

## Chapter 15.5

### GAMING\*

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\***Editor's note**—Ord. No. SRO-449-2014, adopted Aug. 27, 2014, substantially amended ch. 15.5, specifically amending §§ 15.5-2, 15.5-3, 15.5-7, 15.5-9—15.5-14, 15.5-16, 15.5-16.2, 15.5-23, and adding § 15.5-24, establishing that said amendments take effect on the first day of the month following approval by the National Indian Gaming Commission.



**Sec. 15.5-1. Purpose.**

It is the purpose of this chapter to govern and regulate the operation and conduct of all gaming activities on lands within the jurisdiction of the Salt River Pima-Maricopa Indian Community in order to protect the public interest in the integrity of such gaming activities, to prevent improper or unlawful conduct in the course of such gaming activities, and to promote the development of a balanced tribal economy by dedicating all of the net revenues from such gaming activities to the public purposes of the Tribe, including the support of Community government programs which promote economic development and the health, education and welfare of the Community and its members.

(Code 1981, § 15.5-1; Code 2012, § 15.5-1; Ord. No. SRO-212-96, § 1, 11-8-1995; Ord. No. SRO-219-96, § 1, 6-26-1996; Ord. No. SRO-402-2012, § 15.5-1, 5-30-2012)

**Sec. 15.5-2. Definitions.**

For purposes of this chapter:

*Act* means the Indian Gaming Regulatory Act, Pub L 100-497, 25 USC 2701 et seq.

*Administrative hearing* means a hearing conducted to consider the initial denial, or subsequent conditioning, suspension or revocation of a gaming employee or gaming services license or to consider allowing a barred person to return to a gaming facility and setting conditions for such return.

*Applicant* means any person who has applied for a license under the provisions of this chapter.

*Application* means a request for the issuance of a license under the provisions of this chapter.

*Beneficiary* means an enrolled member for whom a trust is created under the Act.

*Board* means the body appointed by the Community Council to conduct administrative hearings pursuant to this chapter and also known as the gaming regulatory board.

*Chapter* means the Salt River Pima-Maricopa Indian Community gaming ordinance and any

regulations and standards of operation and management promulgated by the Community regulatory agency hereunder.

*Class II gaming* means class II gaming as defined in accordance with the Act, 25 USC 2703(7)(A), and the regulations promulgated thereunder by the commission.

*Class III gaming* means class III gaming as defined in accordance with the Act, 25 USC 2703(8).

*Code* means the Salt River Pima-Maricopa Indian Community Code of Ordinances.

*Commission* means the National Indian Gaming Commission.

*Community* means the Salt River Pima-Maricopa Indian Community.

*Community Council* means the Salt River Pima-Maricopa Indian Community Council, the duly constituted governing body of the Salt River Pima-Maricopa Indian Community, empowered by the Salt River Pima-Maricopa Indian Community Constitution to adopt this chapter.

*Community court* or *court* means the Salt River Pima-Maricopa Indian Community court.

*Community law enforcement agency* means the police force of the Community established and maintained by the Community to carry out law enforcement on the reservation.

*Community president* means the president of the Salt River Pima-Maricopa Indian Community.

*Community regulatory agency* means the Salt River Pima-Maricopa Indian Community gaming regulatory agency established pursuant to this chapter.

*Community trustee* means the Community while acting as a trustee of a trust.

*Compact* means such compact governing the conduct of class III gaming on the Community's reservation as may be entered into pursuant to the Indian Gaming Regulatory Act between the State of Arizona and the Salt River Pima-Maricopa Indian Community, and approved by the Secretary of the Interior, or such procedures

promulgated by the Secretary of the Interior pursuant to the Indian Gaming Regulatory Act governing the conduct of class III gaming on the Community's reservation.

*Creditor* means, with respect to a beneficiary, a person who has a claim.

*Debt* means liability on a claim.

*Director* means the executive director of the Salt River Pima-Maricopa Indian Community regulatory agency established pursuant to this chapter.

*Enrolled member* means an enrolled member of the Community.

*Enterprise* means the Salt River Pima-Maricopa Indian Community gaming enterprise established by the Salt River Pima-Maricopa Indian Community Council to conduct all gaming operations of the Community on the reservation.

*Game* means any game played with cards, dice, equipment or any mechanical, electromechanical or electronic device or machine for coin, currency, property or other consideration or thing of value.

*Gaming* or *gambling* means to deal, operate, carry on, conduct, maintain or expose for play any game.

*Gaming device* means a microprocessor-controlled electronic device which allows a player to play games of chance, some of which are affected by skill, which device is activated by the insertion of a coin, currency, tokens or by the use of credit, and which awards game credits, cash, tokens, replays or a receipt that can be redeemed by the player for any of the foregoing. Game play may be displayed by video facsimile or mechanical rotating reels whereby the software of the device predetermines the stop positions and the presence, or lack thereof, of a winning combination and pay out, if any.

*Gaming employee* means any key employee, any primary management official or any other person employed by the enterprise who performs gaming related activities, including those persons

whose employment duties require or authorize access to restricted gaming related areas of the gaming facility.

*Gaming employee license* means a license issued by the Community regulatory agency pursuant to section 15.5-9, permitting a person to be employed as a gaming employee.

*Gaming equipment* means any machine, equipment or device which is specially designed or manufactured for use in the operation of any class II or class III gaming activity, including any gaming device.

*Gaming facility* or *gaming facilities* means the buildings or structures in which class III gaming, as authorized by the compact is conducted.

*Gaming facility license* means a license issued by the Community regulatory agency pursuant to section 15.5-11, allowing permitting gaming operations at a gaming facility.

*Gaming operation* means any class II or class III gaming conducted by the enterprise pursuant to this chapter.

*Gaming operator license* means a license issued by the Community regulatory agency pursuant to section 15.5-12, permitting the enterprise to conduct gaming operations at a gaming facility.

*Gaming-related activities* means any type of activity that falls within the definition of gaming and includes administrative and financial activities for the revenue generated from gaming activities.

*Gaming services* means:

- (1) The providing of any goods or services (except for legal services) for a gaming facility or the gaming enterprise in connection with the operation of class III gaming in an amount in excess of \$10,000.00 in any single month, including, but not limited to, equipment, transportation, food, linens, janitorial supplies, maintenance, or security services;
- (2) The providing, manufacturing, distributing, or servicing of any amount of gaming equipment to the Community or the

- enterprise in connection with the operation of class II or class III gaming in a gaming facility;
- (3) The extension of or guarantee of any financing for the enterprise or the gaming facilities by any person or entity other than the Community or an institutional investor;
- (4) The provision of any services by a management contractor.

*Gaming services license* means a license issued by the Community regulatory agency pursuant to section 15.5-10, permitting a person or entity to provide gaming services.

*Gaming support employee* means any employee or persons employed by the enterprise who perform employment duties that are not gaming related and do not meet the definition of "gaming employee" and includes employees having access to nonpublic areas but not restricted to gaming-related areas of the gaming facility.

*Institutional investor* means an agency of the United States; a lending institution licensed and regulated by the state or the United States; a mutual fund that meets the requirements of a "qualified institutional buyer," as defined in rule 144A of the Federal Securities Act; an insurance company as defined in section 2(a)(17) of the Investment Company Act of 1940, as amended; and investment company registered under section 8 of the Investment Company Act of 1940, as amended; an investment adviser registered under section 203 of the Investment Advisers Act of 1940, as amended; a finance company with net assets in excess of \$250,000,000.00, which regularly provides companies with asset-based equipment leasing or financing; or a gaming company duly licensed in such jurisdictions as the Community regulatory agency deems acceptable.

*Key employee* means:

- (1) A person who performs one or more of the following functions:
  - a. Bingo caller;
  - b. Counting room supervisor;
  - c. Chief of security;

- d. Custodian of gaming supplies or cash;
- e. Floor manager or management;
- f. Pit boss;
- g. Dealer;
- h. Croupier;
- i. Approver of credit; or
- j. Custodian of gaming devices, including persons with access to cash and accounting records within such devices;

- (2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000.00 per year; or
- (3) If not otherwise included, the four most highly compensated persons in the enterprise.

*Management contract* means a contract within the meaning of 25 USC 2710(d)(9) and 2711.

*Management contractor* means a natural person or entity that has entered into a management contract with the Community or the enterprise which has been approved pursuant to 25 USC 2710(d)(9) and 2711.

*Manufacturer* means a natural person or entity that manufactures gaming devices and/or component parts thereof, as defined herein, for use or play in the gaming facilities.

*National Indian Gaming Commission* means the National Indian Gaming Commission established pursuant to 25 USC 2704.

