following, as applicable:
 - (a) Dealer training and qualifications;
 - (b) Shuffling, cutting and dealing;
 - (c) Specific game PROCEDURES and rules;
 - (d) Bet/wager limit by table or game;
 - (e) Card inventory, security and storage;
 - (f) Replacing decks;
 - (g) Destruction of used decks;
 - (h) Qualifications and training for Floor Supervisors and Pit Bosses;
 - (i) CHIPS;
 - (j) Acceptance of tips by dealers;
 - (k) Federal and STATE tax reporting;
 - (l) Distributing CHIPS to gaming stations;
 - (m) Table identification;
 - (n) Posting of rules; and

- (o) Drop box PROCEDURES for securing, removing, transporting, counting, recording and storage.
- (4) The GAMING AGENT will ensure that the placement of the NEW GAME allows for complete surveillance camera coverage of the game.

§6.5 CHIP APPLICATION AND APPROVAL

- (1) The GAMING OPERATION shall not issue any CHIPS for use in GAMING ACTIVITY, or redeem any such CHIPS, unless the COMMISSION has approved the CHIPS in writing. The GAMING OPERATION shall not issue any CHIPS for use in GAMING ACTIVITY, or redeem any such CHIPS, that are modifications of CHIPS previously approved by the COMMISSION, unless the modifications have been approved in writing by the COMMISSION.
- (2) Applications for approval of CHIPS and modifications to previously approved CHIPS must be made using such forms as the COMMISSION may prescribe. The applications must include, in addition to such other items or information as the COMMISSION may require:
 - (a) An exact drawing, in color, of each side and the edge of the proposed CHIP, drawn to actual size, or larger than actual size in scale, and showing the measurements of the proposed CHIP in each dimension;
 - (b) Written specifications for the proposed CHIPS;
 - (c) The name and address of the CHIP manufacturer; and
 - (d) The Gaming Operation's intended use for the proposed CHIP.
- (3) The COMMISSION may, in writing, approve the variations from the specific requirements of these REGULATIONS if, in the opinion of the COMMISSION, the alternative POLICY and PROCEDURES meet the objective of these REGULATIONS.
- (4) Upon receiving and reviewing the CHIP application if the COMMISSION is satisfied the proposed CHIP and related information conform to the REGULATIONS, the COMMISSION will provide written NOTIFICATION to the GAMING OPERATION. The GAMING OPERATION will provide a sample of the proposed CHIPS in the final, manufactured form to the COMMISSION. When the COMMISSION is satisfied the sample and information conform to the REGULATIONS, the COMMISSION will provide written approval for the use of the proposed CHIPS to the GAMING OPERATION. The COMMISSION may retain the sample CHIPS submitted.

§6.6 CHIP SPECIFICATIONS

- (1) CHIPS must be designed, manufactured, and constructed in compliance with all applicable statutes, REGULATIONS, and POLICY of the COMMISSION. Measures should be taken during the design and manufacturing process to minimize the risk of counterfeiting. This could involve incorporating security features or utilizing specific production techniques to deter counterfeiting. CHIPS must not deceptively resemble any current or past coinage of the United States of America, or any other nation.
- (2) In addition to such other specifications as the COMMISSION may approve:
 - (a) The name of the GAMING OPERATION with the location (city and state) must be inscribed on each side of every CHIP;
 - (b) The value of the CHIP must be inscribed on each side of every CHIP;
 - (c) The manufacturer's name, distinctive logo or other mark identifying the manufacturer must be inscribed on at least one side of every CHIP; and

- (d) Each CHIP must be designed so that when stacked with CHIPS of other denominations and viewed on closed circuit, black-and-white television, the denomination of the CHIP can be distinguished from that of the other CHIPS in the stack.
- (3) Additional Specifications for CHIPS:
 - (a) Unless the COMMISSION approves otherwise, CHIPS must be disk-shaped, must have a diameter of 39mm, + .25 mm, and must have a thickness of 3.3 mm, + .125 mm;
 - (b) Unless the COMMISSION approves otherwise, the predominate color of the CHIPS shall be:
 - (i) White: \$1.00 CHIP
 - (ii) Hot Pink: \$2.50 CHIP
 - (iii) Red: \$5.00 CHIP
 - (iv) Green: \$25.00 CHIP
 - (v) Black: \$100.00 CHIP
 - (vi) Purple: \$500.00 CHIP
 - (vii) Yellow: \$1,000.00 CHIP

§6.7 CHIP USAGE

- (1) If CHIPS are to be used at the GAMING OPERATION, the management shall comply with all applicable statutes, REGULATIONS, and POLICY of the COMMISSION pertaining to CHIPS.
- (2) Issue CHIPS only to PATRONS of the GAMING OPERATION, and only at their request.

§6.8 CHIP REDEMPTION, DISPOSAL AND DESTRUCTION

- (1) The GAMING OPERATION shall promptly redeem its own CHIPS from its PATRONS by cash or check drawn on an account of the GAMING OPERATION.
- (2) The GAMING OPERATION shall not redeem CHIPS if presented by a person who the GAMING OPERATION knows or should reasonably know is not a PATRON with the exception that the GAMING OPERATION shall promptly redeem its CHIPS if presented by:
 - (a) Another Gaming Operation who represents that it redeemed the CHIPS from its own PATRONS or received them unknowingly, inadvertently, or unavoidably.
 - (b) A GAMING OPERATION ASSOCIATE who presents the CHIPS in the normal course of their employment.
- (3) If the GAMING OPERATION permanently removes from use, replaces approved CHIPS within the operation, or ceases operating its facility, the GAMING OPERATION must prepare a plan for redeeming discontinued CHIPS that remain outstanding at the time of discontinuance. The GAMING OPERATION must submit the plan in writing to the COMMISSION no later than 30 days before the proposed removal, replacement, or closure. The COMMISSION may approve the plan or require reasonable modifications as a condition of approval of the plan. Upon approval of the plan, the GAMING OPERATION shall implement the approved plan.
- (4) In addition to such other reasonable provisions as the COMMISSION may approve or require, the plan must provide for:
 - (a) Redemption of outstanding discontinued CHIPS for at least 90 days after the removal or replacement of the CHIP unless otherwise approved by the COMMISSION;
 - (b) Redemption of the CHIPS at the premises of the GAMING OPERATION or at such other location the COMMISSION may approve;

- (c) Public notice of the discontinuance of the CHIPS, the redemption process, the pertinent times and the location in at least two (2) newspapers of general circulation in the STATE at least twice during each week of the redemption period, subject to the COMMISSION’S approval of the form of notice, the newspapers selected for publication, and the specific days of the publication;
- (d) Conspicuous posting of the notice described in (c) above, at the GAMING OPERATION, and all TRIBAL Area Offices; and
- (e) Destruction or such other disposition of the discontinued CHIPS as the COMMISSION may approve or require.

§6.9 DESTRUCTION OF COUNTERFEIT CHIPS/CURRENCY

- (1) Unless instructed otherwise in a particular case by an authorized law enforcement officer of competent jurisdiction, or ordered by a court of competent jurisdiction, the GAMING OPERATION shall destroy or otherwise dispose of COUNTERFEIT CHIPS discovered at the GAMING OPERATION in such a manner as the COMMISSION may approve or require.
- (2) Unless instructed otherwise in a particular case by an authorized law enforcement officer of competent jurisdiction, or ordered by a court of competent jurisdiction, the GAMING OPERATION shall dispose of currency of the United States of America, to have been unlawfully used at the GAMING OPERATION by including them in the currency inventory. In the case of foreign currency unlawfully used at the GAMING OPERATION the currency will be exchanged for United States of America currency and included in the currency inventory. Counterfeit currency discovered at the GAMING OPERATION may otherwise be disposed of in such a manner as the COMMISSION may approve or require.
- (3) The GAMING OPERATION shall record, in addition to such other information as the COMMISSION may require:
 - (a) The number of denominations, actual and purported, of COUNTERFEIT CHIPS destroyed or otherwise disposed of.
 - (b) The month during which they were discovered.
 - (c) The date, place, and method of destruction or disposition.
 - (d) The names of persons carrying out the destruction or other disposition on behalf of the GAMING OPERATION.
- (4) The GAMING OPERATION shall maintain each record for at least five (5) years unless the COMMISSION approves or requires otherwise.
- (5) The provisions of this section shall not apply to PROMOTIONAL CHIPS.

§6.10 PROMOTIONAL AND TOURNAMENT CHIPS

- (1) PROMOTIONAL CHIPS must be designed, manufactured, approved, and used in accordance with §6.5 - §6.8 except as follows:
 - (a) PROMOTIONAL CHIPS must be of such shape, size and have other specifications the COMMISSION may approve or require; and
 - (b) PROMOTIONAL CHIPS are only to be used in the promotion of tournaments for which they are designed and issued for.

§6.11 OTHER GAMING INSTRUMENTS

- (1) Other instruments used in the GAMING OPERATION, must be designed, manufactured, approved, used, discontinued, destroyed, or otherwise disposed of in accordance with the provisions of the REGULATIONS applicable to CHIPS, except that such other instruments must be of such shape, size, and design and have such other specifications as the COMMISSION may approve or require.
- (2) The COMMISSION may deny the use of instruments other than CHIPS or may grant approval subject to such conditions as the COMMISSION considers appropriate.



