

COQUILLE INDIAN TRIBAL CODE
Chapter 198
Tribal Gaming

198.010 GENERAL INFORMATION

1. Purpose

The Tribal Council, empowered by the Coquille Tribe's Constitution to enact ordinances, hereby enacts this ordinance in order to set the terms for Class I, Class II and Class III gaming operations on tribal lands.

2. Background and Intent [Reserved]

3. Definitions

(a) Shared meaning with Indian Gaming Regulatory Act (IGRA). Unless a different code meaning is clearly indicated, the terms used in this Code shall have the same meaning as defined in the "Indian Gaming Regulatory Act," Public Law 100 π 497, 102 Stat. 2467 (Oct. 17, 1988).

(b) "Calendar Year" means the period beginning January 1 at 12:00:01 and ending the immediately following December 31 at 12:00 o'clock midnight.

(c) "Chairman" means the Chairperson of the Coquille Tribal Gaming Commission appointed by the Council as the chief administrator of Coquille gaming.

(d) "Class I Gaming" means social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebration.

(e) "Class II Gaming" means - the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith) -

(1) Which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,

(2) In which the holder of the card covers such numbers

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or designations when objects, similarly numbered or designated, are drawn or electronically determined, and

(3) In which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and

(f) Card games that are

(1) Explicitly authorized by laws of the State of Oregon, or

(2) Are not explicitly prohibited by the laws of Coquille Indian Tribe and the State of Oregon and are played at any location in the State of Oregon, but only if such card games are played in conformity with those laws and regulations (if any) of the State of Oregon regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

(g) The term "class II gaming" does not include

(1) Any banking cards games, including baccarat, chemin de fer, or blackjack (21), or

(2) Electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

(h) "Class III gaming" means all forms of gaming that are not Class I gaming or Class II gaming.

(i) "Commission" means the Coquille Tribal Gaming Commission.

(j) "Commissioner" means one of the members of the Coquille Tribal Gaming Commission.

(k) "Council" means the Coquille Tribal Council.

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(L) "Gaming or Gaming Activity" means to deal, operate, carry on, conduct, maintain or expose for play any game played with cards, dice, equipment or any mechanical, electromechanical or electronic device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, roulette, keno, bingo, twenty-one, blackjack, craps, poker, chuck-a-luck, wheel of fortune, baccarat, pai gow, beat the banker, video lottery device, video poker machine, pull tabs, bingo, any banking or percentage game or any other game or device approved by the Commission, but does not include games played with cards in private homes or residences in which no person makes or charges money for operating the game, except as a player.

(m) "Gaming Device" means any equipment or mechanical, electromechanical or electronic contrivance, component or machine, including video lottery terminals used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss. The term includes a system for processing information, which can alter the normal criteria of random selection, which affects the operation of any game or which determines the outcome of a game.

(n) "GAMING Establishment or Gaming Premises" means any premises where gaming, other than Class I gaming" is operated or conducted, and includes all buildings, improvements, equipment, and facilities used or maintained in connection with such gaming, including but not limited to the storage and maintenance of any gaming equipment, including all gaming devices.

(o) "Gross Revenue" means the total monetary value that would be due to any operator of a gaming activity for any chance taken, for any table fees for card playing, or other fees charged for participation or admittance, as evidenced by required records. The value shall be stated in U.S. currency, before any deductions or allowances for prizes, pay out of winnings, cost of operation, promotional expenses, taxes, labor expenses, equipment or materials used, or any other expenses. In the absence of records, gross revenue shall be the maximum that would be due to an operator from that particular activity if operated at maximum capacity.

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(p) "**Indian Land**" means

(1) Any lands acquired pursuant to Section 5 of the Coquille Restoration Act passed by the Congress of the United States as Public Law 101-42 on June 28, 1989, and;

(2) Any lands title to which is either held in trust by the United States for the benefit of the Coquille Indian Tribe, or held by the Coquille Indian Tribe subject to restriction by the United States against alienation and over which the Coquille Indian Tribe exercises governmental power; and

(3) Any lands title to which is either held in trust by the United States for the benefit of the individual Indian, or held by an individual Indian subject to restriction by the United States against alienation and over which the Coquille Indian Tribe exercises governmental power.

(q) "**Key Employee**" means

(1) A person who performs one or more of the following functions:

- (A) Bingo caller, or,
- (B) Counting room supervisor, or,
- (C) Chief of Security, or,
- (D) Custodian of gaming supplies or cash, or
- (E) Floor manager, or
- (F) Pit boss, or,
- (G) Dealer, or,
- (H) Croupier, or,
- (I) Approver of credit, or,
- (J) Custodian of gambling devices including persons with access to cash and accounting records within such devices; or

(2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or

(3) If not otherwise included, the four most highly

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compensated persons in the gaming operation; or

(4) If not otherwise included, any "Key employee" as defined by the tribal-state Compact.

(r) "Licensee" means any person who has been issued a valid and current license pursuant to the provisions of this Gaming Code.

(s) "Net Revenue" means gross revenues of a gaming activity less amounts paid out as, or paid for, prizes, winnings, and total gaming-related operating expenses, including reasonable salaries paid to employees, but excluding management fees. Nothing in this definition is intended to exclude revenue participation fees as a deduction from "gross revenue" for purposes of determining "net revenue" in connection with any issue with the State of Oregon regarding interpretation or enforcement of the tribal-state compact.

(t) "Management Contract" means any contract, contract, or collateral agreement between the Coquille Tribe and a contractor or between a contractor and contractor, if such contract or agreement provides for management of all or part of a gaming operation.