*Net revenues* means gross revenues of class II and class III gaming activities less amounts paid out as, or paid for, prizes and total operating expenses, including debt service but excluding management fees paid to a management contractor within the meaning of 25 USC 2711(c).

*Person* means and includes a corporation, company, partnership, firm, association or society, as well as a natural person. When person is used to designate the violator or offender of any law, it includes a corporation, partnership or any association of persons.

*Primary management official* means:

- (1) The person having management responsibility for or under a management contract;
- (2) Any person who has authority to hire and fire employees, or to set up working policy for the enterprise; or
- (3) The chief financial officer or other person who has financial management responsibility for the enterprise.

*Principal* means, with respect to any person, all or any subset of the following persons:

- (1) Each of its officers and directors;
- (2) Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer or general management;
- (3) Each of its owners or partners, if an unincorporated business;
- (4) Each of its shareholders who owns more than ten percent of the shares of the corporation, if a corporation;
- (5) Each person other than a banking institution who has provided financing for the entity constituting more than ten percent of the total financing of the entity; and
- (6) Each of the beneficiaries, or trustees of a trust.

*Property* includes contributions made by the Community to a trust and all real property, personal property, and interests in real or personal property held in a trust from time to time.

*Reservation* means all lands within the limits of the Salt River Pima-Maricopa Indian Reservation, and all other lands title to which is held in trust by the United States for the benefit of the Community or any individual member or members of the Community or held by the Community or an individual member of the Community subject to restriction by the United States against alienation and over which the Community exercises governmental power.

*Settlor* means the Community transferring property to a trust.

*Spouse and former spouse* means only persons to whom the beneficiary was married at, or before, the time the transfer is made.

*State* means the State of Arizona, its authorized officials, agents and representatives.

*State gaming agency* means such agency of the State of Arizona which the governor may from time to time designate by written notice to the Community as the single state agency which shall act on behalf of the state under the compact.

*Transfer* means a disposition by or from a trustee of a trust, with or without consideration.

*Trust* means a trust created by the Community for an enrolled member under the act.

*Trust instrument* means an instrument appointing a trustee for property held in a trust created pursuant to the act.

(Code 1981, § 15.5-2; Code 2012, § 15.5-2; Ord. No. SRO-212-96, § 2, 11-8-1995; Ord. No. SRO-219-96, § 2, 6-26-1996; Ord. No. SRO-239-98, §§ A—C, 5-6-1998; Ord. No. SRO-284-2002, § 1, 12-21-2001; Ord. No. SRO-358-2010, § I, 2-10-2010; Ord. No. SRO-402-2012, § 15.5-2, 5-30-2012; Ord. No. SRO-449-2014, 8-27-2014)

### **Sec. 15.5-3. Adoption of compact and subsequent amendments.**

(a) At such time as the compact and any subsequent amendments becomes legally effective pursuant to the act, the compact shall be deemed to be incorporated herein and enacted as an integral part of this chapter as if set forth in full herein, and in the event of any conflict between a provision of this chapter and a provision of the compact, the provision set forth in the compact shall be deemed to be controlling, except in the event that the provision set forth in this chapter is stricter or more stringent.

(b) The adoption of the compact and incorporation herein shall under no circumstances be deemed to affect the operation by the Community of any class II gaming, whether conducted within or without the gaming facilities, or to



confer upon the state any jurisdiction over such class II gaming conducted by the Community on the reservation.

(Code 1981, § 15.5-3; Code 2012, § 15.5-3; Ord. No. SRO-212-96, § 3, 11-8-1995; Ord. No. SRO-219-96, § 3, 6-26-1996; Ord. No. SRO-402-2012, § 15.5-3, 5-30-2012; Ord. No. SRO-449-2014, 8-27-2014)

**Editor's note**—Ord. No. SRO-449-2014, adopted Aug. 27, 2014, amended the catchline of § 15.5-8 to read as herein set out. Said section was formerly catchlined "Adoption of compact."

#### **Sec. 15.5-4. Authorization.**

The enterprise on behalf of the tribe may conduct class II gaming, and the enterprise on behalf of the tribe may conduct all types of class III gaming authorized by the compact once the compact becomes legally effective pursuant to the act. No person under the age of 21 shall be allowed to be permitted to place any wager, directly or indirectly, on any class II or class III gaming.

(Code 1981, § 15.5-4; Code 2012, § 15.5-4; Ord. No. SRO-212-96, § 4, 11-8-1995; Ord. No. SRO-219-96, § 4, 6-26-1996; Ord. No. SRO-402-2012, § 15.5-4, 5-30-2012)

#### **Sec. 15.5-5. Ownership.**

The Community shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this chapter; provided, however, that nothing herein shall be construed to prevent the Community from granting security interests or other financial accommodations to secured parties, lenders or others, or to prevent the Community from entering into true leases or financing lease arrangements, or to interfere with the exercise by any secured party of its rights under any financing agreement with the Community to enforce its security interests in the premises on which such gaming activities may be conducted, or to enforce its rights against gross revenues of the Community from its gaming activities for the purpose of repayment of the debt obligations of the Community to such secured party in accordance with the provisions of such agreements.

(Code 1981, § 15.5-5; Code 2012, § 15.5-5; Ord. No. SRO-212-96, § 5, 11-8-1995; Ord. No. SRO-219-96, § 5, 6-26-1996; Ord. No. SRO-402-2012, § 15.5-5, 5-30-2012)

#### **Sec. 15.5-6. Use of revenue.**

(a) In compliance with section 2710(b)(2)(B) of the Act, net revenues from class II and class III gaming shall be used only for the following purposes:

- (1) To fund tribal government operations and programs;
- (2) Provide for the general welfare of the Community and its members.
- (3) Promote tribal economic development;
- (4) Donate to charitable organizations; or
- (5) Help fund operations of local government agencies.

(b) If the Community elects to make per capita payments to Community members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under section 2710(b)(3) of the Act.

(Code 1981, § 15.5-6; Code 2012, § 15.5-6; Ord. No. SRO-212-96, § 6, 11-8-1995; Ord. No. SRO-219-96, § 6, 6-26-1996; Ord. No. SRO-402-2012, § 15.5-6, 5-30-2012)

#### **Sec. 15.5-7. Audit.**

(a) The enterprise shall cause to be conducted annually an independent audit of all gaming operations and shall submit the resulting audit reports to the Community regulatory agency and the National Indian Gaming Commission.

(b) All gaming-related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of such audit.

(Code 1981, § 15.5-7; Code 2012, § 15.5-7; Ord. No. SRO-212-96, § 7, 11-8-1995; Ord. No. SRO-219-96, § 7, 6-26-1996; Ord. No. SRO-402-2012, § 15.5-7, 5-30-2012; Ord. No. SRO-449-2014, 8-27-2014)

#### **Sec. 15.5-8. Protection of environment and public health and safety.**

All gaming facilities shall be constructed, maintained and operated in a manner that

adequately protects the environment and the public health and safety, and for that purpose shall comply with the standards generally imposed by the Uniform Laws Annotated Codes covering the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, and Uniform Fire Code, the public health standards for food and beverage handling requirements of the United States Public Health Service, and all other applicable health, safety and environmental standards of the Community.

(Code 1981, § 15.5-8; Code 2012, § 15.5-8; Ord. No. SRO-212-96, § 8, 11-8-1995; Ord. No. SRO-219-96, § 8, 6-26-1996; Ord. No. SRO-402-2012, § 15.5-8, 5-30-2012)

#### **Sec. 15.5-9. Licenses for employee.**

All class II and class III gaming employees shall be required to obtain a gaming employee license from the Community regulatory agency, and no person may commence or continue employment as a gaming employee unless he is the holder of a valid current gaming employee license or temporary gaming employee license issued by the Community regulatory agency, and is certified by the state gaming agency if so required by the compact. No person may commence employment as a gaming employee unless such person is at least 18 years of age, and no person shall be employed in the service of alcoholic beverages at any gaming facility, if such service of alcoholic beverages is allowed by the Community, unless such person is at least 21 years of age. The Community regulatory agency shall ensure that the policies and procedures set out in 25 CFR parts 556 and 558 which is made a part hereof are implemented with respect to gaming employee licensure for all class II and class III gaming employees. The Community regulatory agency shall be empowered to create a dual or multi-tiered licensure system which requires a greater degree of information be provided and a more comprehensive background investigation be employed with respect to prospective key employees and primary management officials.

