

**REGULATION OF GAMING AND OTHER AMUSEMENTS BYLAW
BYLAW NO. 94-1**

**A BYLAW TO REGULATE PUBLIC GAMES, SPORTS, RACES, ATHLETIC
CONTESTS AND OTHER AMUSEMENTS ON THE RESERVES OF
THE BEECHER BAY BAND**

WHEREAS pursuant to the powers vested in the Council of the Beecher Bay Band pursuant to subsections 81(1)(m),(q), and (r) of the Indian Act R.S.C. 1985, c. I-5, bylaws may be enacted for, inter alia, the control or prohibition of public games, sports, races, athletic contests and other amusements, any matter arising out of or ancillary thereto, and the imposition of a penalty for violation thereof;

AND WHEREAS pursuant to the powers vested in the Council of the Beecher Bay Band pursuant to subsection 81(c),(q), and (r) of the Indian Act, R.S.C. 1985, c. I-5 bylaws may be enacted for, inter alia, the observance of law and order, any matter arising out of or ancillary thereto, and the imposition of a penalty for violation thereof;

AND WHEREAS the Council of the Beecher Bay Band deems it expedient and in the best interests of the members of the Beecher Bay Band to establish bylaws for a system on the reserve lands of the Beecher Bay Band for the fair and equitable regulation of such games and other amusements;

AND WHEREAS the Council of the Beecher Bay Band has authority and jurisdiction to regulate and control gaming and other amusement events on their reserve lands by virtue of their existing inherent aboriginal right to govern themselves;

AND WHEREAS Section 35 of the Constitution Act, 1982, recognizes and affirms the existing treaty and aboriginal right of First Nations;

AND WHEREAS the Government of Canada owes a fiduciary obligation to First Nations and does not have authority to delegate responsibility for the regulation and control of gaming activity on reserve lands to the provinces;

AND WHEREAS the Council of the Beecher Bay Band will ensure that the introduction and growth of gaming activity on their reserve lands takes place in a regulated and orderly manner and that the integrity of the gaming activity conducted on their reserve lands is maintained.

NOW BE IT HEREBY RESOLVED THAT the Council of the Beecher Bay Band under the direction of the band membership, without prejudice to but in express affirmation of its right of self-government and other aboriginal rights enacts the following

bylaw, pursuant to the provisions of sections 81(1)(c),(m),(q), and (r) of the Indian Act, R.S.C. 1985, c. I-5 which provides the council of a band with the authority to enact bylaws relating to, inter alia, the regulation of public games and other amusements on reserve lands.

PART I INTERPRETATION

Short Title

1. This bylaw may be cited for all purposes as the "Beecher Bay Band Gaming Bylaw".

Definitions

2. In this bylaw, or in any regulation or band council resolution of the band council passed relating to this bylaw, except as otherwise expressly provided or as the context otherwise requires, the following words shall have the meanings hereinafter attributed to them:
 - (a) "amusement" means a pastime, a pleasant diversion or entertainment, and includes a program of games, a sporting event, racing, athletic contests, or any gaming or event for the recreation of people, held on reserve, but does not include a game of chance or mixed chance and skill for money or some other stakes in which success or failure depends less on skill and experience of a player than on purely fortuitous or accidental circumstances;
 - (b) "amusement event" means an event at which amusements are played;
 - (c) "amusement permit" means a permit issued pursuant to Section 27;
 - (d) "auditor" means:
 - i. a member or a partnership whose partners are members of the Institute of Chartered Accountants of British Columbia or the Certified General Accountants' Association of British Columbia; or
 - ii. a person who is certified by the Auditor Certification Board in accordance with Section 205 of the Company Act, R.S.B.C. 1979, c. 59; and