(u) "Management Fee" means any monies paid from gaming revenue to any person (not an employee) or to any entity contracted and/or licensed to operate or manage a gaming establishment. Such term shall not include monies paid for operating expenses.

(v) "Operating Expense"

(1) Operating expense shall include all monies that are reasonably attributed to maintaining and operating the gaming activities, reasonable salaries paid to employees, and non-gaming activities that are reasonably related to promoting business in the gaming establishment;

(2) The Commission may determine that revenue participation fees with a third-party may be deemed an

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operating expense, even though such designation may vary from Generally Accepted Accounting Principals (GAAP);

(3) Unless specifically designated by the Commission, the determination of an "operating expense" shall be consistent with GAAP.

(w) "Patron" means any person or group of persons who participate as players in games as defined by this Code, or who are physically present on premises wherein or whereon such games are being played.

(x) "Person" means any association, partnership, corporation, firm, trust or other form of business association as well as a natural person.

(y) "Primary Management Officials" shall include:

(1) All officials of the gaming activity who exercise authority over daily operation of the gaming, including the authority to hire and fire employees, to supervise employees or to establish operational policy for the gaming activity. Such officials shall include, but not be limited to, all owners, officers, shareholders with greater than a ten percent (10 %) ownership interest, or partners of the management contractor, if any; or

(2) Any person who the authority:

(A) To hire and fire employees; or

(B) To set up working policy for the gaming operation; or

(C) The Chief Financial Officer or other person who has financial management responsibility

(3) Any other person designated as primary management officials in the tribal-state Compact.

(z) "Regulation" means the regulations of the Commission under this Code.

(aa) "Reservation" when not qualified, means the Coquille

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Indian Reservation, and any other lands designated as reservation lands by the Secretary of the Department of Interior, and all lands that qualify as Reservation under the terms of the Coquille Restoration Act of June 28, 1989. 25 U.S.C. §§ 715 et seq.

(bb) "Services" means labor provided by one person to or for another, where such labor is provided in pursuit of the purpose of gaming pursuant to this code, or facilitates the operation of the gaming enterprise in any manner.

(cc) "Tribal Court" means the Tribal Court of the Coquille Indian Tribe.

(dd) "Tribal-State Compact" or "Compact" means a written document, either negotiated and agreed to by the Coquille Tribe and an official or agency of the State of Oregon, or prescribed by the Secretary pursuant to 25 U.S.C. 2710 (7) (B) (vii), governing the conduct of Class III gaming activities on Indian lands.

(ee) "Tribe" means the Coquille Indian Tribe, as recognized in the Coquille Restoration Act of June 28, 1989. 25 U.S.C. §§ 715 et seq.

(ff) "Weekdays" means Monday through Friday except Federal or Tribal holidays.

(gg) Words and Terms: Tense, number and gender. In constructing the provisions of this Code, save when otherwise plainly declared or clearly apparent from the context;

(1) Words in the present tense shall include the future tense;

(2) Words in masculine, feminine and neuter genders shall include all genders;

(hh) Words in the singular shall include the plural, and in the plural shall include the singular.

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198.020 JURISDICTION

[Reserved]

198.100 ADMINISTRATION AND ENFORCEMENT

1. Unauthorized Gaming

Any Indian who commits any act of unauthorized gaming on this reservation or on any Indian land shall be guilty of a crime and shall be prosecuted in Tribal Court. Prosecution for such a crime in Tribal Court is not meant to be exclusive; a finding of guilt or innocence shall not deprive the federal government from criminal jurisdiction, and shall not deprive the state government from criminal jurisdiction, but only as provided for in a tribal-state Compact. However, it is hereby declared that Class II and authorized Class III gaming conducted on this reservation or on any Indian land, that fully complies with the provisions of this Code shall not be subject to any criminal penalties.

2. Ownership - Revenues to Benefit Tribe.

The Tribe shall have the sole proprietary interest in, and the sole responsibility for the conduct of the gaming activity. Such provision does not, however, limit the Tribe's ability to enter into a management contract or a revenue participation agreement wherein net revenues are divided between the Tribe and other parties to the contract. A gaming establishment shall be operated so as to produce the maximum amount of net revenues to the Tribe. Net revenues will go entirely to the Tribe and will be used solely for the following purposes:

- (a) To fund tribal government operations or programs;
- (b) To provide for the general welfare of the Tribe and its members;
- (c) To promote tribal economic development;
- (d) To donate to charitable organizations; or

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(e) To help fund operations of local government agencies.

3. Establishment of Commission.

The Coquille Tribal Gaming Commission is hereby reaffirmed as an existing division of the Tribe. The Commission in office on September 26, 1998, shall remain in place. Any Commissioner that is lawfully in office as of the date of approval of these amendments to this Code is deemed to be a duly appointed Commissioner under this Code. A Commissioner may be removed from office only for cause by a majority vote of the Tribal Council. The Commission shall consist of five (5) members appointed by a majority vote of the Council. Vacancies shall be filled within 90 days by the Council. Commissioners must meet the suitability standards for, and submit to the background check required of, primary management officials.

4. Restrictions on Commissioners.

Commissioners may not hold other tribal positions (including any division of the Tribe such as CEDCO) or engage in other employment. However, Commissioners may engage in business, which is not subject to the provisions of this Gaming Code. Commissioners shall not gamble in the gaming establishment and shall not have any personal financial interest in any gambling by any patron.

5. Compensation of Commissioners.

Commissioners shall be compensated at a rate to be established by the Gaming Commission and approved by the Tribal Council. Commissioners shall be reimbursed for actual expenses incurred on Commission business, including necessary travel expenses. In no event shall compensation be based on a percentage of net profits from gaming operations of the Tribe.