- (1) *Application forms.* The Community regulatory agency shall ensure that all applica-

tion forms for a gaming employee license shall contain the notice described in 25 CFR parts 556 and 558 as follows:

- a. *Privacy notice.* The Community regulatory agency shall place the following notice on the application form for a key employee or a primary management official before that form is filled out by an applicant: In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 USC 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the tribal gaming regulatory authorities and by the National Indian Gaming Commission (NIGC) members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the tribe or the NIGC to appropriate federal, tribal, state, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to license you for a primary management official 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 application.
- b. *Notice regarding false statements.* The Community regulatory agency



shall place the following notice on the application form for a key employee or a primary management official before that form is filled out by an applicant: A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (18 USC 1001).

- (2) *Background investigations.* The Community regulatory agency shall ensure that a background investigation is conducted on all prospective gaming employees upon receipt of a completed application for employment as a gaming employee. Such background investigation shall commence immediately upon receipt of the completed application and shall be conducted as quickly as possible. The Community law enforcement agency, or such other third-party investigative entity with which the Community regulatory agency may contract, shall assist the Community regulatory agency in conducting background investigations as deemed necessary and appropriate by the Community regulatory agency. The Community regulatory agency shall conduct an investigation sufficient to make a determination under subsection (3) of this section. In conducting such background investigation, the Community regulatory agency and its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation unless disclosure is required by law. The Community shall enter into an agreement with the National Indian Gaming Commission as a third-party investigative entity for purposes of taking and checking fingerprints of all applicants and conducting any additional criminal history checks as may be deemed necessary by the commission pursuant to 25 CFR 522.2(h).
- (3) *Eligibility determination.* The Community regulatory agency shall, as soon as pos-

sible after completion of the background investigation, determine whether an applicant is eligible for a gaming employee license. The Community regulatory agency shall determine that an applicant is not eligible for a gaming employee license if such applicant:

- a. Has been determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations, pose a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of the gaming activities permitted pursuant to this chapter;
  - b. Has failed to provide any information reasonably required to investigate the application for a gaming employee license or to reveal any fact material to such application, or has furnished any information which is untrue or misleading in connection with such application; or
  - c. Has been convicted of any felony or gaming offense if applicable under the eligibility standards adopted by the regulatory agency.
- (4) *Procedures for forwarding applications and reports for key employees and primary management officials to National Indian Gaming Commission.* Upon completion of a background investigation, and an eligibility determination for a gaming employee license pursuant to subsection (3) of this section, and in any event no later than the time when a key employee or primary management official begins work, the Community regulatory agency shall forward to the National Indian Gaming Commission a copy of the completed application for employment, and an investigative report on the background investigation required pursuant to subsection (2) of this section. Such investigative report shall include the steps

taken in conducting a background investigation; results obtained; conclusions reached; and the basis for those conclusions. The Community regulatory agency shall submit a notice of results of the applicant's background investigation to the National Indian Gaming Commission no later than 60 days after the applicant begins work. The notice of results shall contain:

- a. Applicant's name, date of birth, and social security number;
- b. Date on which applicant began or will begin work as key employee or primary management official;
- c. A summary of the information presented in the investigative report, which shall at a minimum include a listing of:
  1. Licenses that have previously been denied;
  2. Gaming licenses that have been revoked, even if subsequently reinstated;
  3. Every known criminal charge brought against the applicant within the last ten years of the date of application; and
  4. Every felony of which the applicant has been convicted or any ongoing prosecution.
- d. A copy of the eligibility determination made under Code of Federal Regulations Section 556.5.

Such eligibility determination, investigative report, and notice of results shall be forwarded to the National Indian Gaming Commission for inclusion in the Indian gaming individual's records system, regardless of whether a prospective licensee is granted or denied a license. The Community regulatory agency shall retain applications for employment of key employees and primary management officials, reports of background investigations, and eligibility determinations of such individuals for inspection by the

chairman of the commission or his designee for no less than three years from the date of termination of employment.

(5) *Granting a license.*

- a. *General provisions.* Upon completion of the eligibility determination required pursuant to subsection (3) of this section, the Community regulatory agency shall either grant or deny a gaming employee license. Within 30 days after the issuance of the license or a decision to deny the license, the Community regulatory agency shall notify the National Indian Gaming Commission. Any individual denied a gaming employee license shall be entitled to an administrative hearing upon request. A right to a hearing under this section shall vest only upon receipt of a license granted under an ordinance approved by the Chairperson of the National Indian Gaming Commission.
- b. *Licenses issued to key employees and primary management officials.* A Community gaming operation shall not employ a key employee or primary management official who does not have a license after 90 days. In the event the Community regulatory agency determines that a key employee or primary management official is eligible to be granted a gaming employee license, such individual shall be granted a temporary gaming license pending completion of the following procedure. If, upon completion of a 30-day period after receipt by the chairman of the National Indian Gaming Commission of the investigative report required pursuant to subsection (4) of this section, the commission notifies the Community regulatory agency that it has no objection to the issuance of a gaming employee license, or fails to provide

the Community regulatory agency with a request for further information or a statement itemizing objections to the issuance of a gaming employee license to a key employee or primary management official, the Community regulatory agency shall grant a gaming employee license to such individual. If, however, the chairman requests further information during the 30-day period, the 30-day period shall be suspended until the chairman receives the information requested, if, within the 30-day period, the commission provides the Community regulatory agency with a statement itemizing objections to the issuance of a gaming employee license to a key employee or to a primary management official, the Community regulatory agency shall reconsider the license application, taking into account the objections itemized by the commission. The Community regulatory agency shall make the final decision whether to issue a gaming employee license to such applicant. Once a decision to issue or not issue a license is made pursuant to this procedure, the Community regulatory agency shall notify the National Indian Gaming Commission of its decision within 30 days. Each temporary gaming employee license shall expire and become void and of no effect upon the determination by the Community regulatory agency of the applicant's suitability for a gaming employee license.

- c. *Identification required.* Each holder of a gaming employee license shall be required to wear in plain view while at work an identification card issued by the Community regulatory agency which includes the holder's photograph, first and last name, and an identification number

unique to the individual license which shall include a tribal seal or signature, and an expiration date.

- (6) *Suspension and revocation.* The issuance of a gaming employee license by the Community regulatory agency shall not create or imply a right of employment or continued employment. The enterprise shall not employ, and if already employed, shall terminate any person who has had his gaming license denied or revoked by the Community regulatory agency. If, after the issuance of a gaming employee license, the Community regulatory agency receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment pursuant to the standard for eligibility determination contained in subsection (3) of this section, the Community regulatory agency shall suspend such license, shall notify in writing the licensee of the suspension and proposed revocation of the licensee's gaming employee license, and shall hold an administrative hearing upon request of the licensee. After an administrative hearing, the Community regulatory agency shall decide to revoke or to reinstate a gaming license. The Community regulatory agency shall notify the National Indian Gaming Commission of its decision within 45 days of receiving notification from the National Indian Gaming Commission pursuant to 25 CFR 558.4(a). Additionally, the Community regulatory agency shall have the right to conduct additional background or other investigations of any gaming employee at any time, and may suspend or revoke any gaming employee license issued hereunder if new information concerning facts arising either prior to or since the issuance of the original license, or any renewal thereof, comes to the attention of the regulatory agency, which information could justify denial of such original license, or any renewal thereof; provided, however, that no such license shall be suspended

without notice and an administrative hearing unless the Community regulatory agency determines that continued licensing constitutes an immediate threat to the public health, safety or welfare, or the integrity of gaming on the reservation, and no license shall be permanently revoked until the Community regulatory agency has provided the licensee with an opportunity upon request for an administrative hearing.

- (7) *Duration and renewal.* Any gaming employee license shall be effective for one year from the date of issuance unless the compact allows otherwise; provided, that a licensee who has applied for renewal may continue to be employed or engaged under the expired license until action is taken on the renewal application by the Community regulatory agency. Applicants for renewal of a gaming employee license shall provide updated material as requested, on the appropriate renewal forms, but shall not be required to resubmit historical data already available to the Community regulatory agency. Additional background investigations shall not be required for applicants for license renewal unless new information concerning the applicant's continuing eligibility for a license is discovered by either the Community regulatory agency or the state gaming agency.