- iii. independent of the permittee pursuant to Section 207 of the Company Act;
- (e) "band" means the Beecher Bay Band;
- (f) "band administrator" means band administrator as appointed by the Beecher Bay Band Council;
- (g) "band council resolution" means a motion, as recorded in the minutes of the meeting, passed and approved at a duly convened meeting of the council pursuant to the consent of a majority of the councillors of the band present at that meeting;
- (h) "band membership" means persons who are Indians, as defined in the Indian Act, and who are members of the band;
- (i) "bingo event" means a permitted gaming event where not more than 30 games of bingo are played, but shall not mean or include any gaming event where any other gaming activities are played;
- (j) "bingo game" means a game of chance where:
 - i. a ball is selected at random from 75 "ping pong" type balls each printed with a letter from the word "Bingo" and a number from "1" to "75";
 - ii. the letter and the number of the selected ball is announced to the players;
 - iii. immediately after each announcement, the players indicate whether the letter and number combination appears on a card, sheet or screen by marking or placing a marker upon the corresponding square; and
 - iv. the game continues until a winner is declared,whether or not electronics, computer, video device or other technological aids are used in connection therewith;

- (k) "business licensing bylaw" means a bylaw respecting the licensing of business on the reserve, passed by the chief and council of the band and approved by the Minister as the same may be amended from time to time;
- (l) "casino event" means an event at which casino games are played, but shall not mean or include a gaming event where any other gaming activities are played;
- (m) "casino games" means the games known as blackjack, red dog, roulette, sic bo, other wheels of fortune and such other games as may be approved by the chief and council, whether or not electronics, computer, video device or other technological aids are used in connection therewith;
- (n) "casino management company" means the commercial enterprise which is registered by chief and council to provide casino site management, equipment and personnel in relation to permitted casino events;
- (o) "chief" means the chief of the band as selected by the custom of the band;
- (p) "chief and council" or "council" means the chief and council of the band as selected by the custom of the band;
- (q) "dance hall" means any hall, place, room, premises, tent or structure of any kind kept or used for public dancing and includes a cafe, hotel or restaurant where facilities are supplied and used for public dancing;
- (r) "expenses" means the amounts required by the permittee to pay for the costs of conducting and managing the permitted gaming event;
- (s) "gaming" means gambling and includes, but is not limited to, bingo events, casino events, and ticket raffles whether or not electronics, computer, video device or other technological aids are used in connection therewith;
- (t) "gaming account" means the account established and maintained by the permittee at a recognized financial institution for the exclusive purposes of depositing the proceedings from permitted gaming events to the account and making authorized disbursements from the account;
- (u) "gaming event" means an event at which gaming activities are played;
- (v) "gaming permit" means a permit issued pursuant to Section 58;

- (w) "gaming records" means the records of the permittee, including the gaming account, which are related to the conduct and management of permitted gaming events and the operation of any concession operated by the permittee in premises used for or in connection with permitted gaming events;
- (x) "gross revenue" means:
 - i. with respect to a bingo event, the revenue derived from the sale of cards before the deduction of prizes and expenses. It is calculated on the basis of the sales value of bingo paper used (less voided paper);
 - ii. with respect to a casino event, the revenue produced as a result of the gaming activity, which is known in gaming terminology as the "win"; or
 - iii. with respect to a ticket raffle, the revenue derived from the sale of tickets before the deduction of prizes and expenses;
- (y) "holder" means any person and its officers, employees, agents, members, servants or volunteers, who has the written consent of council or was granted an amusement permit, as the case may be, by chief and council to hold any permitted amusement event or operate, conduct or manage a place of amusement on reserve;
- (z) "house rules" means rules enacted by the permittee which complement the described terms and conditions set out in these bylaws and which may deal with the conduct of players and the management of the gaming event or place of gaming;
- (aa) "Indian Act" means the Indian Act, R.S.C. 1985, c. I-5 and any amendments thereto;
- (ab) "inspector" means a person appointed by the chief and council for the purpose of inspecting gaming events and places of gaming and enforcing and carrying out the gaming provisions of this bylaw pursuant to this bylaw and shall include any head or assistant inspector;
- (ac) "Minister" means the Minister of Indian Affairs and Northern Development;