6. Selection of Chairperson.

The Chairman shall be appointed by the Tribal Council, and shall serve as one of the five Commissioners.

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7. Meetings Open to Membership.

Meetings of the Commission shall be open to all Tribal members and shall be governed by Roberts Rules of Order. However, the Commission may recess at any time, upon majority vote to discuss any matter in executive session. The Commission must express in a motion calling for an executive session the general subject matter to be discussed in executive session. The Commission shall not take any final or official action on the matter in executive session.

8. Quorum - Majority Vote.

A quorum shall consist of three members of the Commission. All decisions shall be made by a majority vote unless indicated otherwise in this Code.

9. Monthly Report.

The Commission shall make monthly reports to the Council within 30 days after the close of the month for which the information is being required. The reports shall include a full and complete statement of expenses and all other financial transactions of the Commission and a summary of all licensing and enforcement actions. The Tribal Council may require the Commission to provide this information in a specific format with specific detail.

10. Powers.

The Commission may exercise any proper power and authority necessary to perform the duties assigned to it by this Code, and is not limited by enumeration of powers in this chapter. The Commission shall make recommendations and set policy, and transact other business that may be properly brought before it. The Commission shall promulgate rules and regulations for the operation of any gaming establishment and shall hear and resolve all disputes regarding any provision of this Code. In all decisions, the Commission shall act to promote and ensure integrity, security, honesty, and fairness of the operation and

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administration of gaming and ancillary activities of the gaming enterprise. The Commission shall have the power and authority to deny any application, to revoke, limit, condition, suspend, or restrict any license; make a finding of suitability or approval of a license; or to impose a fine upon any person licensed, for any cause deemed reasonable by the Commission.

11. Prior Notice of Actions.

In adopting, amending, and repealing regulations, the Commission shall give prior notice of the proposed action to all licensees and other persons whom the Commission has reason to believe have legitimate and bona fide interest in such proposed action. Said notice shall inform such persons as to the general nature of the proposed action and advise them as to the manner in which comments on said proposed action shall be received by the Commission. In emergencies, the Commission may summarily adopt, amend or repeal any regulation if at the time the Commission determines such action is necessary for the immediate preservation of the public peace, health, safety, morals, and good order or general welfare, together with a statement of facts constituting the emergency; provided, the Commission shall conduct a review of such emergency action at a regular hearing within thirty (30) days after any emergency meeting.

12. Request for Commission Action.

Any person who is determined by the Commission to be a bona fide interested party may file a request in a manner and form approved by the Commission requesting the adoption, amendment or repeal of a regulation. Upon receipt of the request, the Commission shall within thirty (30) days deny the request in writing or schedule the matter for action pursuant to this chapter.

13. Voting on Licensing.

Any Commission vote resulting in approving, disapproving, revoking, suspending, limiting or conditioning a license under this Code shall be by ballot only; provided, that in an emergency a phone vote may be polled pursuant to Commission Regulations.

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Should an applicant disagree with the determination of the Commission, the Commission shall hold a hearing to review its decision, within seven (7) weekdays from the date an applicant files his/her written disagreement with the Commission. At the hearing the burden shall be upon the applicant to show cause why the Commission's decision was incorrect. Any Commissioner that may gain economically (other than gain to the Tribe and Tribal membership generally) from the granting or denial of a licensing application shall abstain from voting on such application.

14. Commission Findings.

Following such hearing, the Commission shall, within seven (7) weekdays, reach a determination concerning:

(a) The accuracy of the preliminary certification of facts, and

(b) Whether the license in question should be granted, denied, continued, suspended, revoked, conditioned, or limited, and

(c) Whether or not any other action recommended to the Commission including, but not limited to, forfeitures, should be taken.

15. Notification of Commission Decision.

Within five (5) weekdays following this determination the Commission shall inform the subject in writing of that determination.

16. Duties of the Chairman.

The Chairman shall perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes of this Code relating to the regulation of all gaming activity. In all decisions, the Chairman shall act to promote and ensure integrity, security, honesty, and fairness of the operation and administration of all gaming activity. The Chairman's duties shall include but not be limited to the

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following:

(a) Negotiate contracts for payments by the Commission for the provision of security and other professional services.

(b) Correspond with the National Indian Gaming Commission and do whatever is necessary to complete compliance with the rules and regulations of that agency. Specifically, the Chairman shall arrange for an annual outside audit of authorized gaming and will provide a copy to the National Indian Gaming Commission;

(c) Assure that all gaming activity is conducted in a manner which adequately protects the environment and the public health and safety;

(d) Prescribe an adequate system, which ensures that background investigations are conducted on all primary management officials and key employees of any Gaming establishment and that oversight of such officials and their management is conducted on an ongoing basis. The Chairman will recommend to the Commission, which shall have final authority, on the granting of tribal licenses. The Chairman shall immediately notify the National Indian Gaming Commission of the issuance of licenses for primary management officials and key employees. The Chairman will review all applications and background investigations to ensure that no person shall be eligible for employment in or with any part of the gaming operation if that person's 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 create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming. The Chairman shall notify the National Indian Gaming Commission of the results of such background checks before the issuance of such licenses;

(e) Hire such professional, clerical, technical, and administrative personnel as may be necessary to carry out the provisions of this Code;

(f) Review all records, documents, and anything else necessary and pertinent to enforcement of any provisions of this

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Code;

(g) Recommend to the Commission whether sanctions should be imposed on any person subject to the jurisdiction of this Code;

(h) Issue subpoenas to compel the attendance of witnesses for hearing at any place on Coquille Indian lands, administer oaths, and require testimony under oath. Any process or notice may be served in the manner provided for service of process and notices in civil actions. The Chairman may pay such transportation and other expenses of witnesses, as it deems reasonable and proper.