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CHAPTER 7

GAMING SOFTWARE

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§7.0 PURPOSE

These REGULATIONS aim to ensure a process to safeguard the integrity of SLOT MACHINE games by protecting and securing the GAMING SOFTWARE and SENSITIVE SOFTWARE used in their operation.

- (1) **Fairness:** The REGULATIONS seek to ensure the integrity of SLOT MACHINE games, emphasizing the importance of maintaining fairness, transparency, and security in the GAMING OPERATION. By safeguarding the GAMING SOFTWARE, the REGULATIONS aim to prevent unauthorized access, manipulation, or tampering that could compromise the fairness of the games.
- (2) **Integrity:** The GAMING OPERATION are required to comply with the REGULATIONS outlined in this document, ensuring that they implement the necessary measures to protect the integrity of SLOT MACHINE games. Compliance with these REGULATIONS is essential for maintaining regulatory compliance and upholding the integrity of the GAMING OPERATION.
- (3) **Security:** The REGULATIONS establish PROCEDURES designed to protect and secure GAMING SOFTWARE. These measures may include encryption, access controls, physical security, and other safeguards to prevent unauthorized alterations or modifications to the software.
- (4) **Honesty:** The REGULATIONS promote honesty in the operation of SLOT MACHINE games by ensuring that the GAMING SOFTWARE is secure and protected from manipulation or unauthorized access. By maintaining a system that values transparency and truthfulness, the REGULATIONS prevent dishonest practices, ensuring that PLAYERS can trust the outcomes of the games.

Overall, the REGULATIONS aim to establish a strong framework for ensuring the integrity of SLOT MACHINE games by protecting and securing the GAMING SOFTWARE. By implementing these measures, the GAMING OPERATION can enhance trust and confidence among PLAYERS while maintaining regulatory compliance within the GAMING OPERATION.

§7.1 VERIFICATION AND INVENTORY

- (1) GAMING SOFTWARE shall be shipped from the VENDOR directly to the COMMISSION.
- (2) The COMMISSION shall verify the GAMING SOFTWARE matches the packing slip and shall maintain a receipt log.
- (3) The COMMISSION shall verify all GAMING SOFTWARE to ensure that the signature matches the approved independent laboratory REPORT.
- (4) If the GAMING SOFTWARE signature does not match, it shall be returned to the manufacturer for replacement or destroyed.

- (5) The COMMISSION shall maintain an inventory of all GAMING SOFTWARE including, but not limited to, the following identification information:
 - (a) Date GAMING SOFTWARE was received;
 - (b) Manufacture;
 - (c) Game description;
 - (d) Quantity of GAMING SOFTWARE; and
 - (e) GAMING SOFTWARE identification number.
- (6) GAMING SOFTWARE shall be stored in a secure location that is under 24-hour camera coverage.
- (7) GAMING SOFTWARE installed in SLOT MACHINES shall be identified by installation date, SLOT MACHINE number, and machine serial number.

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SILETZ TRIBAL GAMING COMMISSION ♦ REGULATIONS

CHAPTER 8

TRIBAL INTERNAL CONTROL STANDARDS

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§8.0 PURPOSE

These REGULATIONS aim to ensure Tribal Internal Control Standards (TICS) that align with GAMING LAWS.

- (1) **Fairness:** The primary objective is to ensure that the TICS adhere to the requirements set forth in GAMING LAWS. This ensures that the standards established for internal controls within the GAMING OPERATION are consistent with legal mandates and GAMING LAWS.
- (2) **Integrity:** TICS include specific guidelines and PROCEDURES related to various aspects of the GAMING OPERATION, such as financial transactions, security measures, and regulatory compliance. These standards help to maintain integrity, transparency, and accountability within the GAMING OPERATION.
- (3) **Security:** The REGULATIONS outline the process by which TICS are developed, approved, and enforced, emphasizing the role of regulatory bodies in overseeing compliance with GAMING LAWS and standards.
- (4) **Honesty:** The REGULATIONS outline the process by which TICS are developed, approved, and enforced, emphasizing the role of regulatory bodies in ensuring honesty and transparency throughout the GAMING OPERATION. By overseeing compliance with GAMING LAWS and standards, these regulatory bodies help maintain a truthful and fair gaming environment, preventing any dishonest practices and ensuring that all operations are conducted with integrity.

Overall, the REGULATIONS aim to establish a comprehensive framework for how internal controls within the GAMING OPERATION align with legal requirements and promotes responsible and accountable gaming practices.

§8.1 GAMING OPERATION SYSTEM OF INTERNAL CONTROL STANDARDS (SICS)

- (1) **Establishment of Systems of Internal Controls Standards (SICS):** The GAMING OPERATION must develop and implement a set of internal controls known as SICS. These internal controls should be designed to ensure the integrity of the GAMING OPERATION, protect assets, prevent fraud, and comply with applicable GAMING LAWS, including the TICS. SICS should encompass a wide range of operational areas, including but not limited to, financial transactions, gaming PROCEDURES, security protocols, and compliance measures.
- (2) **Submission of SICS to the COMMISSION:** It is the responsibility of the GAMING OPERATION to provide a current copy of the SICS to the COMMISSION. By submitting the SICS, the GAMING OPERATION

demonstrates transparency and accountability to the COMMISSION, allowing for review and assessment of the adequacy and effectiveness of internal controls.

- (3) Approval of Proposed Amendments, Revisions, Deletions, and/or Additions: Any proposed amendment, REVISION, deletion, or addition to the SICS must be submitted to the COMMISSION for review and approval before implementation. This ensures that any changes to the internal control framework undergo proper scrutiny to maintain compliance with GAMING LAWS and uphold the integrity of gaming operations. The COMMISSION may assess proposed changes to determine their potential impact on the effectiveness of internal controls, regulatory compliance, and overall integrity of the GAMING OPERATION.

By adhering to these REGULATIONS, the GAMING OPERATION demonstrates a commitment to maintaining robust internal controls, fostering regulatory compliance, and upholding the integrity of the GAMING OPERATION.

§8.2 TITLE 31 COMPLIANCE

The GAMING OPERATION shall adopt and implement a program to ensure compliance with TITLE 31. The compliance program shall, at a minimum, include:

- (1) Designated Individual for Compliance: This individual should be appointed as the Director of Compliance, responsible for overseeing and ensuring the GAMING OPERATION' compliance with TITLE 31 REGULATIONS. The Director of Compliance should be independent of any department involved in recording or accounting for TITLE 31 transactions to maintain impartiality and objectivity in their oversight.
- (2) Training Program: Develop a comprehensive training program to educate GAMING OPERATION ASSOCIATES on TITLE 31 REGULATIONS, REPORTING requirements, and PROCEDURES for handling financial transactions within the GAMING OPERATION. Training should be provided to relevant GAMING OPERATION ASSOCIATES regularly, including new hires and those who handle financial transactions, to ensure awareness and understanding of compliance obligations. The training program should cover topics such as identifying suspicious transactions, REPORTING requirements, record-keeping PROCEDURES, and consequences of non-compliance.
- (3) Compliance Audits: The COMMISSION shall conduct regular audits to assess the effectiveness of the compliance program and identify any deficiencies or areas for improvement. Audits shall review documentation, PROCEDURES, and controls related to TITLE 31 compliance, ensuring that POLICY is being followed and potential risks are identified and addressed.

By implementing these measures, the GAMING OPERATION can establish a robust compliance program to ensure adherence to TITLE 31 REGULATIONS and mitigate the risk of non-compliance.

§8.3 APPROVAL, AMENDMENT OR RESCISSION OF TICS

Approvals, amendments or rescission of the TICS, or any part thereof, shall follow the PROCEDURES specified in §1.6 (2).



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CHAPTER 9

POKER

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§9.0 PURPOSE

These REGULATIONS aim to ensure that the GAMING OPERATION have established Poker PROCEDURES that comply with the National Indian Gaming Commission (NIGC) Regulation §543.10.

- (1) Fairness: The REGULATIONS specify the procedural standards that GAMING OPERATION must follow when conducting poker games. This includes rules for game setup, PLAYER conduct, and dealer responsibilities.
- (2) Integrity: The COMMISSION is responsible for ensuring that GAMING OPERATION have implemented poker PROCEDURES that comply with NIGC Regulations. This includes conducting regular inspections and audits to verify compliance.
- (3) Security: The REGULATIONS emphasize the importance of protecting the rights and interests of the PLAYERS participating in poker games. This involves measures to ensure fairness, transparency, and integrity in the conduct of poker games.
- (4) Honesty: The REGULATIONS promote honesty in poker operations by requiring the GAMING OPERATION to maintain transparent and truthful practices. This ensures that all aspects of the game, from dealer conduct to game setup, are carried out in a straightforward and reliable manner, fostering trust among PLAYERS.

Overall, the REGULATIONS establish a framework for poker operations within the GAMING OPERATION that aligns with NIGC Regulations, promoting compliance, integrity, and accountability in the conduct of poker CARD GAMES.

§9.1 CARD GAME BOX

- (1) Each card table shall have one CARD GAME drop box with a drop slot. Each drop slot shall be equipped with a cover over the top of the drop slot, which when activated will cause the rake to drop directly into the drop box. The CARD GAME drop box shall be a locked container marked with a permanent number corresponding to a permanent number on the card table and permanently marked to indicate the CARD GAME and shift. All such markings shall be clearly visible by Surveillance. The

locked container shall be locked to the card table and shall be separately keyed from the container itself.