(Code 1981, § 15.5-9; Code 2012, § 15.5-9; Ord. No. SRO-212-96, § 9, 11-8-1995; Ord. No. SRO-219-96, § 9, 6-26-1996; Ord. No. SRO-239-98, §§ E—G, 5-6-1998; Ord. No. SRO-402-2012, § 15.5-9, 5-30-2012; Ord. No. SRO-449-2014, 8-27-2014; Ord. No. SRO-457-2015, § 15.5-9, 1-28-2015; Ord. No. SRO-463-2015, 5-20-2015)

#### **Sec. 15.5-10. Licenses for services.**

No person or entity may provide gaming services to the Community or the enterprise, within or without the gaming facilities, unless it is the holder of a valid current gaming services license issued by the Community regulatory agency. Each manufacturer, supplier, and service provider of gaming devices used by the enterprise

shall be required to hold a valid current gaming services license before providing or supplying gaming devices or services to any gaming operation. The Community regulatory agency may waive the requirement that vendors be licensed if licensing the vendor is not necessary in order to protect the public interest. If the state gaming agency is also authorized to certify a vendor they must agree to any waiver of a requirement pursuant to this section. Vendors that provide less than \$10,000.00 worth of goods and services each month are exempt from certification requirements. Any management contractor, including the management contractor's principals, shall be required to hold a valid current gaming services license and to have received approval of its management contract by the National Indian Gaming Commission, before providing management services to any gaming operation.

- (1) *Application forms.* The Community regulatory agency shall ensure that all application forms for a gaming service license shall contain a notice of privacy in accordance with the Privacy Act of 1974. The Community regulatory agency shall require each prospective provider of gaming services to provide the Community regulatory agency with such information, documentation and assurances as may be required by the Community regulatory agency, which shall, at a minimum, identify all of such applicant's principals, and which shall concern the applicant's and each principal's personal and family history, personal and business references, criminal conviction record, business activities, financial affairs, prior gaming industry experience and general educational background; and/or all of the foregoing as may be applicable to such applicant or such principal. Each such application shall be accompanied by the fingerprint card(s) of each principal of the applicant. For purposes of this section, the person or persons included as a principal and the application requirements for principals may be determined at the discretion of the director. The director has authority to approve individual exceptions for any



component of the application form and the application requirements if the director determines that it is not required in order to protect the public interest.

- (2) *Background investigations.* The Community regulatory agency shall ensure that a background investigation is conducted on all prospective gaming services providers upon receipt of a completed application. Such background investigation shall commence immediately upon receipt of the completed application and shall be conducted as quickly as possible. The Community law enforcement agency, or such other third-party investigative entity with which the Community regulatory agency may contract, shall assist the Community regulatory agency in conducting background investigations as deemed necessary and appropriate by the Community regulatory agency. The Community regulatory agency shall conduct an investigation sufficient to make a determination under subsection (3) of this section. In conducting such background investigation, the Community regulatory agency or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation unless disclosure is required by law.
- (3) *Eligibility determination.* The Community regulatory agency shall, as soon as possible after completion of the background investigation, determine whether an applicant is eligible for a gaming services license. The Community regulatory agency shall determine that an applicant is not eligible for a gaming services license if such applicant, or any principal identified with such applicant:
  - a. Has been determined to be a person or entity whose prior activities, criminal record, if any, or reputation, habits and associations, pose a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of the gaming activities permitted pursuant to this chapter;
  - b. Has failed to provide any information reasonably required to investigate the application for a gaming services license or to reveal any fact material to such application, or has furnished any information which is untrue or misleading in connection with such application; or
  - c. Has been convicted of a felony or a gaming offense if applicable under the eligibility standards adopted by the regulatory agency.
- (4) *Granting a license.* Upon completion of the eligibility determination required pursuant to subsection (3) of this section, the Community regulatory agency shall either grant or deny a gaming services license. Any gaming services licensee applicant denied a gaming services license shall be entitled to an administrative hearing upon request.
- (5) *Suspension and revocation.* The issuance of a gaming services license by the Community regulatory agency shall not create or imply a right to supply gaming services on a continuing basis. The Community regulatory agency shall have the right to conduct additional background or other investigations of any gaming services licensee or principal of such licensee at any time, and may suspend or revoke any gaming services license issued hereunder if new information concerning facts arising either prior to or since the issuance of the original license, or any renewal thereof, comes to the attention of the Community regulatory agency, which information could justify denial of such original license, or any renewal thereof; provided, however, that no such license shall be suspended without notice and hearing unless the Community regulatory agency determines that continued licensing constitutes an immedi-



ate threat to the public health, safety or welfare, or the integrity of gaming on the reservation; and no license shall be permanently revoked until the Community regulatory agency has provided the licensee with an opportunity upon request for an administrative hearing; and provided further, that the licensee shall be entitled to any payment due for services provided or goods delivered prior to the effective date of suspension or revocation of the license.

- (6) *Duration and renewal.* Any gaming services license shall be effective for two years from the date of issuance; provided, that a licensee who has applied for renewal may continue to supply gaming services under the expired license until action is taken on the renewal application by the Community regulatory agency. Applicants for renewal of a gaming services license shall provide updated material as requested, on the appropriate renewal forms, but shall not be required to resubmit historical data already available to the Community regulatory agency. Additional background investigations shall not be required of applicants for license renewal unless new information concerning the applicant's continuing eligibility for a license is discovered by the Community regulatory agency.

(Code 1981, § 15.5-10; Code 2012, § 15.5-10; Ord. No. SRO-212-96, § 10, 11-8-1995; Ord. No. SRO-219-96, § 10, 6-26-1996; Ord. No. SRO-239-98, §§ H—J, 5-6-1998; Ord. No. SRO-358-2010, § I, 2-10-2010; Ord. No. SRO-402-2012, § 15.5-10, 5-30-2012; Ord. No. SRO-449-2014, 8-27-2014)

**Editor's note**—Ord. No. SRO-449-2014, adopted Aug. 27, 2014, amended the catchline of 15.5-10 to read as herein set out. Said section was formerly catchlined "Services."

#### **Sec. 15.5-11. Licenses for facilities.**

Upon issuance of a certificate of occupancy by the tribe's Community development department, the Community regulatory agency shall issue a separate gaming facility license to each gaming facility, which license shall be required for each place, facility, or location on Indian lands within the Community, prior to commencement of any

gaming operations at such gaming facility, certifying that such gaming facility has been constructed in accordance with the standards set forth in section 15.5-8. The Community regulatory agency shall enforce the health and safety standards applicable to the gaming facilities in accordance with section 15.5-8. Such gaming facility license shall be renewed on an annual basis by the Community regulatory agency, provided that the gaming facility is maintained and operated in accordance with the standards set forth in section 15.5-8. The Community regulatory agency shall not renew a gaming facility license, and shall suspend or revoke a gaming facility license, in the event that the Community development department suspends or revokes the certificate of occupancy for the gaming facility, or the Community development department determines the gaming facility is not maintained and operated at all times in accordance with the standards set forth in section 15.5-8.

(Code 1981, § 15.5-11; Code 2012, § 15.5-11; Ord. No. SRO-212-96, § 11, 11-8-1995; Ord. No. SRO-219-96, § 11, 6-26-1996; Ord. No. SRO-402-2012, § 15.5-11, 5-30-2012; Ord. No. SRO-449-2014, 8-27-2014)

**Editor's note**—Ord. No. SRO-449-2014, adopted Aug. 27, 2014, amended the catchline of 15.5-11 to read as herein set out. Said section was formerly catchlined "Facility."

#### **Sec. 15.5-12. Licenses for operators.**

The Community regulatory agency shall issue a gaming operator license prior to commencement of any gaming operations at a gaming facility, certifying that each principal, primary management official and key employee of the enterprise holds a valid current gaming employee license issued in accordance with section 15.5-9. Such gaming operator license shall be renewed on an annual basis by the Community regulatory agency, provided that each principal, primary management official and key employee of the enterprise continues to hold a valid current gaming employee license; and such license may

be suspended or revoked by the Community regulatory agency in the event that such requirements are not met.

(Code 2012, § 15.5-12; Ord. No. SRO-212-96, § 12, 11-8-1995; Ord. No. SRO-219-96, § 12, 6-26-1996; Ord. No. SRO-402-2012, § 15.5-12, 5-30-2012; Ord. No. SRO-449-2014, 8-27-2014)

**Editor's note**—Ord. No. SRO-449-2014, adopted Aug. 27, 2014, amended the catchline of 15.5-12 to read as herein set out. Said section was formerly catchlined "Operator."

### **Sec. 15.5-13. Licenses for regulators.**

No person may commence or continue employment as a board member, director, staff or inspector in the Community regulatory agency unless he or she is the holder of a valid current gaming regulator license issued by the Community development department and the Community regulatory agency, after the notification described in this section (hereafter called "regulatory licenser"). The Community development department shall ensure that the policies and procedures set out in appendix A attached to Ordinance No. SRO-219-96 and made a part hereof are implemented with respect to gaming regulator licensure for prospective gaming regulator licensees.