- (ad) "officer" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a bylaw enforcement officer or any other person appointed by the council for the purpose of maintaining law and order on the reserve pursuant to this bylaw and shall include any head or assistant officer;
- (ad) "permit" means a permit issued under this bylaw by chief and council, upon payment of the prescribed fee, to those persons wishing to hold an amusement or gaming event or conduct, operate or manage a place of amusement or place of gaming;
- (ae) "permittee" means any person and its officers, employees, agents, members, servants or volunteers, who has been granted a gaming permit by chief and council to hold any permitted gaming event or conduct, operate or manage any place of gaming on reserve;
- (ag) "person" in addition to its ordinary meaning, includes a partnership, association, company, society or body corporate;
- (ah) "place of amusement" means any building, including any gymnasium, sporting arena, playing field, recreational facility, dance hall, movie theatre, arcade or pool room and includes any other place or premises designated as a place of amusement by the council, where facilities are supplied and used for amusement;
- (ai) "place of gaming" means any place or premises which is used primarily for gaming events and/or designated as a place of gaming by the council, where facilities are supplied and used for gaming;
- (aj) "pool" means billiards, bagatelle, and any other similar game;
- (al) "poolroom" means a room or rooms in a building, house, shed, tent or other place in which a pool table is set up for hire or gain and includes an addition or extension thereto over which the owner has control;
- (am) "premises" means premises as defined in the business licensing bylaw;
- (an) "prescribe" means a decision of council set out in a band council resolution;

- (ao) "reserve" means reserve as defined in the Indian Act, Section 2(1) and any land held as a special reserve for the use and benefit of the band pursuant to Section 36 of the Indian Act;
- (ap) "terms and conditions" means any regulations, standard rules of play, standard procedures or such other rules of conduct set out in these bylaws or prescribed by council to control and regulate gaming on reserve;
- (aq) "ticket raffle" is a funding raising event where tickets are sold on a chance to win a prize at a draw; and
- (ar) "traditional games" means any form of traditional First Nation gaming engaged in by individuals as part of, or in connection with, First Nation ceremonies, treaty days, and other special First Nation community festivals or celebrations.

Application

- 3. The provisions of this bylaw shall not apply to traditional games.
- 4. The provisions of this bylaw apply, so far as applicable, to the Crown in Right of the Province of British Columbia, and to the Crown in Right of Canada, subject to the Constitution Act, 1867.
- 5. Where there is a conflict between this bylaw and any other bylaw, the provisions of this bylaw prevail over the other bylaws.

General

- 6. Any reference to this bylaw includes the schedules to this bylaw.
- 7. Any section of this bylaw may be amended by a bylaw adopted by the chief and council and sent to the Minister in accordance with the appropriate section of the Indian Act.
- 8. This bylaw shall be construed as being remedial, and shall be given such fair, large, and liberal construction and interpretation as best ensures the attainment of its objects.
 - (a) to encourage and promote the establishment of economics conditions conducive to realizing the self-government aspirations of the band;

- (b) to encourage and promote the establishment of economic conditions to realize improved housing, education and employment opportunities for the Band members;
- (c) to ensure that the growth of the gaming industry on reserve takes place in a regulated and orderly manner;
- (d) to ensure the stable growth of a gaming industry on reserve;
- (e) to ensure that there is an adequate legislative basis for the regulation of gaming by the band to prevent organized crime and other corrupting influences from infiltrating gaming activity conducted on reserve and ensure that the integrity of gaming activity conducted on reserve is maintained;
- (f) to ensure that the regulation and control of gaming activity on reserve is undertaken without prejudice to the position taken by anyone in regard to the aboriginal title and rights of the band and that nothing in this bylaw or any regulation enacted or band council resolution prescribed pursuant to this by law will be interpreted as creating, affirming or abrogating any existing aboriginal rights of the band.

PART II BAND POLICY

- 9. The Band recognizes that the land held by the Band is held in trust for the future generations. That proper development of the lands in accordance with the First Natives Aboriginal Rights and Treaty Rights will best provide for the present members and future members.
- 10. Any development undertaken by the Band should include a consideration of cultural, religious needs, and aboriginal and treaty rights.
- 11. Any development should not interfere with the ecological/environmental wellbeing of the area considered to be part of the historical territories of the Band.
- 12. The Band will always have the power to prohibit absolutely any development, or modify or cancel an existing developmental plan, if their opinion the development does interfere or conflict with any of the following:
 - (a) aboriginal rights;

- (b) treaty rights;
- (c) hunting or fishing for food;
- (d) religious principles; and
- (e) on any ground that may effect a specific or comprehensive claim.