- (2) Each CARD GAME drop box shall be removed from their respective card tables at the end of each shift at the time previously designated in writing to the COMMISSION. The removal of CARD GAME drop boxes shall be a continuous process so that an observer may be able to observe the markings on the boxes. A person independent of the pit shift being dropped shall remove all locked CARD GAME drop boxes from the tables. The boxes must be transported directly to the count room or other equivalently secure area with comparable controls and locked in a secure manner until the count takes place. The transport shall be by a minimum of three (3) persons, at least one (1) of whom is independent of the pit shift being dropped.

§9.2 SALE OF STAKES

No cash or CHIPS received for the sale of stakes shall be commingled with any rake-offs or other compensations received by the GAMING OPERATION from the PLAYERS for the right to play.

§9.3 CARD ROOM BANKS

- (1) When the card table bank is to be replenished with CHIPS from the card room bank, all cash drops, or CHIPS to be transferred must be counted down by the dealer in public view on the card table and verified by the person who transports the cash or CHIPS.
- (2) The transfer shall be preceded by the placement of appropriately designated lammer on the card table of a value equivalent to the cash or CHIPS to be transferred to the card room bank. Such lammers may only be removed by the dealer after the transaction has been completed.
- (3) The amount of the main poker podium bank is counted, recorded, and reconciled on at least a per-shift basis.
- (4) At least once per shift, the table banks that were opened during that shift, shall be counted by a dealer (or other individual if the table is closed) and supervisor, and attested to by signature on the checkout form. The count is recorded and reconciled on at least a per-shift basis.

§9.4 CARD ROOM BANKS AND CARD TABLE BANKS LIMITATIONS

- (1) Card room banks shall be used exclusively for the purposes of the issuance and receipt of SHILL funds, the maintenance of the card table banks used in the CARD GAMES, and the issuance of CHIPS to PLAYERS and redemption of CHIP from PLAYERS.
- (2) Card table banks shall be used only for the purposes of making change or handling PLAYER buy-ins.

§9.5 RAKE-OFF AND TIME BUY-IN

- (1) Rake-offs shall not exceed established and posted rules. The dealer shall only pull rake-offs from the pot in an obvious manner after each wager and call or at the completion of the hand. The rake-off shall be placed in a designated rake circle until a winner is declared and paid. The rake-off shall then be dropped into the CARD GAME drop box.
- (2) The designated rake circle shall be on top of the cover over the drop slot, which when activated will cause the rake to drop directly into the CARD GAME drop box.

§9.6 SHILLS LIMITATION

- (1) SHILLS may not check and raise in any manner between themselves or in collusion with others to the disadvantage of other PLAYERS within the CARD GAME.

- (2) SHILLS shall be licensed by the COMMISSION and shall always wear their LICENSE while SHILLING a CARD GAME.
- (3) The GAMING OPERATION shall maintain a list of SHILLS at the card room bank, which shall be readily available for inspection.
- (4) Persons who participate in the management or supervision of CARD GAMES shall be permitted to act as a SHILL only if supervision is otherwise provided.
- (5) All advances to and winnings of a SHILL shall be utilized only for the wagering in CARD GAMES or turned into the card room bank at the conclusion of play.
- (6) No more than two (2) SHILLS shall play in a CARD GAME.
- (7) SHILLS may only wager CHIPS or coins. Issuance of SHILL funds shall have the written approval of the manager or director.
- (8) SHILL returns shall be recorded and verified on the SHILL sign-out form.
- (9) The replenishment of SHILL funds shall be documented.

§9.7 PROPOSITION PLAYER, STAKE PLAYER AND DEALER RESTRICTIONS

- (1) A proposition player is not authorized to play in the GAMING OPERATION.
- (2) A stake player is not authorized to play in the GAMING OPERATION.
- (3) A dealer cannot wager in any CARD GAME in which they are dealing.
- (4) A dealer cannot play any CARD GAME in the GAMING OPERATION poker room while on an assigned workday.

§9.8 POSTING OF RULES

The rules of each CARD GAME must be published and available to a PLAYER upon request and must designate the following:

- (1) The maximum rake-off percentage, time buy-in, or other fees charged;
- (2) The number of raises allowed;
- (3) The monetary limit of each raise;
- (4) The amount of ante; and
- (5) Other rules that may be necessary.



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CHAPTER 10

COMPLAINT AND ENFORCEMENT

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§10.0 PURPOSE

These REGULATIONS aim to ensure the process the COMMISSION will use for compliance monitoring and the enforcement of compliance related matters with the GAMING OPERATION.

- (1) **Fairness:** The REGULATIONS ensure equitable ongoing oversight of the GAMING OPERATION by establishing a framework for consistent compliance monitoring. This includes regular inspections, thorough reviews of financial records, and objective assessments of internal control PROCEDURES to uphold fair practices.
- (2) **Integrity:** The REGULATIONS outline the procedures the Commission will adhere to in enforcing compliance, reflecting a commitment to integrity. This involves initiating impartial investigations, conducting comprehensive audits, and issuing sanctions for non-compliance to maintain the credibility of the regulatory process.
- (3) **Security:** The REGULATIONS guarantee the GAMING OPERATION are provided with due process rights throughout enforcement actions. This commitment to security includes opportunities for hearings, appeals, and other procedural safeguards to protect the rights of all parties involved.
- (4) **Honesty:** The REGULATIONS foster an environment of honesty through promoting open collaboration and communication between the COMMISSION and the GAMING OPERATION. This includes providing clear guidance, assistance, and resources to help operations effectively address compliance issues and meet regulatory requirements.

Overall, the REGULATIONS aim to promote compliance, uphold integrity, and enhance the reputation of the GAMING OPERATION by establishing strong mechanisms for detecting, investigating, and addressing VIOLATIONS of regulatory standards. By establishing clear PROCEDURES and penalties for non-compliance, the REGULATIONS aim to ensure the GAMING OPERATION operate in accordance with applicable GAMING LAWS.

§10.1 CONSENT TO COMMISSION AUTHORITY

By doing business with the GAMING OPERATION, becoming employed at the GAMING OPERATION, or voluntarily entering the GAMING OPERATION, persons or entities consent to the authority of the COMMISSION to carry out its responsibilities under these REGULATIONS and the jurisdiction of the TRIBE for all purposes related to their presence. Failure to cooperate with the COMMISSION may be grounds for

the COMMISSION to order a GAMING OPERATION to cease doing business with a person or entity, to revoke a LICENSE, to order removal of a person from the premises of the GAMING OPERATION, or to impose other SANCTIONS as consistent with applicable GAMING LAWS.

§10.2 GAMING OPERATION PROPOSED POLICIES AND PROCEDURES

- (1) The GAMING OPERATION shall approve any proposed new or amended POLICY and/or PROCEDURE that involves or impacts regulatory concerns or activities to the COMMISSION.
- (2) GAMING OPERATION proposed POLICY and/or PROCEDURE submitted for review by the COMMISSION shall not become effective until the decision process by the COMMISSION is complete.
- (3) The COMMISSION shall review the proposed POLICY and/or PROCEDURE for compliance with applicable GAMING LAWS, REGULATIONS and TICS within ten (10) business days. The COMMISSION will decide as follows:
 - (a) When the COMMISSION has no concerns with the POLICY and/or PROCEDURE, the COMMISSION will give written approval.
 - (b) When the COMMISSION has concerns with the POLICY and/or PROCEDURE, it will be returned with the concerns noted.
 - (c) Upon reconsideration and further action, the GAMING OPERATION shall return the POLICY and/or PROCEDURE to the COMMISSION for further review.
 - (d) The POLICY and/or PROCEDURE shall be approved and returned to the GAMING OPERATION for further processing and written NOTIFICATION; or
 - (e) The POLICY and/or PROCEDURE shall be denied.
- (4) From time to time, the COMMISSION will review the GAMING OPERATION POLICY and/or PROCEDURES to confirm any that involve regulatory concerns and activities have been approved by the COMMISSION.

§10.3 ENFORCEMENT

It is the POLICY of the COMMISSION to first attempt to resolve new COMPLIANCE ISSUES in an informal matter. Any such informal resolution shall be memorialized in writing and approved by the EXECUTIVE DIRECTOR.

These REGULATIONS provides for the imposition of SANCTIONS in the event a COMPLIANCE ISSUE is not resolved or if the seriousness of the VIOLATION, repeated VIOLATIONS, or other factors makes it appropriate.

The COMMISSION has authority under GAMING LAWS to conduct any investigation it determines necessary or appropriate at any time, without restriction and not subject to any limitations under these REGULATIONS.

- (1) All information, written or verbal, concerning a possible COMPLIANCE ISSUE shall be reviewed by the COMMISSION. The COMMISSION shall document the information and make an initial determination as to the type of action required based upon the seriousness of the alleged issue.
- (2) The COMMISSION retains the discretion to vary as necessary and appropriate, to carry out its responsibilities under GAMING LAWS.
- (3) Confidentiality of Sources and Information: The COMMISSION may protect the identity of source(s) of alleged COMPLIANCE ISSUES and VIOLATIONS as necessary and appropriate to carry out its

responsibilities under GAMING LAWS. The REGULATIONS regarding confidentiality governing access to or discovery of investigatory information can be found in §1.8.