- (1) *Application forms.* The regulator licenser shall ensure that all application forms for a gaming regulator license shall contain the notice described in section A of appendix A, and require at a minimum that each prospective licensee provide the regulator licenser with the information set out in section B of appendix A.
- (2) *Background investigations.* The regulator licenser shall ensure that a background investigation is conducted on all prospective gaming regulatory licensees upon receipt of a completed application for employment as a gaming regulator. Such background investigation shall commence immediately upon receipt of the completed application and shall be conducted as quickly as possible. The Community law enforcement agency, or such other third-party investigative entity with which the regulator licenser may contract, shall assist the regulator licenser

in conducting background investigations as deemed necessary and appropriate by the regulator licenser. The regulator licenser shall ensure that an investigation is conducted sufficient to make a determination under subsection (3) of this section. In conducting such background investigation, the regulator licenser or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation unless disclosure is required by law. All actions of the director not subject to the policies and procedures of the Community, except those policies and procedures adopted pursuant to the regulatory provisions of this chapter, may be reviewed by the board at the request of any person or at the board's own initiative upon the board's written finding that the review will deal with a matter which significantly affects the operation of the Community regulatory agency or any entity subject to its regulation.

- (3) *Eligibility determination.* The regulator licenser shall, as soon as is practicable after completion of the background investigation, determine whether an applicant is eligible for a gaming regulator license. The regulator licenser shall determine that an applicant is not eligible for a gaming regulator license if such applicant:
  - a. Has been determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations, pose a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of the gaming activities permitted pursuant to this chapter;
  - b. Has failed to provide any information reasonably required to investigate the application for a gaming employee license or to reveal

any fact material to such application, or has furnished any information which is untrue or misleading in connection with such application; or

- c. Has been convicted of any felony or gaming offense if applicable under the eligibility standards adopted by the regulatory agency.

(4) *Granting a license.* Upon completion of the eligibility determination required pursuant to subsection (3) of this section, the regulator licenser shall either grant or deny a gaming regulator license. Any person denied a gaming regulator license shall have the opportunity to appeal such denial to the gaming regulatory board pursuant to procedures similar in form to the procedures used in an administrative hearing.

(5) *Suspension and revocation.* The issuance of a gaming regulator license by the Community regulatory agency shall not create or imply a right of employment or continued employment. The Community regulatory agency shall have the right to conduct additional background or other investigations of any licensee at any time, and may suspend or revoke any gaming regulator license issued hereunder if new information which would justify denying or revoking the license comes to the attention of the Community regulatory agency; provided, however, that no such license shall be suspended without notice and hearing unless the Community regulatory agency determines that continued licensing constitutes an immediate threat to the public health, safety or welfare, or the integrity of gaming on the reservation, and no license shall be revoked until the Community regulatory agency has provided the licensee with the opportunity upon request to appeal such denial to the gaming regulatory board pursuant to procedures similar in form to the procedures used in an administrative hearing.

(6) *Duration and renewal.* Any gaming regulator license shall be effective for one year from the date of issuance; provided, that a licensee who has applied for renewal may continue to be employed or engaged under the expired license until action is taken on the renewal application by the regulator licenser. Applicants for renewal of a gaming regulator license shall provide updated material as requested, on the appropriate renewal forms, but shall not be required to resubmit historical data already available to the regulator licenser. Additional background investigations shall not be required of applicants for license renewal unless new information concerning the applicant's continuing eligibility for a license is discovered by or made available to the regulator licenser.

(Code 1981, § 15.5-13; Code 2012, § 15.5-13; Ord. No. SRO-212-96, § 13, 11-8-1995; Ord. No. SRO-219-96, § 13, 6-26-1996; Ord. No. SRO-239-98, § K, 5-6-1998; Ord. No. SRO-402-2012, § 15.5-13, 5-30-2012; Ord. No. SRO-449-2014, 8-27-2014)

**Editor's note**—Ord. No. SRO-449-2014, adopted Aug. 27, 2014, amended the catchline of 15.5-13 to read as herein set out. Said section was formerly catchlined "Regulatory."

#### **Sec. 15.5-14. Community regulatory agency.**

(a) *Establishment of the Community regulatory agency.* The Salt River Pima-Maricopa Indian Community Regulatory Agency is hereby established. The Community regulatory agency shall be a regulatory agency of the Salt River Pima-Maricopa Indian Community.

(b) *Director.* The Community Council shall appoint an individual to serve as a full-time director of the Community regulatory agency to administer its responsibilities on a day-to-day basis. The director shall be required to have a minimum of five years of experience as a gaming regulator. The compensation of the director shall be established by the Community Council. The director shall be responsible for coordination of the functions of the Community regulatory agency with the Community Council, the enterprise, the Community law enforcement agency, the state

gaming agency, state and federal law enforcement agencies, and the National Indian Gaming Commission. The board may request the director to conduct investigations with respect to the grant or denial, suspension or revocation of any license, the imposition of any penalty, or the investigation of any complaint. The director shall hire, pursuant to the authorized budget for the Community regulatory agency, and supervise and oversee inspectors and such other staff, consultants and counsel as the Community regulatory agency may from time to time employ. The director shall have the power, in the name of the Community regulatory agency, to conduct any hearing, investigation or inquiry, compel the production of any information or documents, and otherwise exercise the investigatory powers of the Community regulatory agency, which the Community regulatory agency may exercise under this chapter and any other applicable law. The director shall further have the power, in the name of the Community regulatory agency, to issue, deny, condition, suspend or revoke any gaming employee license, gaming services license, gaming facility license, or gaming operator license, and to take any other action on behalf of and in the name of the Community regulatory agency, unless such power is reserved to the board by this section or regulations adopted hereto. The director shall be the agent of the Community for the service by the National Indian Gaming Commission of process, or any official determination, order or notice pursuant to the Act or to 25 CFR 522.2(g).

(c) *Restriction on activities.* Neither the board members, the director nor the staff of the Community regulatory agency shall participate as a player in any gaming activity conducted by the Community, or have any personal financial interest in any gaming activity conducted by the Community, or engage in any business or have any personal financial activity in any business which is licensed or regulated by the Community regulatory agency pursuant to this section, or be employed by the enterprise.

(d) *Powers and duties of the Community regulatory agency.* The Community regulatory agency shall have the following powers and duties:

- (1) The Community regulatory agency shall have primary responsibility for oversight

of Community gaming operations to ensure the integrity of such operations and shall, for that purpose employ as staff of the Community regulatory agency inspectors who shall be present in all gaming facilities during all hours of operation and who shall be under the sole supervision of and report to the Community regulatory agency and not to any management employees of the Community gaming operations. The board members, director and staff of the Community regulatory agency, shall be licensed by the regulator licenser in accordance with section 15.5-13.

- (2) Community regulatory agency staff shall have unrestricted and immediate access to any and all areas of the gaming facilities at all times for the purpose of ensuring compliance with this section and other applicable laws, and personnel employed by the enterprise shall for such purposes provide such inspectors access to locked and secure areas of the gaming facilities in accordance with this section and other applicable laws. An inspector or inspectors shall be present in the gaming facilities during all hours of gaming operation. Such inspectors shall report to the Community regulatory agency regarding any failure by the enterprise, any employee or agent of the enterprise, or any person or entity to comply with any of the provisions of this section and other applicable laws. Inspectors assigned by the Community regulatory agency shall also receive consumer complaints within the gaming facilities and shall assist in seeking voluntary resolution of such complaints.
- (3) The Community regulatory agency shall have the responsibility and authority to investigate any alleged or reported violations of this chapter, and all other applicable laws. The Community regulatory agency shall on its own initiative investigate any aspect of the operations of the enterprise in order to protect the public interest in the integrity of such



gaming activities and to prevent improper or unlawful conduct in the course of such gaming activities, and shall investigate any report of a failure of the enterprise or any other person or entity to comply with the provisions of this chapter and all other applicable laws. The Community regulatory agency may receive any complaint from any person, including the gaming public or any gaming employee, who is or who claims to be adversely affected by any act or omission of a gaming operation or any employee thereof and which is asserted to violate this chapter, the Act or other applicable law. The Community regulatory agency may, in its sole discretion, conduct a hearing and receive evidence, pursuant to such procedures as it may adopt, if it deems an evidentiary proceeding useful in the resolution of any such complaint or alleged violation or breach. The Community regulatory agency may compel any person employed by or doing business with the enterprise to appear before it and to provide such information, documents or other materials as may be in their possession to assist in any such investigation. The Community regulatory agency shall make a written record of any unusual occurrences, violations or suspected violations, without regard to materiality. In the event of a determination by the Community regulatory agency of a violation of this chapter or other applicable laws, the Community regulatory agency shall require the enterprise or the holder of a license to take any corrective action deemed necessary by the Community regulatory agency upon such terms and conditions as the Community regulatory agency may determine necessary and proper pursuant to this chapter. Appropriate disciplinary action may include, but not be limited to, suspension or revocation of a license, and confiscation or shutting down any gaming device or other equipment or gaming supplies which fail to conform with required standards. The director shall

report regularly to the Community Council on material violations of the provisions of this chapter and actions taken by the Community regulatory agency in response to such violations.