PART III LAW AND ORDER

Definitions

13. In this part, unless the context otherwise requires, the following words shall have the meanings hereinafter attributed to them:

- (a) "disorderly conduct" means any act or behaviour, including:
 - i. fighting;
 - ii. making or causing unreasonable noise;
 - iii. using abusive language;
 - iv. using offensive or indecent gestures or displays;
 - v. being drunk;
 - vi. loitering;
 - vii. exposing, firing or discharging any gun, pistol, or other firearm, or using or threatening to use any other article as a weapon, except in defence of life or property;

that disrupts public order on the reserve, scandalizes the band community, or causes public inconvenience, annoyance or alarm;

- (b) "owner" means any person operating, conducting or managing a place of amusement or place of gaming on reserve and includes an officer, employee, agent, manager or servant of that person;

- (c) "nuisance" means any act, activity, or condition, including noise, that materially impairs, otherwise than by direct physical interference, the use and enjoyment of a person's property, or that prejudicially affects a person's health, comfort or convenience, or the public health, safety, or welfare of the band community, but does not include any act, activity, or condition of the extent it is unavoidably necessary for carrying on any business or other means of livelihood authorized by the council.

Officer

- 14. Chief and council shall appoint a head bylaw enforcement officer and such other officers as deemed necessary to empower an inspector to carry out the law and order purposes of this bylaw.

Duties

- 15. The head officer shall enforce all the provisions of this part pursuant to this bylaw and shall:
 - (a) supervise and direct the work of other officers or inspectors;
 - (b) ensure that the other officers comply with the provisions of this bylaw in the performance of their duties;
 - (c) perform such other duties and exercise such other powers not inconsistent with this bylaw as may be prescribed by chief and council.
- 16. It is the duty of the officer to inspect or supervise all places of amusement or places of gaming permitted or intended to be permitted under this bylaw, and see that all such places of amusement or places of gaming are conducted properly and that all persons who are patrons, guests or customers of such places, or persons engaged in any dance, pool, or form of any amusement or gaming therein, conduct themselves in a proper and orderly manner. Any person refusing any such officer admittance or preventing such inspection or supervision, shall be guilty of an offence and subject to the penalty provisions contained in this bylaw.
- 17. The officer shall inspect or supervise all places of amusement or places of gaming permitted or intended to be permitted under the provisions of this bylaw.

18. The officer shall have the special duties of the prevention of disorderly conduct and nuisances, the observance of law and order, the preservation and maintenance of the public peace and enforcement of this part.

Right of Entry

19. An officer is entitled to enter any place of amusement or place of gaming at any reasonable time for the purposes of carrying out his duties under this bylaw.
20. The owner of any place of amusement or place of gaming entered by an officer pursuant to Section 14 above, shall give the officer all reasonable assistance and furnish the officer with such information as the officer reasonably may require in order to carry out his duties under this bylaw.
21. An officer shall be issued a certificate of identification in the form attached as Schedule "B" and upon entering or seeking to enter any place of amusement or place of gaming for the purposes of this bylaw, the officer shall, if so required, produce such certificate to the owner.

Conflict of Interest

22. No officer shall be:
 - (a) an owner; or
 - (b) holder; or
 - (c) permittee; or
 - (d) directly or indirectly, interested or engaged in any gaming event which is or is associated with a permitted gaming event.

PART IV AMUSEMENTS

Permit Required

23. No person shall hold an amusement over or conduct, operate or manage a place of amusement on reserve unless he is the holder of an amusement permit.

24. Section 23 does not apply to a person who on or before the enactment of this bylaw conducted, operated or managed a place of amusement on reserve with the written consent of the council.

Application

25. Any person who applies to the council for an amusement permit shall:
- (a) apply in a form required and prescribed by the council; and
 - (b) provide any information that council may require.
26. Where a person makes an application for an amusement permit, the council shall not consent to grant such permit, unless, in the opinion of the council, the applicant:
- (a) is of good character; and
 - (b) is capable of holding an amusement event or conducting, operating, or managing a place of amusement that is suitable for the conduct of amusements.