§10.4 NOTICE OF NON-COMPLIANCE

- (1) A Notice of Non-Compliance shall be issued in the event:
 - (a) The GAMING OPERATION fails to resolve the COMPLIANCE ISSUE in an Informal Resolution with the COMMISSION;
 - (b) The GAMING OPERATION fails to respond to an Informal Resolution; or
 - (c) The non-compliance issue is in direct conflict with GAMING LAWS.
- (2) The Notice of Non-Compliance will contain the following information:
 - (a) The non-compliance issue with a citation of the GAMING LAWS or other regulatory authority that is involved;
 - (b) The specific actions or conduct that are required to alleviate the COMPLIANCE ISSUE, and the time frame within which the remedial action must be completed or in place; and
 - (c) The enforcement action that will be taken, including SANCTION and/or fines, if the required remedial action is not completed in the time frame specified.
- (3) Response Time: The time frame for the RESPONDENT to respond to the Notice of Non-Compliance should be in a TIMELY MANNER, but in no case less than three (3) working days and no more than ten (10) working days, provided that the EXECUTIVE DIRECTOR may alter the timeline to accommodate unusual circumstances.
- (4) Failure to Respond to Notices: The failure of any RESPONDENT to respond to a NOTIFICATION or other document issued by the COMMISSION in the time frame specified shall be treated as a general denial by the RESPONDENT and shall give the COMMISSION authority to proceed to the next appropriate stage of the enforcement process and to impose the appropriate fine and/or other SANCTION against the RESPONDENT.

§10.5 VIOLATION CITATION

- (1) If the RESPONDENT does not respond to the Notice of Non-Compliance within the time frame provided and/or to the satisfaction of the COMMISSION, the COMMISSION may issue a VIOLATION Citation against the RESPONDENT. If the COMPLIANCE ISSUE is of such a serious nature to threaten the fairness, integrity, security, and honesty (FISH) of the GAMING OPERATION, the COMMISSION may issue a VIOLATION Citation against the RESPONDENT.
- (2) The VIOLATION Citation shall contain the following information:
 - (a) The VIOLATION that has taken place, including citation of the GAMING LAWS that have been violated.
 - (b) The fine, SANCTION, or other enforcement action that is being assessed or taken against the RESPONDENT.
 - (c) The remedial action that is required due to the VIOLATION, SANCTIONS, or other enforcement action that will occur if the remedial action is not completed within the stated timeframe. Remedial actions may include, but are not limited to, one or more of the following:
 - (i) An order to perform or refrain from conduct constituting the VIOLATION; and

- (ii) Specific conduct or the adoption of PROCEDURES that will alleviate the VIOLATION if instituted.
 - (d) RESPONDENT’S right to appeal the VIOLATION Citation, excluding LICENSE revocations, within 15 days of receipt by filing a written Notice of Appeal to the Office of Hearings and Appeals (OHA).
- (3) Sanctions: A chart of SANCTIONS is included in Chapter 11, starting on page 56. The chart may be updated as necessary by the EXECUTIVE DIRECTOR, with notice to the TRIBAL COUNCIL. SANCTIONS may include, but are not limited to, the following:
- (a) A fine not to exceed \$7,500 for any single VIOLATION;
 - (b) LICENSE suspension not to exceed one (1) year;
 - (c) LICENSE revocation for at least one (1) year; and
 - (d) Other fines and/or SANCTIONS as appropriate.
- (4) If the RESPONDENT disagrees with the remedial action, excluding LICENSE revocations, ordered by the VIOLATION Citation and/or the SANCTIONS assessed, the RESPONDENT has the right to file a written Notice of Appeal within 15 days of receipt to the OHA. The Administrative PROCEDURES for the OHA can be found in Chapter 16, starting on page 71.

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SILETZ TRIBAL GAMING COMMISSION ♦ REGULATIONS

CHAPTER 11

ENSURING COMPLIANCE, UNDERSTANDING SANCTIONS

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§11.0 PURPOSE

These REGULATIONS aim to ensure protocols for imposing the appropriate SANCTIONS in the case of non-compliance. In cases where VIOLATIONS are substantiated, the REGULATIONS prescribe appropriate SANCTIONS to address the misconduct.

- (1) **Fairness:** The REGULATIONS are designed to ensure that SANCTIONS are applied consistently and equitably, considering the specifics of each case and ensuring that RESPONDENTS are treated justly.
- (2) **Integrity:** By establishing clear protocols for imposing SANCTIONS, the REGULATIONS uphold the integrity of the regulatory process. This transparency reinforces trust in the COMMISSION'S actions and decisions.
- (3) **Security:** The imposition of SANCTIONS serves to protect PATRONS and the public interest, ensuring the GAMING OPERATION operate securely and responsibly, thereby safeguarding the welfare of all stakeholders.
- (4) **Honesty:** The goal of the REGULATIONS are to promote compliance with GAMING LAWS and REGULATIONS. By addressing misconduct transparently and effectively, the REGULATIONS encourage honesty in operations and foster a culture of accountability.

Overall, the goal of imposing SANCTIONS for regulatory VIOLATIONS is to promote compliance with GAMING LAWS and REGULATIONS, protect PATRONS and the public interest, and maintain the integrity and reputation of the COMMISSION.

§11.1 TOOLS OF ENFORCEMENT

SANCTIONS may include fines, LICENSE suspensions, LICENSE revocations, and other disciplinary actions. These SANCTIONS serve as deterrents against future VIOLATIONS and help maintain integrity within the GAMING OPERATION.

- (1) **Sanctions for Non-Compliance:** The REGULATIONS specifies the SANCTIONS that may be imposed when the GAMING OPERATION is found to be in VIOLATION of regulatory requirements. SANCTIONS may include fines, LICENSE suspensions or LICENSE revocations, and other corrective actions deemed appropriate by the COMMISSION.
- (2) **Fines:** Monetary penalties are a common form of SANCTION. The amount of the fine will depend on the severity of the VIOLATION and set in accordance with the predetermined guidelines.
- (3) **License Suspensions or Revocations:** The COMMISSION may suspend or revoke a violator's LICENSE

as a SANCTION. This effectively prevents the individual or the GAMING OPERATION from continuing to engage in the regulated GAMING ACTIVITY.

- (4) Other Disciplinary Actions: Depending on the nature of the VIOLATION, the COMMISSION may impose other disciplinary actions. These could include warnings or other measures aimed at correcting behavior and preventing future VIOLATIONS.
- (5) Corrective Actions: In addition to punitive measures, regulatory bodies may require violators to take specific corrective actions to address the harm caused by their misconduct. This could involve remedial measures, such as implementing a new POLICY and/or PROCEDURE, conducting audits, or providing restitution to affected parties.

§11.2 GENERAL PROVISIONS OF SANCTIONS

- (1) In the event a LICENSE is revoked, the RESPONDENT may reapply for employment with the GAMING OPERATION after one (1) year has elapsed since the revocation commenced. A LICENSE revocation is the final decision of the COMMISSION and not appealable to the OHA.
- (2) If the RESPONDENT disagrees with the SANCTION, excluding LICENSE revocations, ordered by the COMMISSION, the RESPONDENT has the right to file a written Notice of Appeal within 15 days of receipt to the OHA. The Administrative PROCEDURES for the OHA can be found in Chapter 16, starting on page 71. The decision of the OHA shall be final for the COMMISSION.
- (3) The COMMISSION reserves the right to vary from the schedule of SANCTIONS as deemed necessary to enforce compliance with applicable GAMING LAWS.
- (4) Refer to Chart A, found on page 58 – “Enforcement Schedule of Sanctions” for how fines are calculated and assessed.

CHART A
ENFORCEMENT SCHEDULE OF SANCTIONS

VIOLATION	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
Falls in Other Category (i.e. Gaming Operation POLICY & PROCEDURE)	\$200-\$600	\$601-\$1,200	\$1,201-\$7,000
Tribal Internal Control Standards	\$600-\$1,200	\$1,201-\$3,500	\$3,501-\$7,000
Tribal Code §6.001 Gaming Ordinance	\$600-\$1,200	\$1,201-\$3,500	\$3,501-\$7,000
STGC REGULATIONS	\$600-\$1,200	\$1,201-\$3,500	\$3,501-\$7,000
Tribal-State COMPACT	\$1,200-\$3,500	\$3,501-\$6,000	\$6,001-\$7,000
Indian Gaming Regulatory Act (IGRA)	\$1,200-\$3,500	\$3,501-\$6,000	\$6,001-\$7,000
Combination of two (2) or more GAMING LAWS	\$1,200-\$3,500	\$3,501-\$6,000	\$6,000-\$7,500
Combination of three (3) or more GAMING LAWS	\$4,000	\$6,500	\$7,500

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CHAPTER 12

REPORTING TO OSP-TGS

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§12.0 PURPOSE

These REGULATIONS aims to ensure the implementation of PROCEDURES to meet the REPORTING mandates to establish a framework to align the minimal requirements for REPORT submission and information exchanges with OSP-TGS, as specified in the COMPACT. This underscores the importance of adhering to the REPORTING obligations in the COMPACT, while also acknowledging the TRIBE'S sovereign authority to determine the terms and conditions for external information disclosure.