17. Right of Inspection.

The Commission and its agents and inspectors, have the authority:

(a) To inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are manufactured, stored, maintained, sold or distributed;

(b) To inspect all equipment and supplies in, upon or about a gaming establishment, or inspect any equipment or supplies wherever located, which may, or have been used in the gaming establishment;

(c) Summarily to seize and remove from a gaming establishment (or wherever located) and impound such equipment or supplies for the purpose of examination, inspection, evidence or forfeiture;

(d) To demand access to and inspect, examine and audit all papers, books and records of applicants and licensees respecting any income produced by any gaming business, and require verification of income and all other matters affecting the enforcement of the policy of or any of the provisions of this Code;

(e) To seize and impound any patron's winnings which the Commission may have reasons to believe may have been won or obtained in violation of this Code pending a hearing before the

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Commission;

(f) For the purpose of administration and enforcement of this Code the Commission and its investigative personnel may, by resolution of the Tribal Council, have the powers of the peace officer of the Coquille Indian Tribe for purposes of this Code only;

18. Confidentiality of Information.

The Commission may refuse to reveal, in any court proceeding the identity of any informant, or the information obtained from the informant, or both the identity and the information.

19. Powers of Delegation; Commission Budget; Commission Records.

The Commission may organize itself into functional divisions as it may deem necessary and from time to time alter such plan of organization, as it may deem expedient. Within the limitations of a Council approved budget, the Commission shall establish its own budget for operations, and acquire such furnishings, equipment, supplies, stationery, books, motor vehicles, and other things as it may deem necessary or desirable in carrying out its functions, and incur such other expenses, within the limit of funds available to it, as it may deem necessary. Within the limits of a Council approved budget, the Commission shall employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Commission may require. At the Council's discretion, said budget may be reviewed and modified by the Council every twelve (12) months. Upon the end of the budget year any surplus which might exist shall be refunded to the Tribe's General Fund at the Council's discretion. The Commission shall keep and maintain a file of all applications for licenses under this chapter, together with a record of all action taken with respect to such applications. The Commission shall keep and maintain such other files and records as they may deem desirable and all such records may be open to public inspection as the Tribal Council by resolution and the Commission by regulation deems appropriate; provided, that the annual Commission budget shall be made

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available to any Tribal member upon demand.

20. Sanctions.

Any person who engages in activities on property subject to the provisions of this Gambling Code without a license, in violation of the license or terms imposed thereon, in violation of terms of suspension, or in violation of any regulation, provision, or amendment under this Code shall be in violation of this Code, including any person who unlawfully trespasses upon any premises licensed by this Code without the consent of the licensee and/or the Commission, shall be subject to punishment in accordance with the provisions of 198.100 22 hereinafter. The Commission shall consider the issuance of sanctions if the Tribal Council request such consideration by formal resolution stating the purpose of the inquiry. Nothing herein shall be interpreted to limit the liability of such individuals in tribal, state or federal court.

21. Violations of Code - Punishment.

By accepting a license, the licensee is consenting to the civil jurisdiction of the Gaming Commission. Any violation of this Code shall be subject to a fine of no more than twenty-five thousand dollars (\$25,000) for each separate count or violation.

Each day of violation shall constitute a separate violation under this Code. A violator may also be required to pay Commission costs, storage fees, and auction or sales fees. All property used or which may be used in each and every separate violation of this Code may become the property of the Tribe; persons may be prohibited from trespassing on premises licensed under this Code, licenses may be suspended, revoked, or limited and/or establishments may be forcibly closed. All such action shall be taken at the discretion of the Commission. Winnings found to have been received in violation of this Code are forfeited and become the property of the Tribe.

22. Procedure Regarding Enforcement Actions.

The Commission shall promulgate regulations protecting the rights of all individuals subject to the enforcement of this

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Code. Such regulations shall provide, at a minimum:

(a) Provide standards for emergency or summary suspension of license; and

(b) Provide fair notice and opportunity for hearing regarding any revocation or suspension of license, and regarding any enforcement action taken, or proposed to be taken pursuant to this Code.

23. Special Agents.

The Commission may authorize special agents appointed pursuant to and otherwise in compliance with tribal law, to perform services reasonably necessary to assure compliance with the provisions of this Code only. Said special services of enforcement and surveillance shall be under the direction of the Chairman. This shall in no way be deemed to limit the normal law enforcement functions of these or other tribal law enforcement officers not so authorized.

24. Independence of Commission.

The Chairman, Commissioners, members of the Council and their immediate families shall receive no personal compensation, gift, reimbursement or payment of any kind from any person doing or wishing to do business with the Tribe relating to gaming nor with any person wishing to obtain an unfair advantage in any authorized wager on gaming. Personal compensation, gift, reimbursement or payment of any kind shall not include business entertainment, meals, lodging or other ordinary and reasonable expenses in the negotiation and solicitation of contracts. Any property received in violation of this provision, including cash payments, shall be immediately forfeited to the Tribe and the offending persons shall be prosecuted to the fullest extent possible under applicable law for accepting a bribe. The Commission shall cooperate to the fullest extent possible with any Federal or State law enforcement agency to pursue prosecution under applicable Federal or State law.

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198.200 LICENSING OF GAMES

1. Mandatory License.

Any person seeking to conduct, operate, or manage any gaming activity pursuant to this Code shall apply for, and receive, all the required licenses from the Commission prior to engaging in such gaming activities. Engaging in such gaming activities without first obtaining the required licenses shall be deemed a violation of this Code and shall be punishable in accordance with 198.100 22. This provision shall not preclude the Commission from entering into consulting contracts for services, the payment of which is fixed and not determined by a percentage of the net profits from the gaming operation.