Issuing of Amusement Permits

27. The bylaw enforcement officer or inspector may, with the consent by resolution of the council, grant, issue or transfer an amusement permit to hold an amusement event or conduct, operate or manage a place of amusement and require the holder of the licence to comply with terms and conditions.
28. Before any license is issued, the bylaw enforcement officer or inspector shall be satisfied that the premises for which the permit is sought do not violate the provisions of the business licensing bylaw.
29. Every permit granted pursuant to this part shall state that the holder is permitted to hold or conduct, operate or manage the place of amusement, as the case may be, for the period specified. Every amusement permit shall be considered as the personal permit to the holder named and shall not be transferred to any other person.
30. Where the bylaw enforcement officer or inspector has refused to grant a license, the applicant may appeal such decision. Such appeal shall be made in writing and

shall state, in a concise manner, the grounds upon which the appeal is made. The council, as it may deem fit, may appoint a time and place for the hearing of the appeal and may confirm or set aside such denial.

31. Every person granted an amusement permit under this bylaw shall notify the license inspector in writing of any material change to the information provided in the application for such permit.
32. Where changes are made under Section 27, the powers, conditions, requirements, and procedures, relating of the granting or refusal of amusement permits and appeals thereon, shall apply to all such changes.

Transfer of Permit

33. Any person desiring to move an amusement event from the location for which the amusement permit was issued to a different location on the reserve shall make application the same as required to obtain such permit under this part and the powers, conditions, and requirements relating to the granting or refusal of amusement permits and appeals therein, shall apply.

Terms and Conditions

34. The council may impose terms and conditions amend, vary or repeal and substitute any terms and conditions imposed or impose new terms and conditions after an amusement permit is granted or renewed, as the case may be.
35. The council may:
 - (a) prescribe the age a person must have attained in order to be admitted to a pool room; and
 - (b) prescribe the hours during which every place of amusement shall be closed.

Period of Permit

36. The period for an amusement permit shall be:
 - (a) for the period requested; or
 - (b) for the period specified in the license issued pursuant to the business licensing bylaw, if the provisions of that bylaw apply.

Display of Permit

37. Every holder shall at all times display his permit or consent, as the case may be, in a conspicuous place in the place of amusement to which the permit or consent refers.
38. Where premises are not being used to hold the amusement event, every holder shall ensure that the permit or consent, as the case may be, is available for inspection.

Inspection

39. The enforcement officer or inspector shall have the duty to carry out and enforce the provisions of this part.
40. The enforcement officer or inspector or his assistant, is authorized to enter at all reasonable times, upon any place of amusement to ascertain whether the provisions of this part are being obeyed.
41. Every holder shall, upon request by an enforcement officer or inspector, produce his permit or consent, as the case may be, for inspection.
42. No person shall hinder or obstruct or attempt to hinder or obstruct a enforcement officer or inspector or officer in the performance of his duties under this bylaw.
43. A license inspector may enter any building of premises at any reasonable time for the purpose of administering or enforcing the provisions of this part.

Conduct of Places of Amusement

44. The owner of a pool room shall not admit to or allow to remain in the pool room a person who has not attained the age prescribed by the council, or where no age is prescribed by the council, has not attained the age of 18 years.
45. No person shall swear or use blasphemous or obscene language at an amusement event or in a place of amusement.
46. No holder shall:
 - (a) permit gaming of any kind to be carried on or played at an amusement event or in a place of amusement unless the holder has a gaming permit; or