- (1) **Fairness:** The REGULATIONS are designed to ensure the GAMING OPERATION are held to the same standards when it comes to reporting requirements. This approach fosters a level playing field, allowing for consistent treatment across all entities, while respecting the unique circumstances of the GAMING OPERATION. By clarifying reporting obligations, the REGULATIONS promote fairness in the assessment and monitoring processes.
- (2) **Integrity:** The implementation of these PROCEDURES reflects a commitment to integrity in reporting practices. By establishing a clear framework for compliance with the reporting mandates, the REGULATIONS ensure that all submitted reports are accurate and reliable. This integrity not only enhances the credibility of the Commission but also reinforces the trust placed in the regulatory system by stakeholders.
- (3) **Security:** The REGULATIONS prioritize the security of sensitive information exchanged between GAMING OPERATION and the COMMISSION. By outlining specific protocols for reporting, the REGULATIONS ensure that data is handled appropriately, and that the confidentiality of proprietary and personal information is maintained. This commitment to security helps protect the interests of both PATRONS and the TRIBE.
- (4) **Honesty:** The REGULATIONS emphasize the importance of honest and transparent communication in fulfilling reporting obligations. By providing a structured framework for information exchange, the REGULATIONS encourage the GAMING OPERATION to disclose accurate information in good faith. This commitment to honesty fosters a culture of accountability and trust, both within the industry and with the public.

Overall, these REGULATIONS not only aim to ensure compliance with the REPORTING mandates of the

COMPACT but also uphold the principles of fairness, integrity, security, and honesty, thereby strengthening the relationship between the COMMISSION and the STATE while respecting the sovereign authority of the TRIBE in determining external information disclosure terms.

§12.1 NOTIFICATION AND REPORTING

The COMMISSION, acting on behalf of the TRIBE, is responsible for providing NOTIFICATION to OSP-TGS and furnishing detailed REPORTS on conduct explicitly designated within the COMPACT.

§12.2 NEW GAMES AND CHANGES TO EXISTING GAMES

The COMMISSION shall provide NOTIFICATION to OSP-TGS that the GAMING OPERATION proposes to offer a NEW GAME or changes to an existing game to provide OSP-TGS the opportunity to review the TICS, plans, PROCEDURES and rules as explicitly designated within the COMPACT.

§12.3 COMPACT VIOLATIONS

Within 72 hours of the incident, the COMMISSION will REPORT to OSP-TGS any material VIOLATIONS of the COMPACT, the TRIBAL Code §6.001 Tribal Gaming Ordinance by the GAMING OPERATION, a GAMING OPERATION ASSOCIATE (as applicable to the COMPACT) or any person on the premises whether or not associated with the GAMING OPERATION.

The COMMISSION shall provide completed investigation REPORTS and final dispositions (when applicable) to OSP-TGS regarding COMPACT and Tribal Code §6.001 Gaming Ordinance VIOLATIONS as explicitly designated within the COMPACT.

§12.4 INTENT TO CONTRACT WITH MANUFACTURERS AND SUPPLIERS

Any intent to enter in to a contract with a CLASS III GAMING VENDOR for a major or sensitive procurement must be submitted to OSP-TGS for review, comment, and a BACKGROUND INVESTIGATION prior to execution of the proposed contract with a CLASS III GAMING VENDOR.

§12.5 REPORTING OF GAMING OPERATION ASSOCIATE LICENSING ACTIVITY

- (1) The COMMISSION is required to furnish OSP-TGS with a monthly list of all current GAMING OPERATION ASSOCIATES and provide NOTIFICATION of any licensing actions or terminations concerning GAMING OPERATION ASSOCIATES relevant to the fairness, integrity, security, and honesty (FISH) of the TRIBE'S Class III GAMING ACTIVITY, as stipulated in the COMPACT.
- (2) HIGH SECURITY LICENSEES of the GAMING OPERATION are subject to three (3) year renewals and are REPORTED to the OSP-TGS.

§12.6 TRIBAL/STATE MINIMUM INTERNAL CONTROL STANDARDS (MICS)

The COMMISSION shall REPORT all occurrences, findings, and REPORTS to OSP-TGS as explicitly designated by the TRIBAL/STATE MICS.

§12.7 COURTESY REPORTING

Nothing in this section shall be construed to create, as a right, the authority for OSP-TGS to request information that is not specifically authorized in the COMPACT. The COMMISSION, however, shall, as a matter of courtesy, REPORT conduct related to the play of Class III games that is not required by the COMPACT, to OSP-TGS, if the following is established:

- (1) A pre-existing agreement between the TRIBE and STATE authorizes dissemination of the information;
- (2) A legitimate interest in the information exists;

- (3) The conduct constitutes a major event; or
- (4) The conduct constitutes a reoccurring event.



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SILETZ TRIBAL GAMING COMMISSION ♦ REGULATIONS

CHAPTER 13

NOTIFICATIONS AND REPORTS

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§13.0 PURPOSE

These REGULATIONS are designed to uphold the principles of fairness, integrity, security, and honesty within the gaming industry by establishing minimum standards for NOTIFICATIONS and REPORTS that the GAMING OPERATION must provide to the COMMISSION.

- (1) **Fairness:** By ensuring that accurate and timely information is consistently provided to the COMMISSION, the REGULATIONS promote a level playing field for all parties involved, including the GAMING OPERATION, PATRONS, and other stakeholders. Fairness is upheld through transparency in financial reporting and operational conduct, preventing any one entity from gaining an undue advantage or engaging in practices that could harm others.
- (2) **Integrity:** The REGULATIONS mandate that the GAMING OPERATION maintain ethical standards by submitting truthful, accurate, and complete REPORTS. This helps preserve the integrity of the GAMING OPERATION by ensuring that operations are conducted lawfully and that all activities are subjected to appropriate scrutiny and oversight.
- (3) **Security:** The REGULATIONS contribute to the security of the GAMING OPERATION by requiring the GAMING OPERATION to report any incidents or potential threats to system integrity, financial mismanagement, or breaches of gaming protocols. This enhances the security of both the operation and its stakeholders by safeguarding assets, information, and the interests of the public.
- (4) **Honesty:** By setting clear guidelines on what information must be reported and how it should be presented, the REGULATIONS foster an atmosphere of honesty and openness. Regular and accurate reporting reduces the risk of fraudulent activities, misrepresentation, or misconduct within the GAMING OPERATION, thus ensuring that all actions are genuine and in compliance with legal standards.

Through these principles, the REGULATIONS help create a trustworthy gaming environment where both regulatory bodies and stakeholders can rely on the accuracy and completeness of the information provided, promoting confidence in the system.

§13.1 SLOT MACHINE NOTIFICATION

- (1) **SLOT MACHINE movement:**

- (a) The GAMING OPERATION shall be provided written NOTIFICATION to the COMMISSION at minimum 72 hours prior to the movement of any SLOT MACHINE. The written NOTIFICATION will include:
 - (i) A complete list of the affected SLOT MACHINES;
 - (ii) The new location, and
 - (iii) The machine number.
- (2) An updated floor plan of SLOT MACHINE locations will be submitted to the COMMISSION no later than 24 hours after the movement of any SLOT MACHINE; and
- (3) SLOT MACHINE and slot game CONVERSION:
 - (a) The GAMING OPERATION shall be provided written NOTIFICATION to the COMMISSION at minimum ten (10) working days prior to the installation or CONVERSION of any SLOT MACHINE. The written NOTIFICATION will include:
 - (i) Affected SLOT MACHINES with their location and machine number,
 - (ii) Name of the NEW GAME,
 - (iii) Manufacturer of the NEW GAME, and
 - (iv) SENSITIVE SOFTWARE unique identifying number.

§13.2 CLASS II AND III CARD GAME NOTIFICATION

- (1) Before any new CARD GAME is introduced at the GAMING OPERATION, the management must complete the following requirements:
 - (a) A written request must be submitted to the COMMISSION thirty (30) days prior to the proposed start date of any new CARD GAME. A Game that does not require new rules and/or PROCEDURES are not considered a NEW GAME but are a REVISION.
 - (b) The proposed rules and POLICY must be submitted to the COMMISSION 30 business days prior to the proposed start date of the new CARD GAME and the COMMISSION shall unconditionally approve, conditionally approve, or deny the request.
 - (c) Any additions or deletions to the GAMING OPERATION SICS must be submitted to the COMMISSION ten (10) working days prior to the proposed start date of the new CARD GAME and comply with GAMING LAWS; and
 - (d) GAMING OPERATION management must receive written approval from the COMMISSION to start the new CARD GAME.
- (2) REVISIONS to the CARD GAME rules shall be adopted as follows:
 - (a) The GAMING OPERATION shall submit proposed REVISIONS to the CARD GAME rules on forms approved by the COMMISSION and shall include:
 - (i) The existing CARD GAME rule;
 - (ii) The proposed REVISION; and
 - (iii) The impact of the proposed REVISION on the CARD GAME.
- (3) The COMMISSION shall determine an effective date not to exceed 30 days after adoption; and

- (4) REVISIONS shall not apply to non-substantive changes and corrections.