2. Authorization of Class I Gaming Activity.

The Commission may authorize Class I Gaming Activity to be played on Indian lands that are within the jurisdiction of the Tribe.

3. Licensing and Regulation of Class II Gaming Activity; Net Revenue Allocation; Audits; Contracts.

(a) A separate license issued by the Commission shall be required for each place, facility, or location within the Tribe's jurisdiction at which any Class II Gaming Activity is conducted.

(b) The Commission shall not license and regulate a tribally owned Class II Gaming Activity unless -

(1) Such gaming activity is located on Indian lands within the Tribe's jurisdiction, and the State of Oregon permits such gaming for any purpose by any person, organization or entity (and such gaming is not otherwise specifically prohibited on Indian lands by Federal laws); and

(2) Net revenues from such Gaming Activity are used in accordance with 198.100 2 of this Code; and

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(3) Such gaming activity is subject to annual outside audits, which may be encompassed within existing independent tribal audit systems, and provided to the Council, and

(A) All contracts for supplies, services, or concessions for an aggregate amount in excess of \$ 25,000 annually relating to such gaming are also subject to independent audits, provided that such audits of accounting and legal services shall not compel the disclosure of confidential or privileged information; and

(B) The construction and maintenance of the gaming facility, and the operation of that gaming, is conducted in a manner which adequately protects the environment and the public health and safety; and

(C) All primary management officials and key employees of the Class II gaming operation have successfully passed a background investigation, the procedure and scope of which is approved by the Tribe and the National Indian Gaming Commission.

4. Licenses for Class II Gaming Owned By a Non-tribal Entity.

(a) The Commission may license and regulate Class II gaming activities owned by any person or entity other than the Tribe and conducted within the Tribe's jurisdiction, only if the requirements described in paragraph (b) of this are met and are conducted in a manner that is at least as restrictive as the regulations established by Oregon State law governing similar gaming within its jurisdiction. No person or entity, other than the Tribe, shall be eligible to receive a license from the Commission to own a Class II gaming activity conducted within the Tribe's jurisdiction if such person or entity would not be eligible to receive a license from the State of Oregon to conduct the same activity within State jurisdiction.

(b) Such licenses are only valid so long as the licensee and the Tribe comply, at a minimum, with the following provisions:

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(1) Income to the Tribe from such gaming is used only for the purposes described in 198.100 2 of this Code, and

(2) Not less than 60 percent of the net revenues is income to the Tribe, and

(3) The owner of such gaming operation pays the appropriate assessment levied by the National Indian Gaming Commission.

5. Issuance of Tribal Gaming Licenses; Objections;

The Commission shall consult with appropriate law enforcement officials concerning any gaming licenses it may issue. If, after issuance of a gaming license by the Commission, reliable information is received that a primary management official or key employee does not meet the standard established under 198.200 4 of this Code, the Commission may suspend such license and, after notice and hearing, may revoke such license.

6. License and Regulation of Class III gaming activities
Tribal-State Compact Required.

(a) The Commission shall not license a Class III Gaming Activity unless with respect to Class III gaming:

(1) Such gaming meets the requirements of 198.200 3, and

(2) Such gaming is conducted in conformance with the terms and conditions of a valid Tribal-State Compact entered into by the Tribe and the State of Oregon, or with the terms and conditions of valid procedures for the regulation of class III games in the absence of a compact, or in compliance with some other lawful remedy in the absence of a compact;

(b) Nothing herein shall be interpreted to be a restriction on the sovereign authority of the Tribe to continue regulation of gaming on its lands in the event the federal courts strike all or part of IGRA to be invalid, illegal, unconstitutional or

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unenforceable.

7. Non-transferability of License.

Any license issued pursuant to the provisions of this Code is valid only for the person or entity at the place of business shown on the face thereof. It is not assignable or otherwise transferable to any other person or entity for any other location without approval of the Chairman and Commission.

8. Granting of License - Majority Vote.

To approve of any license issued pursuant to this Code, a quorum of the Commission must be present with a majority vote of approval required. A license will not be issued to a person whose license has previously been revoked pursuant to this Code, or to whom the issuance of renewal of a license has been denied, except with the majority approval of the Commission members.

9. Application Fee.

The Commission shall set a fee for applications, background investigations, and licenses. All such fees shall be made payable to the Coquille Tribal Gaming Commission and delivered to the Coquille Tribe's Accounting office.

10. Background Investigation.

No License shall be granted to any person or entity who has been determined to be a person or entity whose prior activities, criminal record, if any, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto. The background investigation shall be at least as stringent as the regulations of the National Indian Gaming Commission published as 25 CFR § 556 in the Federal Register, volume 58, no. 13, on Friday, January 22, 1993, and any amendment to those regulations.

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11. Failure of Applicant to Disclose Material Information.

An applicant for licensing shall make true and full disclosure of all information to the Commission as necessary or appropriate in the public interest or as required in order to carry out the policies of this Tribe relating to licensing and control of the gaming industry. It is the duty of the applicant to disclose all information material to whether his involvement with gaming would jeopardize or compromise the Tribal interest, whether or not the applicant has been specifically requested to provide that information. It shall constitute a violation of this code to fail to disclose, to mislead or to misstate any such material information to the Commission, or to any licensee's employer.