- (b) admit to an amusement event or into a place of amusement an intoxicated person or allow such a person to remain therein.
47. Every place of amusement shall be closed during the hours prescribed by council.
48. Where a place of amusement is operated in conjunction with a cafe, hotel, or a restaurant, nothing in this bylaw shall be construed so as to prevent the operation of any facilities other than the place of amusement.
49. Every holder shall maintain the place of amusement:
- (a) in a good state of repair;
 - (b) in a sanitary condition;
 - (c) free of any fire hazards;
 - (d) adequately equipped with fire extinguishing equipment; and
 - (e) in all other respects, safe for use by the public.
50. A licence inspector may serve a written notice on a holder directing him to correct any condition where, in the opinion of the enforcement officer or inspector, that condition constitutes a violation of the provisions of Section 49.
51. The notice referred to in Section 50 shall state a reasonable time within which the holder is to correct the condition referred to in the notice.
52. Where:
- (a) the notice referred to in Section 50 has been served on; or
 - (b) in the opinion of the licence inspector the holder has not corrected the condition referred to in the notice,
- the license inspector may, with the consent by resolution of council, suspend or cancel the permit or consent of that owner, as the case may be.

Cancellation or Suspension of Permit

53. Where the council is of the opinion that:

- (a) it is in the interests of the band that a place of amusement be closed; or
- (b) a holder is violating a provision of this part;

council may cancel or suspend the amusement permit or withdraw the consent, as the case may be.

54. The license inspector may suspend any amusement permit or withdraw the consent, as the case may be, for any period he may determine if the holder:
- (a) is convicted of an offense indictable in Canada;
 - (b) is convicted of an offense under the Indian Act or any band bylaw, or a statute of the Province of British Columbia in respect of the amusement event for which he is permitted or with respect to the premises;
 - (c) has fees to meet the requirements to withhold the amusement event or conduct, operate or manage the place of amusement.
55. The cancellation or suspension of an amusement permit shall be made in writing, signed by chief and council, or the enforcement officer or inspector, as the case may be, and served on the holder or delivered by registered mail. A notice of suspension may be posted by the enforcement officer or inspector upon the place of amusement for which the license is suspended.

Enforcement

56. A license inspector or officer may enter and close down any place of amusement that is open to the public that does not have a permit or consent or for which the permit or consent has been cancelled or withdrawn.

Appeals

57. Any person whose amusement license has been cancelled or suspended, or who has failed to obtain an amusement permit, may appeal to the council by giving notice to the band administrator of his intention to appeal. Such appeal shall be made in writing and shall state in a concise manner the grounds upon which the appeal is made. Council shall appoint a time and place for the hearing of the appeal and may confirm or set aside such decision made by council or by the license inspector, as it may deem fit.

PART V LICENSING

Section 5.1: Authority to License.

The Council is vested with the sole and exclusive authority to license and regulate gaming activities on Indian Lands.

Section 5.2: Types of Licenses To Be Issued.

- (A) Every person participating in gaming on Indian Lands, shall, as a condition of the commencement and continuation of such participation, hold a valid and current license issued by the Council. The Council shall issue the following types of licenses:
1. Manager License
 2. Owner License
 3. Operator License
 4. Contractor License
 5. Primary Management Official License
 6. Key Employee License
 7. General Employee License
 8. Manufacturer's and Distributor's License
 9. Vendor's License
 10. Other Licenses deemed necessary and appropriate by the Council.
- (B) For the purposes of this Chapter, a person "participates" in gaming when that person is employed with, provides services or equipment to, or is otherwise affiliated with gaming operations on Indian Lands.

Section 5.3: License Application Fees.

(A) Any person seeking to participate in gaming shall make application to the Council and shall submit the following nonrefundable license application fees:

1. License Fees:
 - a. Manager License - \$500.00
 - b. Owner License - \$1,500.00
 - c. Operator License - \$1,000.00
 - d. Contractor License - \$2,500.00
 - e. Primary Management Official License - \$1,500.00
 - f. Key Employee License - \$1,500.00
 - g. General Employee License - \$15.00
 - h. Facility License - \$100.00.
2. General License Fees:
 - a. Manufacturer and Distributor's License - \$6,000.00
 - b. Vendor's License - \$3,000.00

(B) The Council may waive payment of the license application fees established in paragraph (A) in the Council's discretion if the applicant is unable to pay same.

Section 5.4: License Application Forms.

(A) Application for a license shall be made to, and on forms prescribed by, the Council. The Council shall make available the prescribed application forms at its principal office.