§13.3 REPORTS

- (1) The Internal Audit Department shall ensure that the COMMISSION is provided in a TIMELY MANNER, a copy of the required compliance audits and REPORTS as stated in the TRIBAL Code §2.950 Internal Audit Department;
- (2) The management of the GAMING OPERATION shall ensure that the COMMISSION is provided in a TIMELY MANNER access to the following REPORTS:
 - (a) All Security Incident REPORTS, and Exclusion/Barring;
 - (b) All Monthly COMPLIMENTARY ITEMS (Comp) REPORTS;
 - (c) REPORTS and documentation relating to any COMPLIMENTARY ITEMS the GAMING COUNCIL received such as ENTERTAINMENT tickets, if applicable;
 - (d) Any requested Financial documentation;
 - (e) All end user account deactivation to include at minimum the date and time of the deactivation;
 - (f) All Daily Manager’s REPORTS;
 - (g) Monthly list of SLOT MACHINE numbers, locations, game software ID, hold percentages, machine serial number, denomination, COMMISSION Inventory Decal number, and game name;
 - (h) Any information, REPORT, and/or documentation requested by the COMMISSION that can be reasonably provided or obtained by the GAMING OPERATION.

§13.4 GAMING OPERATION ASSOCIATE RELATED NOTIFICATIONONS

- (1) All Personnel Actions (PA) involving the following within seven (7) calendar days:
 - (a) The change of address/telephone number of any LICENSEE;
 - (b) The suspension of any LICENSEE;
 - (c) The termination (voluntary or involuntary) of any LICENSEE; and
 - (d) The new hire, promotion or job position change of any LICENSEE.
- (2) Names of all GAMING OPERATION ASSOCIATES hired or selected for a special event by the GAMING OPERATION within five (5) working days of the event unless the COMMISSION approves an exception to the five (5) working day requirement.
- (3) Immediately REPORT any information obtained by the GAMING OPERATION that would have a direct impact on the suitability of a LICENSEE;
- (4) The COMMISSION will be notified immediately of the arrest of a licensed GAMING OPERATION ASSOCIATE;
- (5) Any and all investigations and/or reviews conducted by the GAMING OPERATION with any supported documentation on any LICENSEE including “former” or “terminated” GAMING OPERATION ASSOCIATE;
- (6) Any REVISION to the GAMING OPERATION “Employee Game Play Matrix”;
- (7) The GAMING OPERATION must provide NOTIFICATION to the COMMISSION within 48 hours of their

intention to utilize any LICENSEE in a capacity other than what is currently stated in their approved job position description;

- (8) The GAMING OPERATION shall provide written NOTIFICATION to the COMMISSION of all job position reclassifications and new job positions within ten (10) working days prior to the scheduled start date;
 - (a) Failure of the GAMING OPERATION to provide written notice of job position reclassification or new job position may result in imposition of SANCTIONS.

§13.5 OTHER REQUIRED NOTIFICATIONS

- (1) The COMMISSION, or ON-CALL GAMING AGENT, shall be NOTIFIED immediately of the following:
 - (a) A jackpot of \$20,000.00 or more.
 - (b) Damage to the GAMING OPERATION.
 - (c) A felonious act committed at the GAMING OPERATION.
 - (d) The arrest of a person for the following:
 - (i) Theft, robbery, forgery or burglary of GAMING OPERATION property; or
 - (ii) Any other arrest on GAMING OPERATION property.
 - (e) If an outside law enforcement agency contacts the GAMING OPERATION as part of their official duties.
- (2) Proposed plans for remodeling or expansion of the GAMING OPERATION, including physical changes to any Class II or Class III GAMING AREA beyond the existing footprints of the building;
- (3) An annual REPORT of all NON-GAMING VENDORS over \$100,000 the GAMING OPERATION intend to do business with the following calendar year on or before November 30th.
 - (a) Following receipt of the REPORT, the COMMISSION shall schedule a meeting with the relevant stakeholders to review the REPORT in a TIMELY MANNER.
- (4) An annual REPORT of all CLASS II GAMING VENDORS and CLASS III GAMING VENDORS the GAMING OPERATION intend to do business with the following calendar year on or before November 30th.
 - (a) Following receipt of the REPORT, the COMMISSION shall schedule a meeting with the relevant stakeholders to review the REPORT in a TIMELY MANNER.
- (5) For information and documentation purposes only, the GAMING OPERATION must provide NOTIFICATION to the COMMISSION within seven (7) calendar days upon receiving any gaming-related PATRON DISPUTES; and
- (6) All documentation and/or video pertaining to a gaming-related PATRON DISPUTE of \$500 and higher must be retained for a minimum of 60 calendar days.

§13.6 NOTIFICATION REQUIRED BY THE LICENSEE

- (1) All active LICENSEES, regardless of full or part-time employment, must provide written NOTIFICATION to the COMMISSION no later than five (5) working days of the date of any of the following:
 - (a) All arrests, detentions, and litigations of the LICENSEE or any other GAMING OPERATION ASSOCIATE (this includes any criminal arrest or civil action, whether convicted in criminal court

or settled in civil court).

- (b) All arrests, detentions, charges, indictments, court orders and/or summons of the LICENSEE or any other GAMING OPERATION ASSOCIATE to answer for any criminal offense or violation of law for any reason whatsoever, regardless of the outcome (disposition) of the event.
- (c) The LICENSEE or any other GAMING OPERATION ASSOCIATE has been questioned by any city, STATE, federal, or other law enforcement agencies (except minor traffic citations – speeding, stop signs, equipment, etc.), outside commissions (not the Siletz Tribal Gaming COMMISSION), or committees.
- (d) Any other outside employment/business partnership or purchase of a business made by any LICENSEE or any other GAMING OPERATION ASSOCIATE.

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CHAPTER 14

ENTICEMENTS

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§14.0 PURPOSE

These REGULATIONS aim to ensure the fairness, integrity, security and honesty (FISH) of the GAMING OPERATION by prohibiting the offer of or the acceptance of ENTICEMENTS such as bribes, VENDOR spiffs, kickbacks, or VENDOR gifts to any GAMING OPERATION ASSOCIATE.

- (1) **Fairness:** The REGULATIONS seek to ensure that the GAMING OPERATION remains fair for all participants, including PATRONS and stakeholders. By prohibiting the acceptance of bribes or kickbacks, it prevents any undue advantage that could compromise the fairness of the gaming experience.
- (2) **Integrity:** Upholding integrity is essential for maintaining trust in the GAMING OPERATION. By prohibiting actions like bribery or VENDOR gifts, the REGULATIONS help safeguard the integrity of the GAMING OPERATION and prevents any actions that could undermine public confidence in the fairness of the games.
- (3) **Security:** Ensuring the security of the GAMING OPERATION is crucial for protecting both the interests of the business and the safety of PATRONS. By prohibiting unauthorized ENTICEMENTS to a GAMING OPERATION ASSOCIATE, the REGULATIONS help mitigate the risk of corruption, fraud, or other security breaches within the GAMING OPERATION.
- (4) **Honesty:** Honesty is fundamental in any business operation, especially in the gaming industry where trust is paramount. By prohibiting dishonest practices such as accepting bribes or kickbacks, the REGULATIONS reinforce the importance of honesty and transparency in all dealings related to the GAMING OPERATION.

Overall, the REGULATIONS are designed to maintain the integrity and reputation of the GAMING OPERATION by preventing actions that could compromise fairness, integrity, security, and honesty (FISH) within the industry. By setting clear standards and prohibitions, it aims to create a trustworthy and reputable gaming environment for all stakeholders.

§14.1 GENERAL

- (1) Under no circumstance shall any GAMING OPERATION ASSOCIATE accept an ENTICEMENT. Any GAMING OPERATION ASSOCIATE who receives such an offer shall follow the Direct REPORT process in accordance with §4.2 as well as REPORTING to the General Manager, Director of Compliance and the EXECUTIVE DIRECTOR. Any item received shall be turned into Security to be maintained in a secure area until disposition of the case has been made.
- (2) GAMING OPERATION ASSOCIATES are prohibited from accepting personal favors, gifts or other forms of compensation from individuals or organizations doing business with the GAMING OPERATION.

However, a GAMING OPERATION ASSOCIATE may accept such items if there is no likelihood of improper influence or the appearance of improper influence and if the item is one of the following:

- (a) A non-cash gift of nominal value, not to exceed \$50.00, such as received at holidays;
 - (b) Gifts available to the public under the same conditions as they are available to the GAMING OPERATION ASSOCIATE;
 - (c) Civic, charitable, educational or religious organization awards for recognition of service and accomplishment;
 - (d) Gifts because of kinship, marriage, or social relationship apart from any business with the GAMING OPERATION; or
 - (e) Trips, guest accommodations, or other travel expenses that could otherwise be reimbursed as a legitimate business expense and that involve formal representation and/or conduct of GAMING OPERATION business.
- (3) GAMING OPERATION ASSOCIATES are prohibited from soliciting or accepting anything of value from anyone in return for any business, service, or confidential GAMING OPERATION information.
- (4) GAMING OPERATION ASSOCIATES are prohibited from using their position with the GAMING OPERATION to obtain any items or benefits not otherwise available to the public.

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CHAPTER 15

GAMING COUNCIL PROMOTIONS

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§15.0 PURPOSE

The purpose of these REGULATIONS is to ensure that the issuance of promotional COMPLIMENTARY ITEMS by GAMING COUNCIL Members to third-party persons adheres to the principles of fairness, integrity, security, and honesty. While the GAMING COUNCIL currently does not distribute promotional COMPLIMENTARY ITEMS, these REGULATIONS will apply if such activities resume, providing a robust framework for governance.