- (4) The Community regulatory agency shall prepare a plan for the protection of public safety and the physical security of patrons in each of the gaming facilities, following consultation and agreement with the enterprise, the Community law enforcement agency and the appropriate state and federal law enforcement agencies, setting forth the respective responsibilities of the Community regulatory agency, the security department of the enterprise, the Community law enforcement agency and the appropriate state and federal law enforcement agencies.
- (5) The Community regulatory agency shall establish and revise standards of operation and management for class II and class III gaming activities, which standards of operation and management shall be approved by the Community council. The initial standard of operation and management for security and surveillance requirements is hereby adopted and set forth in appendix B attached to the ordinance from which this section derives. The Community regulatory agency shall require that the enterprise establish, pursuant to the security and surveillance requirements set forth in appendix B, a closed-circuit television surveillance system capable of recording and preserving on videotape all areas of the gaming facilities required by the Community regulatory agency to be under surveillance. The Community regulatory agency shall review and approve floor plans and surveillance systems for each gaming facility.
- (6) The Community regulatory agency shall issue or deny and, when necessary and appropriate, condition, suspend or revoke, gaming employee licenses, gaming services licenses, gaming facility licenses, and



gaming operator licenses, in accordance with sections 15.5-9 through 15.5-12, respectively.

- (7) The Community regulatory agency shall establish a process for persons barred from the gaming facilities because their behavior or criminal history or association with career offenders or career offender organizations poses a threat to the integrity of the gaming activities of the Community.
- (8) The Community regulatory agency may impose penalties for violations of this chapter, the standards of operation and management, and other applicable laws, in accordance with section 15.5-15.
- (9) The Community regulatory agency may recommend to the Community Council that the Community bring any civil action or criminal complaint in the courts of the Community, the state or the United States to enforce the provisions of this section or to enjoin or otherwise prevent any violation of this section, the Act or other applicable laws, occurring on the reservation.
- (10) The director of the Community regulatory agency shall propose an annual operating budget which shall be subject to the approval of the Community Council, and shall in accordance with said budget employ such staff from time to time as it deems necessary to fulfill its responsibilities under this chapter. All employees of the Community regulatory agency, including the director, shall be tribal employees subject to the personnel policies of the Community.
- (11) The Community regulatory agency may set fees to be assessed against gaming employees and gaming services providers to cover the costs incurred by the Community regulatory agency in conducting background investigations required for licensure of gaming employees and gaming services providers.

- (12) The Community regulatory agency may adopt regulations to authorize the use of credit by gaming customers.

(e) *Emergency powers of the director.* The director or any other member of the Community regulatory agency acting in the absence of the director may, whenever he or she deems it necessary to protect the public interest in the integrity of tribal gaming operations, issue in the name of the Community regulatory agency any order which the Community regulatory agency has the power to issue, to the enterprise or to any employee or contractor of the enterprise or to any other person or entity within the jurisdiction of the Community, to take any action or cease and desist from any action as may be required to protect the public interest.

(f) *Procedures of the gaming regulatory board.* The board shall consist of three members, a chairman and two other members, at least two of whom shall be members of the Community, and all of whom shall be selected by the Community Council. Each board member shall serve for a term of three years commencing on the date of their appointment; provided that, the initial members so appointed shall serve for terms deemed to commence on appointment by the Community Council and one of the initial members appointed shall be designated to serve for an initial term of one year and one of the initial members appointed shall be designated to serve for an initial term of two years. Board members shall serve on a part-time basis, and the Community Council shall establish the compensation of the board members. Board members shall serve at the pleasure of and may be removed with or without cause by a vote of a majority of the members of the Community Council then in office. Vacancies in the board may be filled by appointment by the Community president pending action by the Community Council. All decisions of the board are final and are not subject to further judicial or political review or appeal.

- (1) Regular meetings of the board may be held upon such notice, or without notice, and at such time and place as shall from time to time be fixed by the board. Unless

otherwise specified by the board, no notice of such regular meetings shall be necessary.

- (2) Special meetings of the board may be called by the chairman or the director. The person or persons calling the special meeting shall fix the time and place thereof.
- (3) At any meeting of the board, a majority of the members then in office shall constitute a quorum for the transaction of business agendas and minutes which record the formal acts of the board are required for both regular and special meetings. The vote of a majority of the members present at a meeting at which a quorum is present shall be the act of the board. The chairman shall preside at all meetings of the board unless the chairman is absent, in which case the senior member of the board shall serve as chairman.
- (4) Members of the board may participate in a meeting of the board by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting in such matter by any member who does not object at the beginning of such meeting to the holding thereof in such manner shall constitute presence in person at such meeting.
- (5) The board shall adopt such additional procedures and rules as it deems necessary or convenient to govern its activities and which are consistent with this chapter.
- (6) The board shall conduct all administrative and appeal hearings mandated by this chapter. All appeal hearings shall afford the person affected with at least 15 days' written notice of the proposed action and the opportunity to appear and be heard before the board, to be represented by counsel at such hearing, and to offer sworn oral, written and documentary evidence relevant to the breach or action charged. All decisions of

the board at appeal hearings shall be in writing and shall be made available to the person affected. Notwithstanding the foregoing, if the board deems it necessary to protect the public interest in the integrity of the gaming activities, the board may take such action with immediate effect as it deems required, and shall thereupon provide notice and an opportunity to be heard to the affected person as soon as is reasonably practicable following such action. Any person who is directly and adversely impacted by a Community regulatory agency action or is denied an initial gaming employee license or gaming services license or who is barred from the gaming facilities by action of the agency may request an appeal hearing before the board, provided such person submits such request in writing submitted within 30 days following receipt of notice of the action of the Community regulatory agency.

- (7) All decisions of the board are final and not subject to further judicial or political review or appeal except as provided in section 5(q)(4) of the compact.

(Code 1981, § 15.5-14; Code 2012, § 15.5-14; Ord. No. SRO-212-96, § 14, 11-8-1995; SRO-219-96, § 14, 6-26-1996; Ord. No. SRO-243-99, 1-20-1999; Ord. No. SRO-402-2012, § 15.5-14, 5-30-2012; Ord. No. SRO-449-2014, 8-27-2014)

#### **Sec. 15.5-15. Compliance with Act.**

This chapter shall be construed in a manner which conforms to the Act in all respects, and, if inconsistent with the Act in any manner, the provisions of the Act shall govern.

(Code 1981, § 15.5-15; Code 2012, § 15.5-15; Ord. No. SRO-212-96, § 17, 11-8-1995; SRO-219-96, § 17, 6-26-1996; Ord. No. SRO-402-2012, § 15.5-15, 5-30-2012)

#### **Sec. 15.5-16. Prohibited acts.**

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

- (1) Conduct or participate in any Class II or Class III gaming on the reservation other than in a licensed gaming facility.

- (2) Receive, distribute, apply or divert any property, funds, proceeds or other assets of a gaming operation to the benefit of any individual or other person, except as authorized by this chapter, the Act, or other application law.
- (3) Tamper with any equipment used in the conduct of gaming with the intent to cause any person to win or lose any wager other than in accordance with the publicly announced rules of the gaming operation.
- (4) Do any other act in connection with the conduct of gaming with the intent to affect the outcome of any game or any wager other than in accordance with the publicly announced rules of the gaming operation.
- (5) Alter or misrepresent the outcome or other event on which wagers have been made after the outcome is determined but before it is revealed to the players.
- (6) Place, increase or decrease a wager or determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet, or aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a wager or determining the course of play contingent upon that event or outcome.
- (7) Claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from any authorized game, with intent to defraud, without having made a wager thereon, or to claim, collect or take an amount greater than the amount won.
- (8) Manipulate, with intent to cheat, any component of any authorized game or the game itself in a manner contrary to the designed and normal operational purpose for the component or the game itself.
- (9) Use tokens or chips for wagers other than those approved by the Community regulatory agency, or use counterfeit or fraudulent coins, currency or other money or funds of any kind.
- (10) Possess or entice another person to possess any device to assist in projecting the outcome of any game, including, but not limited to, devices designed to count cards, analyze probabilities, or suggest strategies for playing or betting, or use or entice another person to use any device or means to cheat or defraud.
- (11) Possess a weapon or discharge a firearm in any gaming facility, except in accordance with the Community regulatory agency.
- (12) Act or conspire with another to give, or offer to give, any money, thing of value, gift or other consideration to any elected official or employee of the Community, including employees and officials of the enterprise and the Community regulatory agency, for the purpose of influencing any action or decision relating to gaming or Community governmental activities related thereto.
- (13) Knowingly allow an intoxicated person to continue gambling.