(B) The application form shall request such information from the applicant as the Council deems appropriate to determine whether the applicant is:

- (1) A person of good character, honesty and integrity;
 - (2) A person whose prior activities, criminal record, in any, reputation, habits and associations do not pose a threat to the public interest of the Band, its members 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 or the carrying on of the business and financial arrangements incidental thereto: and
 - (3) In all other respects is qualified to be licensed and found suitable for participation in the gaming operation in accordance with the declared policy of the Band.
- (c) The license application form may include requests for information on the applicant pertaining to:
- (1) personal information, including but not limited to marital information and family information;
 - (2) employment history;
 - (3) educational background;
 - (4) military service record;
 - (5) criminal and litigation history;
 - (6) character references;
 - (7) financial and business interests;
 - (8) tax information;
 - (9) gaming industry experience; and
 - (10) any other information requested by the Council or stated in the prescribed license application form.
- (D) All applicants must include with submission of, and as part of, the prescribed application form:

- (1) a photocopy of a current driver's license;
 - (2) a clear and current photograph;
 - (3) estimated background investigation costs, to the extent applicable;
 - (4) the nonrefundable license application fee prescribed by Section 5.3;
 - (5) a sworn statement and deposition attesting to the accuracy of the application submitted on a form prescribed by the Council; and
 - (6) any other information and/or documentation requested by the Council or stated in the license application form.
- (E) In addition to the submissions required by paragraph (D), primary management official and key employee license applicants shall include with submission of, and/or as part of, the prescribed application form:
- (1) a Financial Records Disclosure Authorization on a form prescribed by the Council;
 - (2) full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
 - (3) currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
 - (4) the names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under subparagraph (6) of this section;
 - (5) current business and residence telephone numbers;
 - (6) a description of any existing and previous business relationships with Indian bands, including ownership interests in those businesses;
 - (7) a description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

- (8) the name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (9) for each conviction for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
- (10) for each conviction or ongoing conviction (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved, and the date and disposition;
- (11) for each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to subparagraph (12) or (13) of this section, the criminal charge, the name and address of the court involved, and the date and disposition;
- (12) the name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (13) any other information and/or documentation the Council deems relevant.

Section 5.5: Effect of Application Submission.

- (A) By submitting an application for a license on the form(s) prescribed by the Council the applicant is seeking the granting of a privilege by the Council. The burden of proving qualification for a favourable determination shall at all times be on the applicant.
- (B) An application to receive a license constitutes a request for a determination of the applicant's general character, integrity and ability to participate or engage in, or be associated with, gaming on Indian Lands.

Section 5.6: Background Investigations Of Primary Management Officials and Key Employees; Background Investigation of Other Applicants; Fees.

- (A) Prior to the issuance of an annual license by the Council to a Primary Management Official or Key Employee, the Council shall conduct, or cause to be conducted, by

an investigator appointed by the Council, a background investigation on all applicants for such positions in a gaming operation.

- (B) The background investigation pursuant to paragraph (a) shall, at a minimum, include:
 - (1) verification of all information submitted on or with the required license application;
 - (2) interviews of current and prior employees and immediate supervisors for the preceding five (5) years;
 - (3) interviews of all personal references;
 - (4) receipt and review of a criminal history record; and
 - (5) an interview of the license applicant.

- (c) All information obtained in the course of a background investigation pursuant to paragraph (a) shall be reported to the Council in writing and the Council shall take action as follows:
 - (1) The investigator shall be required to make a written report to the Council of the investigation, including therein the steps taken in conducting the investigation, the names, addresses and relationship to the applicant of all persons interviewed, the information obtained from persons interviewed regarding the applicant's reputation, habits and associations and the apparent candidness (or lack thereof) of the persons, and any other information garnered or learned about the applicant and the source of the information, and shall particularly identify all potential problem areas and sources of the information.
 - (2) The Council shall review the report and any additional information known to it and make a determination of whether the applicant is eligible, meets the requirements for employment and is suitable or poses a threat to the public interest or to the effective regulation of gaming or creates or enhances the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming, particularly identifying all potential problem areas and disqualifying information.