- (1) **Fairness:** The REGULATIONS ensure that any promotional COMPLIMENTARY ITEMS issued by the GAMING COUNCIL are distributed fairly, without favoritism or discrimination. This prevents any individual or group from receiving undue benefits, promoting equitable treatment for all potential recipients and safeguarding the reputation of the GAMING OPERATION.
- (2) **Integrity:** By establishing clear guidelines and protocols for issuing COMPLIMENTARY ITEMS, the REGULATIONS protect the integrity of the GAMING COUNCIL’S promotional activities. These measures help prevent misuse or manipulation of the distribution of COMPLIMENTARY ITEMS , ensuring that all actions align with ethical and regulatory standards.
- (3) **Security:** The REGULATIONS promote security by requiring proper oversight and accountability in the distribution process. This reduces the risk of fraud, unauthorized access, or misuse of promotional items, thereby protecting both the GAMING OPERATION and third-party recipients from potential harm or exploitation.
- (4) **Honesty:** By mandating transparent, honest and accurate reporting of all promotional activities, the GAMING COUNCIL ensures that stakeholders, including the COMMISSION, can trust the information provided. This reinforces confidence in the fairness and integrity of the promotional process.

In summary, these REGULATIONS provide a comprehensive framework for the potential issuance of promotional COMPLIMENTARY ITEMS, rooted in principles of fairness, integrity, security, and honesty. They ensure that, if the GAMING COUNCIL resumes this activity, it will be conducted responsibly, transparently, and in compliance with established policies and procedures.

§15.1 PROMOTIONS

- (1) The GAMING OPERATION have established, as a feature of its marketing and promotional program, the emphasis and image of a Tribally owned and operated business as a means of contributing to the success and profitability of the GAMING OPERATION. The GAMING COUNCIL Members are a critical component of the GAMING OPERATION’ marketing efforts. The COMMISSION finds that this plan is reasonable and related to the business purposes of the GAMING OPERATION

- (2) Management of the GAMING OPERATION supports the GAMING COUNCIL’s participation in the marketing and promotion of the GAMING OPERATION. The GAMING COUNCIL has established a POLICY of visibility as it relates to the GAMING OPERATION. In this marketing strategy, the GAMING COUNCIL Members act as ambassadors of the GAMING OPERATION.
- (3) By TRIBAL COUNCIL POLICY, any expenses incurred by the GAMING COUNCIL shall be charged to the appropriate TRIBAL COUNCIL gaming budget. The COMMISSION finds this POLICY is reasonable and related to the business purposes of the GAMING OPERATION.

§15.2 GAMING COUNCIL

- (1) GAMING COUNCIL Members acting in their TRIBAL governmental role shall not issue promotional COMPLIMENTARY ITEMS .
- (2) The GAMING COUNCIL does not currently issue or authorize COMPLIMENTARY ITEMS . There is not a GAMING OPERATION budget for COMPLIMENTARY ITEMS or other expenses issued by the GAMING COUNCIL. The GAMING COUNCIL will not issue COMPLIMENTARY ITEMS without providing the COMMISSION six (6) months advance notice prior to enactment of REGULATIONS governing PROCEDURES for such activity.
- (3) TRIBAL COUNCIL governmental and TRIBAL departmental events or activities will not be covered or charged as a COMPLIMENTARY ITEMS . Such expenses as TRIBAL governmental expenses, will be billed by the GAMING OPERATION to the TRIBE, and reimbursed from TRIBAL funds to the GAMING OPERATION.
 - (a) The General Manager of the GAMING OPERATION may decide to absorb, sponsor, subsidize or cover the costs of a TRIBAL governmental or TRIBAL departmental activity when the General Manager, in their business judgment, determines and confirms in writing that underwriting all or a portion of TRIBAL government expense constitutes a GAMING OPERATION expense because it will generate revenues for the GAMING OPERATION or will advance the business purposes of the GAMING OPERATION.
 - (b) The General Manager of the GAMING OPERATION will REPORT all activities they decide to absorb, sponsor, subsidize or cover to the COMMISSION.
 - (c) The COMMISSION will review and audit the General Manager’s decisions made under this subsection on an annual basis or more frequently as appropriate to determine whether the expenses are properly charged to the GAMING OPERATION;



OFFICE OF HEARINGS AND APPEALS

CHAPTER 16

ADMINISTRATIVE REVIEW PROCESS AND PROCEDURES

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NOTE: §16.2-§16.9 was approved by Resolution 2005-46, 12/8/2005 as a separate administrative document for the OHA. Grammatical changes with organization have been made along with the addition of definitions and a purpose.

TRIBAL Code §6.100 CHARTER of the Siletz Tribal Gaming Enterprise:

The OHA shall hear appeals of Commission actions or decisions taken or made pursuant to Commission rules or regulations, in accordance with rules and procedures adopted by the Office, which rules and procedures shall be subject to Tribal Council review and approval. OHA appeals shall be heard by a panel of three (3) Hearings Officers. In addition to the Chair of the OHA, the hearings panel shall be comprised of two (2) Tribal administrative appeals officers selected at random from the roster of eligible Tribal administrative appeals officers maintained by the Tribal government pursuant to the Administrative Procedures Ordinance, § 2.700 et seq. The *Chief Executive Officer (CEO)* of the Tribe shall provide the Chair of the OHA names to serve as Hearings Officers, upon request. Tribal administrative appeals officers selected to serve on a hearings panel under this section shall be compensated at the rate for their position within Tribal government, for time spent on an appeal. In the event of a conflict of any Hearings Officer, an alternate Hearings Officer will be selected from the roster of eligible Tribal administrative appeals officers.

[Amended by Resolution No. 2010-280, dated July 16, 2010]

§16.0 DEFINITIONS FOR OHA ADMINISTRATIVE PROCESS ONLY

In addition to the definitions outlined in the REGULATIONS, the following terms are defined specifically for the purposes of the OHA Administrative process.

CROSS-EXAMINE: The process by which a party in an administrative appeal questions a witness or opposing party's representative who has provided testimony or evidence. The purpose of cross-examination is to challenge the credibility, accuracy, or relevance of the information presented, and to clarify or expose inconsistencies in the witness's statements.

DELIBERATIONS: The confidential process by which the hearing panel discusses, reviews, and evaluates the evidence, arguments, and applicable laws presented during the hearing. Deliberations occur after the hearing or submission of all relevant materials and precede the final decision or ruling on the appeal.

EX PARTE: A communication or proceeding that involves only one party to the appeal, without notice to or participation by the other party. Ex parte interactions are prohibited to ensure fairness, transparency, and that both parties can present their case. Exceptions may exist under specific circumstances as defined by law or regulation.

GOOD CAUSE: A legitimate, justifiable reason beyond the control of the party involved, which prevents them from attending or proceeding with a scheduled hearing. The determination of good cause will be made by the Office of Hearings & Appeals (OHA) based on the specific facts and evidence presented. Examples of good cause may include, but are not limited to:

- Serious illness or medical emergency.
- Unforeseen family emergency.
- Natural disasters or severe weather conditions.
- Unanticipated legal obligations, such as other court appearances.
- Lack of adequate notice of the hearing.
- Other circumstances deemed reasonable and beyond the control of the party.

ORDER: A formal written decision issued by the hearing panel at the conclusion of a hearing. The order outlines the ruling on the matters in dispute, including any directives or actions required by the parties. It may affirm, reverse, or modify the original decision under review, and is binding unless further appealed or otherwise contested.

PARTIES: The entities or individuals directly involved in the appeal process, including the OHA Petitioner who initiates the appeal, and the OHA Respondent who is defending the decision under review. Together, these parties represent the opposing sides in the appeal process.

OHA PETITIONER: The individual or entity that initiates an administrative appeal by formally challenging a decision, order, or ruling issued by the Commission. The OHA Petitioner seeks a review or reversal of the decision in question, typically claiming that it was made in error or was otherwise improper under applicable laws or regulations.

OHA RESPONDENT: The individual, entity, or regulatory agency against whom an administrative appeal is filed. In this instance, the respondent is typically the Commission and is responsible for defending the decision during the appeal process.

§16.1 PURPOSE

The purpose of this chapter, which is NOT a REGULATIONS, is to provide an OHA PETITIONER with a fair, transparent, and accountable administrative review process and PROCEDURES through the Office of

Hearings & Appeals (OHA). The chapter emphasizes the principles of fairness, integrity, security, and honesty in all aspects of the review process.

- (1) **Fairness:** The chapter establishes a structured and impartial process through which an OHA PETITIONER can seek administrative review of decisions made by the COMMISSION. This ensures that all OHA PETITIONERS are treated equally, with a fair opportunity to present their cases, thus maintaining the integrity of the review process.
- (2) **Integrity:** The procedural guidelines set forth in this chapter are designed to uphold the integrity of the review process. By clearly defining the deadlines, documentation requirements, and steps involved, the chapter ensures that all actions taken are consistent and lawful, minimizing the risk of bias or arbitrary decision-making.
- (3) **Security:** The chapter provides a secure and controlled environment for administrative review by ensuring that all information submitted is handled responsibly and that the process is free from interference or unauthorized access. This safeguards both OHA PETITIONERS and the integrity of the OHA, fostering confidence in the system.
- (4) **Honesty:** By providing clear, accessible PROCEDURES and requiring truthful representation of facts and evidence, the chapter ensures that the review process is transparent and accountable. OHA PETITIONERS and all involved parties can trust that decisions are made based on merit and accuracy.