12. Temporary Employment Licenses.

The Commission may issue a temporary employment license to any person or entity that has applied for a license to work in a licensed gaming establishment. A temporary license may not be issued:

(a) In the case of applicants for High Security Employee (as defined in the tribal/state compact) positions, until thirty (30) days after the individual's or entity's application has been submitted and processed in accordance with the Commission's regulations;

(b) In the case of applicants for Low Security Employee (as defined in the tribal/state compact) positions, until after the individual's or entity's application has been submitted and processed in accordance with the Commission's regulations.

13. Parameters of Licensee.

Violation of any provision of this Code or any of the Commission's regulations by a licensee, his agent, or employee shall be deemed contrary to the public health, safety, morals, good order and general welfare of the Coquille Tribe or its members, and shall be deemed grounds for refusing to grant or renew a license, suspension or revocation of a license, or shall

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constitute grounds for the filing of charges by the Commission. Acceptance of a gaming license or renewal thereof, or condition imposed thereon, by a licensee, constitutes an agreement on the part of the licensee to be bound by all the regulations and conditions of the Commission and by the provisions of this Code as the same are now, or may hereafter be amended or promulgated, and to cooperate fully with the Commission. It is the responsibility of the licensee to keep informed of the contents of all such regulations, amendments, provisions, and conditions, and ignorance thereof will not excuse violations. The Commission shall use reasonable efforts to notify all licensees of changes in regulations.

14. Licensing of Distributors.

The Commission may authorize, require and issue such annual licenses as the Commission by regulation may provide, to any person or entity to engage in the selling, distributing, or otherwise supplying of gambling equipment or paraphernalia for use in connection with licensed gaming activity.

198.300 MANAGEMENT CONTRACTS

1. Commission Approval Required.

(a) Any management contract entered into by the Tribe for the operation and management of Class II or Class III gaming activity must be submitted to the Commission for approval, but, before approving such contract, the Commission shall require and obtain the following information:

(1) The name, address, and other additional pertinent background information on each person or entity (including persons comprising such entity) having direct financial interest in, or management responsibility for, such contract, and, in the case of a corporation, those individuals who serve on the board of directors of such corporation and each of its stockholders who hold (directly or indirectly) 10 percent or more of its issued and outstanding stock; and

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(2) A description of any previous experience that each person listed pursuant to paragraph (I) has had with other gaming contracts with Indian tribes or with the gaming industry generally, including specifically the name and address of any licensing or regulatory agency with which such person has had a contract relating to gaming; and

(3) Any further or additional information as may be required under the tribal-state Compact entered into between the Tribe and the State; and

(4) Any additional information that the Commission may reasonably request.

(b) Any person listed pursuant to sub-subparagraph (a)(I) shall be required to respond to such written or oral questions that the Commission may propound in accordance with its responsibilities under this subchapter 198.300.

(c) For purposes of this Code, any reference to the management contract described in 198.300.1(a) shall be considered to include all collateral agreements to such contract that relate to the gaming activity.

(d) After the Commission has given its approval of a management contract, the Commission shall submit such contract to the National Indian Gaming Commission for its approval. No such contract shall be valid until the National Indian Gaming Commission has approved it, provided however, that a person or entity may perform pursuant to the terms of the management contract on an interim basis pending NIGC approval.

2. Requirements for Management Contracts.

The Commission shall approve any management contract entered into by the Tribe pursuant to this chapter 300 unless it determines that such contract is not in compliance with the provisions of this Gaming Code, and does not provide at least:

(a) For adequate accounting procedures that are maintained,

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and for verifiable financial reports that are prepared, by or for the Council on a monthly basis;

(b) for access to the daily operations of the gaming to appropriate tribal officials who shall also have a right to verify the daily gross revenues and income made from any such tribal gaming activity;

(c) for a minimum guaranteed payment to the Tribe that has preference over the retirement of development and construction costs;

(d) For an agreed ceiling for the repayment of development and construction costs;

(e) For a contract term not to exceed five years, except that, upon the request of the Tribe, the Commission may authorize a contract term that exceeds five years but does not exceed seven years if the Commission is satisfied that the capital investment required, and the income projections, for the particular gaming activity require additional time and the National Indian Gaming Commission concurs with the findings of the Coquille Tribal Gaming Commission; and

(f) For grounds and mechanisms for terminating such contract, but actual contract termination shall not require the approval of the Commission.

(g) For preference to Tribal members and non-member Indians in hiring of employees for the gaming establishment.

3. Reconsideration at Direction of Tribal Council.

In the event the Commission determines a contract is not in compliance with chapter 198.300, the Commission shall immediately communicate its determination to the Tribal Council. If the Tribal Council, by duly authorized resolution, request the Commission to reconsider the management contract, the Commission shall do so. If after fifteen (15) days of such request for reconsideration, the Commission has not determined that the management contract is in compliance with subchapter 198.300, the

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Tribal Council may challenge the Commission's determination in Tribal Court. The decision of the Tribal Court shall be final.

4. Percentage-of-Net-Revenue Fees.

(a) The Commission shall not approve a management contract providing for a fee based upon a percentage of the net revenues of a tribal gaming activity unless such percentage fee is reasonable in light of surrounding circumstances. Except as provided in this, such fee shall not exceed 30 percent of the net revenues;

(b) The Commission shall not approve a management contract providing for a fee based upon a percentage of the net revenues of a tribal gaming activity that exceeds 30 percent but not 40 percent of the net revenues unless the National Indian Gaming Commission and the Tribal Council are satisfied that the capital investment required, and income projections, for such tribal gaming activity require the additional fee, and such contract is otherwise in compliance with this Gaming Code.