(Code 1981, § 15.5-16; Code 2012, § 15.5-16; Ord. No. SRO-212-96, § 18, 11-8-1995; SRO-219-96, § 18, 6-26-1996; Ord. No. SRO-239-98, § L, 5-6-1998; Ord. No. SRO-402-2012, § 15.5-16, 5-30-2012; Ord. No. SRO-449-2014, 8-27-2014)

#### **Sec. 15.5-16.1. Financial services in gaming facilities.**

Financial services at the gaming facilities are subject to the following restrictions:

- (1) The gaming facility operator shall not locate an automatic tell machine (ATM) adjacent to, or in close proximity to any gaming device;
- (2) The gaming facility operator shall not locate in the gaming facility an ATM that accepts electronic benefit transfer cards issued pursuant to a state or federal program that is intended to provide for needy families or individuals;

- (3) The gaming facility operator shall not accept checks or other noncash items issued pursuant to a state or federal program that is intended to provide for needy families or individuals; and
- (4) The gaming facility operator shall not extend credit to any patron of a gaming facility for gaming activities.

(Code 1981, § 15.5-16.1; Code 2012, § 15.5-16.1; Ord. No. SRO-358-2010, § II, 2-10-2010; Ord. No. SRO-402-2012, § 15.5-16.1, 5-30-2012)

#### **Sec. 15.5-16.2. Tort claims process.**

(a) The SRPMIC and its insurance carriers will not raise the defense of sovereign immunity up to the amount that the SRPMIC is covered by contracts for insurance or up to amounts set by the risk management and control program. For this exception to sovereign immunity to apply, the cause of action must be in the SRPMIC Community court. This exception to sovereign immunity authorized by this section, and applicable only to this chapter, shall not apply in any other court other than the SRPMIC Community court. The SRPMIC expressly reserves the right to raise the defense of sovereign immunity for claims 1) in excess of the amounts of insurance; 2) in all courts other than the SRPMIC Community Court; and 3) for all claims not covered under the insurance plan.

(b) All claims are subject to section 4-6, "Limitation for bringing civil actions and criminal prosecutions into Community court" of the SRPMIC Code of Ordinances.

(c) The claimant must exhaust all administrative remedies before a claim may be filed with the Community court.

(d) Claims must comply with the process and procedure of SR-2024-2000 or future resolution if SR-2024-2000 is repealed or amended. Upon request, the patron or invitee, or their designated representative, shall be provided with a copy of SR-2024-2000, or future resolution if SR-2024-2000 is repealed or amended, and the name, address, and telephone numbers of the appropri-

ate contact person for the gaming facility operator and the clerk of the SRPMIC Community Court.

(Code 1981, § 15.5-16.2; Code 2012, § 15.5-16.2; Ord. No. SRO-358-2010, § II, 2-10-2010; Ord. No. SRO-402-2012, § 15.5-16.2, 5-30-2012; Ord. No. SRO-449-2014, 8-27-2014)

#### **Sec. 15.5-17. Penalties.**

Any person who violates any provision of this chapter shall be subject to civil penalties, including exclusion from employment by the enterprise, exclusion from attendance at any gaming facility, exclusion from the reservation if a nonmember of the Community, or, with respect to any person subject to the jurisdiction of the Community to impose such fines, a fine of not more than \$5,000.00 for each such violation. The Community regulatory agency shall have the jurisdiction to impose any such penalties on any person within the jurisdiction of the Community.

(Code 1981, § 15.5-17; Code 2012, § 15.5-17; Ord. No. SRO-212-96, § 15, 11-8-1995; SRO-219-96, § 15, 6-26-1996; Ord. No. SRO-402-2012, § 15.5-17, 5-30-2012)

#### **Sec. 15.5-18. Repeal and severability.**

To the extent that they are inconsistent with this chapter, all prior gaming ordinances of the Community are hereby repealed. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall remain valid and shall not be thereby affected.

(Code 1981, § 15.5-18; Code 2012, § 15.5-18; Ord. No. SRO-212-96, § 16, 11-8-1995; SRO-219-96, § 16, 6-26-1996; Ord. No. SRO-402-2012, § 15.5-18, 5-30-2012)

#### **Sec. 15.5-19. Questioning and detaining persons suspected of violations.**

(a) The authorized agents of the Community regulatory agency or security personnel of the gaming facility (hereafter "authorities"), may question any person in the gaming facility who



may be involved in illegal acts or who is suspected of violating any of the provisions of the compact or section 15.5-16. None of the authorities is criminally or civilly liable:

- (1) On account of any such questioning; or
- (2) For reporting to the Community regulatory agency, the state gaming agency, Community, federal or state regulatory authorities, or law enforcement authorities the identity of the persons suspected of the violation.

(b) Community law enforcement and security personnel of the gaming facility who have probable cause for believing that there has been involvement in illegal acts or a violation of the compact or section 15.5-16 in the gaming facility by any person may take that person into custody and detain him or her in the gaming facility in a reasonable manner and for a reasonable length of time. Such a taking into custody and detention does not render the authorities criminally or civilly liable unless it is established by clear and convincing evidence that the taking into custody and detention are unreasonable under all the circumstances.

(c) There must be displayed in a conspicuous place in the gaming facility a notice in boldface type clearly legible and in substantially this form:

"Agents of the Community law enforcement agency and security personnel of the gaming facility who have probable cause for believing that any person may be involved in illegal acts or has violated any provision of applicable law prohibiting cheating or other gaming offense may detain that person in the gaming facility."  
(Code 1981, § 15.5-19; Code 2012, § 15.5-19; Ord. No. SRO-250-99, 3-17-1999; Ord. No. SRO-253-99, 3-17-1999; Ord. No. SRO-402-2012, § 15.5-19, 5-30-2012; Ord. No. SRO-449-2014, 8-27-2014; Ord. No. SRO-482-2016, 7-27-2016)

**Sec. 15.5-20. Trust protection for minor and incompetent beneficiaries receiving IGRA benefits; applicable law; jurisdiction.**

(a) Except as provided in subsection (e) of this section, but notwithstanding any other provision of this Community Code of Ordinances, the

income and principal of a trust created for a minor beneficiary or incompetent beneficiary who is entitled to receive a distribution under the Act shall not be transferred by such beneficiary and shall not be subject to enforcement of a money judgment until paid from such trust to the beneficiary in accordance with the terms of the trust.

(b) Except as provided in subsection (e) of this section, but notwithstanding any other provision of this Community Code of Ordinances, if a trust created for a minor beneficiary or an incompetent beneficiary to receive and hold such beneficiary's distribution under the act provides that the trustee may pay income or principal, or both, for the health, education, and welfare of such beneficiary, as the trustee deems advisable in the discretion of the trustee, the income and principal necessary to accomplish such objectives shall not be transferred and shall not be subject to the enforcement of a money judgment until it is paid from the trust to such beneficiary in accordance with the terms of such trust.

(c) Except as provided in subsection (e) of this section, but notwithstanding any other provision of this Community Code of Ordinances, any money or other property held in a trust for a minor beneficiary or an incompetent beneficiary which represents a distribution under the Act to or for the benefit of such beneficiary, shall be exempt from execution, attachment, or sale on any process issued from any court.

(d) Except as provided in subsection (e) of this section, but notwithstanding any other provision of this Community Code of Ordinances, no action of any kind, including without limitation, an action to enforce a judgment entered by a court or other body having adjudicative authority, shall be brought at law or in equity for an attachment or other provisional remedy against property held in a trust for the benefit of a minor beneficiary or incompetent beneficiary for avoidance of such trust unless such action shall be brought in the Community court. The Community court shall have exclusive jurisdiction over any action brought with respect to a trust created for a minor beneficiary or incompetent beneficiary.



(e) Notwithstanding any other provision contained in this section, paragraphs (a), (b), (c), and (d) of this section shall not apply in any respect:

- (1) To the Community to whom the beneficiary is indebted by order of the Community court relating to payment of any indebtedness owed by the beneficiary to the Community.
- (2) To any person to whom the beneficiary is indebted by order of the Community court for the payment of support or spousal maintenance in favor of such beneficiary's spouse, former spouse or children.
- (3) To any person for restitution for which a beneficiary is obligated by order of the Community court for damages caused by criminal acts or juvenile offenses of which the beneficiary has been convicted or adjudicated.
- (4) To any person or entity whose claim against the Community is not disputed by the Community or which has been established by adjudication against the Community in a federal, state or tribal court of competent jurisdiction during any period that the Community is unable to pay its debts as they come due, or is subject to a pending insolvency or bankruptcy proceeding.