The role of the OHA is also key in upholding these values. Through appointing impartial hearing officers, conducting fair hearings, and issuing decisions based on objective review of the evidence, the OHA ensures that the process remains both fair and secure. In summary, this chapter provides a comprehensive framework that emphasizes fairness, integrity, security, and honesty in the administrative review process. It ensures that OHA PETITIONERS have a clear and reliable avenue to challenge decisions, protecting their rights and interests while maintaining the integrity of the OHA.

§16.2 FILING AN APPEAL

- (1) When a LICENSEE disagrees with the substance, remedial action ordered, and/or the SANCTIONS assessed by a VIOLATION Citation and/or the denial or suspension of a LICENSE, said has the right to file an appeal. From this point forward in the process, they shall be referred to as the OHA PETITIONER.
- (2) Appeals must be filed in writing using the Notice of Appeal form provided with the decision letter from the COMMISSION.
- (3) Appeals must be in writing and filed within fifteen (15) calendar days of receipt of a VIOLATION Citation or LICENSE action (except for revocation).
- (4) Appeals must be filed at the Siletz Tribal Gaming COMMISSION, OHA and shall become the property of the OHA.

Siletz Tribal Gaming Commission – Office of Hearings & Appeals
2120 NW 44th, Suite A
Lincoln City, OR 97367

- (5) Appeals of VIOLATION Citations and/or Licensing actions shall not affect enforcement of said actions and/or SANCTIONS imposed upon the OHA PETITIONER until the appeal has been acted upon by the

OHA unless otherwise ordered by resolution of the OHA.

§16.3 HEARING OFFICERS

- (1) A representative quorum of the OHA Hearing Officers shall collectively serve as the Hearing Panel.
- (2) Any member the Hearing Panel is subject to disqualification for bias, prejudice, interest, or any other cause for which a Judge for the TRIBAL COURT may be disqualified.
- (3) Any PARTIES to an appeal may petition the OHA for disqualification of a Hearings Officer by filing the Petition for Disqualification of a Hearings Officer form.
- (4) A representative quorum of the OHA, excluding the Hearings Officer whose disqualification is requested, shall determine whether to grant the Petition for Disqualification, stating facts and reasons for the determination.
- (5) A Hearings Officer may recuse themselves or be disqualified by a representative quorum of the COMMISSION subject to the reasons stated in **Error! Reference source not found.**(2).

§16.4 PROHIBITION OF EX PARTE COMMUNICATION

Unless required for the disposition of EX PARTE matters authorized by law or by the OHA shall, a PARTIES or their representative shall not communicate, directly or indirectly in connection with any issue of fact or law related to a proceeding with:

- (1) Any member of the OHA (this does not include COMMISSION personnel) except upon notice and opportunity to all PARTIES to participate; and
- (2) Any PARTIES or their representative except upon notice and opportunity to all PARTIES to participate.

This EX PARTE prohibition shall not preclude COMMISSION personnel from having contact with APPLICANTS and LICENSEES at any stage of the proceedings.

§16.5 PRE-HEARING PROCEDURE

- (1) Appeals properly submitted by filing a Notice of Appeal form will be reviewed by the OHA and a decision made regarding the type of hearing, if any, to be conducted.
- (2) The OHA will provide NOTIFICATION to the OHA PETITIONER and the OHA RESPONDENT of the receipt of the appeal (Appeal Receipt form) and the action to be taken to grant or deny a hearing (Action Decision form) within ten (10) days of receipt of the Notice of Appeal.
- (3) The OHA will issue a Notice of Hearing to each principal PARTIES at least seven (7) days prior to the date set for the hearing. The Notice of Hearing will contain the date, time, location, and if the hearing is open or closed to the public.
- (4) Subpoenas, requiring the appearance of principal PARTIES or witnesses and/or to produce documents, may be issued upon motion of the Office of Hearings and Appeals. Principal PARTIES may request the OHA to issue subpoenas by written application using the Motion and Declaration for Issuance of Subpoena and/or Subpoena Duces Tecum form filed with the OHA at least five (5) days prior to the date set for the hearing. Subpoenas issued will be given to the requesting PARTIES and said PARTIES will be responsible for bearing the cost of and providing for the service of said subpoena.
- (5) A continuance will not be granted except when GOOD CAUSE is shown.

§16.6 HEARING PROCEDURE

- (1) A Default Judgment may be entered, and a PARTIES may lose its right to a hearing and may have an adverse ORDER entered against them if the PARTIES fails to respond to an invitation to appear, does not appear on the set date for a hearing, or otherwise deliberately and persistently fails to respond.
 - (a) The OHA may set a Default Judgment aside if a PARTIES' failure to respond or appear can be excused upon showing GOOD CAUSE.
- (2) All hearings will be recorded by use of an audio and/or video recording device. Recordings will be retained for one (1) year from the date of the hearing by the OHA support staff.
- (3) All PARTIES, including witnesses, are brought into the hearing room. All PARTIES, including witnesses, shall sign an official attendance sheet and introduce themselves for the record.
- (4) The presiding Hearings Officer shall describe the case to be heard, including:
 - (a) OHA Case Number;
 - (b) Names of OHA PETITIONER and OHA RESPONDENT; and
 - (c) A general description of the case.
- (5) Witnesses are then excused to another room until called upon for testimony.
- (6) The hearing format shall be as follows:
 - (a) All PARTIES shall submit any additional written documentation into evidence.
 - (b) The OHA PETITIONER will present their side of the case including witnesses.
 - (c) The OHA PETITIONER has the opportunity to CROSS-EXAMINE the OHA RESPONDENT and their witnesses after being recognized by the presiding Hearings Officer.
 - (d) The OHA RESPONDENT presents their side of the case including witnesses.
 - (e) The OHA RESPONDENT has the opportunity to CROSS-EXAMINE the OHA PETITIONER and their witnesses after being recognized by the presiding Hearings Officer.
 - (f) The OHA PETITIONER has the opportunity give a rebuttal.
 - (g) The OHA RESPONDENT has the opportunity give a rebuttal.
 - (h) The Hearings Officers may ask questions and/or CROSS-EXAMINE either PARTIES and any witnesses during the duration of the hearing.
 - (i) The OHA PETITIONER has the opportunity give a closing statement.
 - (j) The OHA RESPONDENT has the opportunity give a closing statement.

§16.7 EVIDENCE AND DECISIONS

- (1) Evidence is reliable if it is the sort of evidence on which responsible persons are accustomed to relying upon in the conduct of serious affairs. The technical rules relating to evidence and witnesses shall not apply. Any relevant evidence may be admitted, and such evidence shall be sufficient to support a finding if it is reliable, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.
- (2) The decision of the OHA shall be based upon witness testimony, evidence presented, the record of the proceeding, and the matters officially noticed.

- (3) All decisions shall include the findings of fact and conclusions of law. Findings of fact shall be based on a preponderance of the evidence standard.
- (4) DELIBERATIONS of the Hearings Officers are confidential.

§16.8 ORDERS

Upon conclusion of the hearing and the expiration of any additional time allowed for submission of supplemental information, the OHA will issue one or more ORDER that may include the issuance of fines, penalties, and/or judgments including, but not limited to:

- (1) An ORDER directing the violator or non-complying person to cease and desist from further VIOLATION or non-compliance and to remedy said VIOLATION within a specified period.
- (2) An ORDER specifying a monetary fine for VIOLATION of or non-compliance with all applicable laws, including GAMING LAWS, laws of the Confederated Tribes of Siletz Indians of Oregon, the United States of America, and/or the State of Oregon.
- (3) An ORDER for LICENSE actions against a violator or non-complying person including suspension.
- (4) An ORDER for upholding or denying the LICENSE actions of the COMMISSION.
- (5) An ORDER suspending or negating the COMMISSION'S enforcement of actions and/or SANCTIONS against OHA PETITIONER.

ORDERS shall include the notice of the right to appeal to TRIBAL COURT as described in §16.9(5) of this chapter.

ORDERS shall be consistent with COMMISSION REGULATIONS and applicable laws of the Confederated Tribes of Siletz Indians of Oregon, the United States of America, and the State of Oregon as deemed appropriate.

All decisions and ORDERS rendered by the OHA shall be in writing and mailed via Certified Mail® or hand delivered to all principal PARTIES within fifteen (15) days upon the conclusion of the Hearing and the expiration of any additional time allowed for submission of supplemental information.

§16.9 RIGHTS OF PARTIES

- (1) The PARTIES have the right to be represented by an advocate and/or legal counsel if they so choose. The expense of the advocate and/or legal counsel shall be the total responsibility of the PARTIES. If the OHA PETITIONER chooses to be represented by legal counsel, the OHA must be notified of such representation five (5) days prior to the hearing.
- (2) The PARTIES have the right to present witnesses and evidence on their own behalf.
- (3) The PARTIES have the right to CROSS-EXAMINE witnesses.
- (4) The PARTIES have the right to receive a copy of the final Judgment and ORDER.
- (5) The OHA PETITIONER has the right to appeal the final Judgment and ORDER of the OHA to TRIBAL COURT in accordance with the TRIBAL COURT [Rules and Procedures](#), §3.005(c) [as amended 04/17/2015] which can be found on the TRIBAL website www.ctsi.nsn.us.
- (6) The OHA reserves the right, depending on the circumstances of the case, to make decisions regarding issues such as motions, discovery, protective ORDERS, etc.



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