5. Contract Disapproval.

The Commission shall not approve any contract if it determines that:

(a) Any person listed pursuant to 198.400.1(a)(1) who;

(1) Has been or subsequently is convicted of any felony relating to a gaming offense; or

(2) Has knowingly and willfully provided materially important false statements of information to the Commission or the tribal officials who negotiate such contracts or has refused to respond to questions propounded pursuant to 198.300 1(b); or

(3) 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 and control of gaming, or create or

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enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;

(b) The management contractor has, or has attempted unduly to interfere or to influence for its gain or advantage any decision or process of tribal government relating to gaming activity;

(c) The management contractor has deliberately or substantially failed to comply with the terms of the management contract or the provisions of this Code or any regulations adopted pursuant to this Code or the Indian Gaming Regulatory Act.

(d) Any person listed in 198.300 1(a)(1) is an elected member of the Tribal Council.

6. Modifying or Voiding Contract.

The Commission, after notice and hearing, shall have the authority to require appropriate contract modifications or may void any contract if it subsequently determines that any of the provisions of this Chapter have been violated.

7. Conveying Interest in Land.

No management contract for the operation of a gaming activity regulated by this Code shall transfer or, in any other manner, convey any interest in land or other real property, unless specific applicable statutory authority exists and unless clearly specified in writing in said contract.

8. Fee for Investigation Cost.

The Commission may require a potential contractor to pay a fee to cover the cost of the investigation necessary to reach a determination required in 198.300.4 of this chapter.

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198.400 AUDITING AND INTERNAL CONTROL

1. Minimum Procedures for Control of Internal Fiscal Affairs.

 The Commission shall promulgate regulations for control of internal fiscal affairs of all gaming operations. At a minimum, those regulations shall:

 (a) Prescribe minimum procedures for safeguarding the gaming operation's assets and revenues, including recording of cash and evidences of indebtedness, mandatory count procedures. Such procedures shall establish a control environment, accounting system, and control procedures that safeguard the assets of the organization, assures that operating transactions are properly recorded, and encourage adherence to prescribed policies;

 (b) Prescribe minimum reporting requirements to the Commission;

 (c) Provide for the adoption and use of internal audits, by internal auditors and Certified Public Accountants licensed to practice public accounting;

 (d) Formulate uniform minimum internal control standards (MICS) of accounts and accounting classifications to assure consistency, comparability and effective disclosure of financial information. Such MICS shall require that records be retained that reflect statistical drop (amount of cash wagered by patrons), statistical win/loss (amount of cash won/lost by the gaming operation) and the percentage of win/loss to drop, or provide similar information, for each type of game, or each gaming device;

 (e) Prescribe the intervals at which such information shall be furnished;

 (f) Provide for the maintenance of documentation (i.e. checklists, programs, reports, etc.) to evidence all internal work performed as it relates to the requirements of this; and

 (g) Provide that all financial statements and documentation

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referred to in paragraph (f) be maintained for a minimum of five (5) years.

2. Commission Oversight of Internal Fiscal Affairs.

(a) The Commission shall, by regulation, require audits of the financial statements of all gaming operations. Such audits must:

(1) Be made by independent Certified Public Accountants holding a permit issued by the State of Oregon to practice public accounting;

(2) Include an opinion, qualified or unqualified or, if appropriate, disclaim an opinion on the financial statements taken as a whole in accordance with standards of the accounting profession established by rules and regulations of the American Institute of Certified Public Accountants; and in accordance with the rules and regulations of the Oregon State Board of Accountancy, except that revenue participation fees may be treated as "operating expense" without regard to GAAP or Oregon State rules and regulations;

(3) Disclose whether the accounts, records and control procedures maintained by the gaming operation are as required by the regulations promulgated by the Commission; and

(4) Provide for a preliminary review of procedures and regulations relating to the control of internal fiscal operations upon adoption of the policies and procedures by the gaming operation, to disclose any deviation from prescribed rules and regulations and report such findings to the Commission and management;

3. Commission Right to Conduct Audit.

The Commission shall be able to retain its own appointed accountants, or direct an accountant employed by the Tribe, to conduct its own audit of any gaming operation.

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4. Prohibition Against Embezzlement.

Any delay, maneuver or action of any kind which in the opinion of the Chairman is effectuated by any licensee to unlawfully divert gaming proceeds or other proceeds properly belonging to the Tribe shall constitute grounds for taking disciplinary action against that licensee. If the Commission finds an unlawful diversion was attempted, it shall sanction the licensee. Sanctions may include fining, revoking, suspending, limiting or refusing to renew the license. Nothing herein shall be interpreted to limit the Commission's authority per 198.100 22.

198.500 AUTHORIZATION OF GAMING

1. Prohibition Against Gaming.

No person duly authorized by the Commission shall engage, conduct or condone any Class II or Class III game unless such game is approved by this Commission and regulations for rules governing such game have been duly promulgated by this Commission.

2. Grace Period.

The prohibition contained in 198.500 1 shall not apply to those games already being played as of the date of enactment of this Code, provided, however, that the licensee conform to the rules promulgated thereunder within five (5) days of such promulgation.

3. Authorization of Gaming.

The Commission may authorize the playing of any game lawful under applicable federal law. The Commission shall promulgate regulations for rules governing the equipment (chips, dice, cards, tiles etc.) used in such game. Any provision in the Tribe's Compact with the State of Oregon providing for notice and comment from the State, shall be complied with before any game is

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authorized by the Commission.

4. Approval of Gaming Equipment.

The Commission shall have the discretion to review and approve all gaming equipment and other devices used in the gaming operation as to design, integrity, fairness, honesty and suitability.

(a) The Commission may test any machine in a gaming facility at any time, or may require a prototype or sample of any model of gaming terminal or other device used in the gaming operation to be placed in the custody of the Chairman and retained by him as a control for comparison purposes.