(f) A provision contained in a trust instrument created for the benefit of a minor beneficiary or incompetent beneficiary which states that the laws of the Community shall exclusively govern the validity, construction, and administration of the trust created under such trust instrument, and that such trust is subject to the exclusive jurisdiction of the Community court, shall be valid, effective, and conclusive for the trust if (i) the Community is serving as a trustee or a co-trustee of such trust, (ii) the trust assets of such trust were deposited by the Community in such trust pursuant to the Act, and (iii) part or all of the administration occurs in the Community, including, but not limited to, physically maintaining trust records within the Community.

(g) Notwithstanding any other provision in this section or in any trust created under the act, a person who intentionally kills, or who participates, either as a principal or an accessory before the fact, in the intentional killing of a minor or incompetent beneficiary ("beneficiary") shall be deemed to have predeceased the beneficiary and shall not be entitled to receive income or principal held in a trust created for the deceased beneficiary under the act.

- (1) The Community trustee shall have the exclusive authority to determine by a preponderance of evidence whether the killing was intentional for purposes of this subsection.
- (2) For purposes of this subsection, the terms "intentionally kills" and "intentional killing" shall mean to knowingly or recklessly cause the death of a minor or incompetent beneficiary, and may include acting with knowledge that the person's conduct will cause serious physical injury or death, or acting with a reckless indifference to human life.
- (3) This subsection shall be construed with the intent of the Community that no person shall be allowed to benefit or profit by his or her own wrongful act, and shall be effective as of November 15, 2001.

(Code 1981, § 15.5-20; Code 2012, § 15.5-20; Ord. No. SRO-284-2002, § 2, 11-21-2001; Ord. No. SRO-295-03, 4-2-2003; Ord. No. SRO-402-2012, § 15.5-20, 5-30-2012; Ord. No. SRO-440-2014, 3-26-2014, eff. 11-15-2001)

#### **Sec. 15.5-21. Reserved.**

#### **Sec. 15.5-22. Disclaimer.**

If by any means a per capita IGRA payment under the Act is payable to a member, that member may disclaim that interest in whole or in part by delivering or filing a written disclaimer with the Community under this section.

- (1) The disclaimer must be filed not later than the record date for the payment being disclaimed or for the first payment being disclaimed if more than one pay-

ment is being disclaimed. The term "record date" is defined in the Revenue Allocation Plan For Net Gaming Proceeds adopted by the Salt River Pima-Maricopa Indian Community.

- (2) The disclaimer shall describe the property or interest disclaimed, declare the disclaimer and its extent, and be signed by the disclaimant.
  - (3) The right to disclaim property or interest in property under this section shall be barred by an acceptance of the property or interest in the property by the disclaimant prior to execution and filing of the disclaimer.
  - (4) Property disclaimed pursuant to this section shall pass to and vest in the remaining enrolled members eligible to receive (or have a trust for their benefit receive) their pro rata share of that IGRA payment.
  - (5) The disclaimer shall be binding on the disclaimant and on all persons claiming through or under the disclaimant.
- (Code 1981, § 15.5-22; Code 2012, § 15.5-22; Ord. No. SRO-288-2002, 5-1-2002; Ord. No. SRO-298-03, 9-3-2003; Ord. No. SRO-402-2012, § 15.5-22, 5-30-2012)

### **Sec. 15.5-23. Granting of security interests.**

#### *(a) Purpose and authority.*

- (1) *Purpose.* It is the purpose and policy of this chapter to establish the method of the creation, the effect of perfection and nonperfection, priority among competing creditors, and enforcement of security interests granted by the Community in connection with personal properties of the Community doing business as Community gaming enterprises.
- (2) *Authority.* This section is enacted by the Community Council under the authority of Article VII, section 1 of the Constitution of the Salt River Pima-Maricopa Indian Community.

(b) *Definitions.* As used in this section: The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Division* means Salt River Community gaming enterprises, the wholly-owned instrumentality of the Community that owns and operates Casino Arizona and any other gaming and gaming-related operations of the Community. In the event that Salt River Community gaming enterprises ceases to have the exclusive legal right to operate the gaming operations of the Community, the term "division" shall encompass any and all entities that have the right to conduct such gaming and gaming-related operations.

*Division personal property* means any and all now owned or hereafter acquired personal property of the division.

*Uniform Commercial Code* means chapters 1, 8 and 9 of the Arizona Uniform Commercial Code as in effect from time-to-time.

#### *(c) Application of Uniform Commercial Code.*

- (1) The Uniform Commercial Code shall apply to any security interest granted by the Community in any division personal property, and such security interest shall be created and perfected, priorities among competing creditors determined, and the security interest enforced, in accordance with the Uniform Commercial Code.
- (2) In the event that, as a matter of Arizona law, the Uniform Commercial Code does not apply to a security interest described in subsection (c)(1) of this section as a result of the provisions of section 47-9109(D)(14) of the Uniform Commercial Code, the Community, as a matter of Community law, hereby adopts all provisions of the Uniform Commercial Code, other than sections 47-9109(C)(2), 47-9109(D)(14) and 47-9307, and such provisions shall apply to any security interest described in subsection (c)(1) of this section, including the creation, perfec-

tion, priority and enforcement of any security interest described in subsection (c)(1) of this section.

- (3) For purposes of this section and the Uniform Commercial Code, the location of both the Community and the division shall be in the State of Arizona.

(d) *Application of section.*

- (1) This section shall be applicable only to security interests granted by the Community in division personal property.
- (2) While any security interest granted under the authority of this section remains outstanding, this section may not be repealed or be amended in a manner adverse to the interests of any secured party.

(e) *Amendment of Ordinance SRO-106-87.* SRO-106-87, § 47-9102(A) is hereby amended to delete clause (3) thereof and eliminate all references therein to Salt River Community gaming enterprises.

(Code 1981, § 15.5-23; Code 2012, § 15.5-23; Ord. No. SRO-304-2005, 4-6-2005; Ord. No. SRO-402-2012, § 15.5-23, 5-30-2012; Ord. No. SRO-449-2014, 8-27-2014)

## **Sec. 15.5-24. Raffles.**

(a) Notwithstanding any other provision of law, a nonprofit organization that is a corporation, fund, or foundation affiliated with a major league baseball team and organized and operated exclusively for charitable purposes and that is an organization that has qualified for an exemption from taxation of income under section 501(c)(3) of the United States Internal Revenue Code may conduct a raffle that is subject to the following restrictions:

- (1) The nonprofit organization shall maintain this status and no member, director, officer, employee or agent of the nonprofit organization may receive any direct or indirect pecuniary benefit other than being able to participate in the raffle on a basis equal to all other participants.

- (2) The nonprofit organization has been in existence continuously for a five-year period immediately before conducting the raffle.

- (3) No person except a bona fide local member of the sponsoring organization may participate directly or indirectly in the management, sales or operation of the raffle.

(b) A raffle conducted in compliance with this section shall be lawful and exempt from all other provisions in chapter 15.5. A person who conducts a raffle in compliance with this section shall be exempt from all other provisions in chapter 15.5.

(c) At least 20 days prior to conducting the raffle, the nonprofit organization shall file an application with the Community regulatory agency, on a form approved by the agency, stating the full name and address of the organization, the date(s) of the raffle and location where the raffle is to be conducted, facts establishing that the organization meets all requirements of this section, a complete copy of the official raffle rules, and other information requested by the agency. Upon determining that the organization meets all requirements of this section, the agency shall issue a raffle permit to the organization for the location and date or dates specified in the application. A raffle only may be conducted at the location, on the dates, by the organization, and according to the raffle game rules as specified on the permit.

(Ord. No. SRO-459-2015, § 15.5-24, 2-4-2015)

## **Sec. 15.5-25. Effective date.**

The amendments to this chapter [set forth in Ordinance Nos. SRO-449-2014 and SRO-457-2015] shall become effective on the first day of the month following approval by the National Indian Gaming Commission.

(Ord. No. SRO-449-2014, 8-27-2014)

**Editor's note**—Ord. No. SRO-459-2015, adopted Feb. 4, 2015, added a new § 15.5-24 pertaining to raffles; therefore, former § 15.5-24, pertaining to effective date, was redesignated 15.5-25 at the editor's discretion.