(b) Any evidence that gaming terminals or other equipment used in the gaming operation has been tampered with or altered in any way which would affect the integrity, fairness, honesty or suitability of the terminal or equipment shall be immediately reported to the Commission.

5. Posting of Rules.

The Rules of each authorized game offered at any duly licensed gaming establishment shall be posted in a conspicuous location and shall be clearly legible.

198.600 EXCLUSION OR EJECTION OF INDIVIDUALS.

1. List of Undesirables.

The Commission shall, by regulation, provide for the establishment of a list of persons who are to be excluded or ejected from any duly licensed gaming operation. The list may include any person whose presence in the gaming establishment is determined by the Commission to pose a threat to the interests of the Tribe, the State of Oregon, or to licensed gaming. Race, color, creed national origin or ancestry, or sex must not be grounds for placing the name of a person on the list.

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2. Notice and Opportunity to be Heard.

The Commission shall promulgate regulations providing fair notice and opportunity to be heard to any individual whose name is being contemplated by the Tribe to be placed on the list referred to in 198.600 1. Such regulations must provide the person an opportunity to show cause to the Commission why his name should be deleted from the list.

3. Prohibition Against Listed Individuals.

It shall be a violation of this Code for any licensee who knowingly fails to exclude or eject from the gaming establishment any persons placed on the list referred to in 198.600 1. It shall be a violation of this Code for any person whose name appears on the list referred to in 198.600 1 to enter into or engage in any game at a duly licensed gaming establishment. Nothing in this may be interpreted to prevent the gaming operation from refusing service to anyone.

4. Prohibition Against Certain Individuals.

It shall be a violation of this Code for any licensee who knowingly fails to exclude or eject from the gaming establishment any individual who:

(a) Is visibly under the influence of liquor or any narcotic or such other stances; or

(b) Is to be excluded per the provisions of the tribal-state Compact.

198.700 CHEATING.

1. Unlawful Acts.

It is unlawful and a violation of this Code, punishable by the Commission, for any person:

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

(b) To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or knowledge of any event that affects the outcome of the game or knowledge that is the subject of the bet or wager;

(c) To aid anyone in acquiring such knowledge as set forth in paragraph (b), for the purpose of increasing or decreasing a bet or wager, or for the purpose of determining the course of play contingent upon that event or outcome;

(d) To claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won;

(e) Knowingly to entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this Gaming Code, with the intent that the other person play or participate in that gambling game;

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

(g) To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet or wager, including pinching bets;

(h) To manipulate with intent to cheat, any component of a gaming terminal or any tangible device used in connection with the gaming activity in a manner contrary to the designed and normal operational purpose for the component, with knowledge that the manipulation affects the outcome of the game or with

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knowledge of any event that affects the outcome of the game.

2. Prohibition against Electronic Aids.

Except as specifically permitted and approved by the Commission, no person shall possess with the intent to use, or actually use, at any table game, either by himself, or in concert with others, any calculator, computer, or other electronic, electrical, or mechanical device to assist in projecting an outcome at any table game, to keep track of or analyze the cards having been dealt, to change the probabilities of any table game or the playing strategies to be utilized. Nothing in this shall be interpreted to preclude the gaming establishment from maintaining and offering such electronic aids so long as the information provided from such aids is made available to all players.

198 800 NATIONAL INDIAN GAMING COMMISSION and TRIBAL-STATE COMPACTS

1. National Indian Gaming Commission - Regulations.

The Commission shall comply with all regulations promulgated by the National Indian Gaming Commission, including, but not limited to, all requirements to report ordinances, contracts, license applications, background checks, and other information to the National Commission. Nothing in this shall be interpreted as a waiver of the Tribe's right to challenge the legality of any such regulations.

2. National Indian Gaming Commission - Assessment.

The Commission shall comply with all assessments authorized by the National Commission. Such assessments shall be paid from the gaming enterprise. Nothing in this shall be interpreted as a waiver of the Tribe's right to challenge the legality of any such regulations.

3. Compact with the State of Oregon.

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The Commission shall comply with the provisions of any compact properly executed between the Tribe and the State of Oregon, under IGRA. Nothing in this shall be interpreted as a waiver of the Tribe's right to challenge the legality of any such compact or any compact provision.

198.900 MISCELLANEOUS

1. Security.

Each licensed gaming establishment must provide for adequate security. All security personnel must be licensed by the Commission.

2. Maintenance of Code and Regulations.

Each licensee shall obtain, maintain and keep current a copy of the Gaming Code and regulations promulgated thereunder, which shall be located at the premises used for the conduct of a licensed activity. This Code and regulations shall be produced by the Commission to any person upon written request to the Commission. Licensee's obligation to abide by this Code and regulations is not, in any way, affected by the Licensee's lack of a copy or knowledge of this Code and regulations.

3. Compliance with Other Laws.

The construction, maintenance and operation of any facility in which gaming activities are to take place shall be in a manner which adequately protects the environment and the public health and safety and shall comply with any otherwise applicable tribal and federal laws relating to environmental protection and public health and safety.

4. Amendments.

All provisions of this Gaming Code are subject to amendment by the Coquille Tribal Council. All regulations promulgated by the Commission are subject to proper revision, repeal, or amendment by the Commission.

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5. No Waiver of Sovereign Immunity.

Nothing herein shall be interpreted as empowering the Commission to waive the Tribe's or the Commission's immunity from suit. Any contract or other agreement that provides for such waiver shall be void unless ratified by the Tribal Council.

6. Severability.

If any provision of this Code, or its application to any purpose or circumstance, is held invalid by a court of competent jurisdiction, the full remainder of the provision, or the application of the provision through another person or circumstance, shall not be affected.