- (3) The Council shall create a report, that at a minimum identifies and describes the steps taken in conducting the investigation, the results obtained, the conclusions reached and the basis for these conclusions.
 - (4) The Council shall not issue a license to any applicant who is not eligible and/or does not meet the requirements for employment as a Primary Management Official or Key Employee.
- (D) At the time of submission of the application for a license, the Primary Management Official or Key Employee license applicant shall submit a nonrefundable background investigation fee to the Council. The Council shall maintain at its principal office a schedule of background investigation fees to be collected from each applicant at the time of submission of the application, which schedule shall consist of an estimate of actual costs which will be incurred by the Council for the conduct of the required background investigations. The applicant shall promptly remit, upon notice from the Council, any actual costs incurred for the background investigations which exceed the background investigation fee remitted at the time of submission of the application. The background investigation fee shall be in addition to the license application fee prescribed by Section 5.3.
- (E) Applicants for a Manager license or other type of license necessary for employment in a position which would constitute the applicant a Primary management Official or a Key Employee shall be subject to the license and background investigation requirements for a Primary Management Official of Key Employee license.
- (F) Applicants for a license other than a Primary Management Official license, Key Employee license, or a type of license necessary for employment in a position which would constitute the applicant a Primary Management Official or a Key Employee shall not be subject to the background investigation prescribed by paragraphs (A) - (C), but shall be subject to a background investigation which shall include but not be limited:
- (1) receipt and review of a full credit report and financial institution records;
and
 - (2) interviews of personal references.

Such applications shall also be subject to the background investigation fee prescribed in paragraph (D).

Section 5.7: License Issuance and Conditions; Renewal; Temporary Licensing.

- (A) Upon a determination by the Council that an applicant is qualified to hold a license, the Council shall issue the license. The licensee shall bear the seal of the Council and shall contain the following information:
- (1) a unique license number;
 - (2) the type of license;
 - (3) the name of the licensee;
 - (4) the date of issuance;
 - (5) the duration of the validity of the license;
 - (6) the location or gaming facility at which the license is valid; and
 - (7) such other information as the Council deems appropriate.
- (B) A licensee shall be valid and effective for a period of one year from the date of issue, unless the license is sooner suspended or revoked for cause after notice.
- (C) A license shall be valid for one facility or location only. If a person desires to be employed with or operate, or to provide services or equipment to, more than one gaming facility or location, a separate gaming license must be obtained for each separate facility or location.
- (D) A licensee shall, at least sixty (60) days prior to the expiration of his license, make application for renewal on forms prescribed by the Council. The renewal fee shall be equal to seventy-five percent (75%) of the applicable license application fee specified in Section 5.3.
- (E) Upon request of a gaming operation, the Council shall issue a temporary gaming license to an applicant within ten (10) days of receipt of a completed license application unless ground sufficient to disqualify the applicant for licensing are apparent on the fact of the application. The holder of a temporary gaming license shall enjoy the privileges and be subject to the conditions of an annual license. A temporary license shall expire and become void and of no effect upon a final determination of the applicant's qualifications to hold an annual license or ninety (90) days after the issuance of the temporary license, whichever is sooner. A temporary gaming license shall contain the information prescribed by subparagraphs

(A)(1) through (A)(7) and shall clearly indicate on its face that the license is temporary.

Section 5.8: Cause for Denial, Revocation, Cancellation or Suspension of License.

- (A) The Council may deny any license application for cause, and may revoke, cancel, or suspend any license issued by for cause.
- (B) Cause for denial of an original or renewal license application and/or for revocation, cancellation or suspension of a license issued shall include instances in which the applicant or licensee:
 - (1) Wilfully or knowingly violated the provisions, requirements, conditions, limitations, or duties imposed by these by-laws;
 - (2) Wilfully or knowingly caused, aided, abetted, or conspired with another to violate any provisions of these by-laws;
 - (3) Has made a false statement or an omission of a material fact on an application or in any other information given to the Council;
 - (4) Has obtained a license from the Council or any other governmental authority by fraud, misrepresentation or concealment of a material fact;
 - (5) Has been convicted of, forfeited bail or entered a plea of guilty to a conviction, to any gambling-related offence or other offence;
 - (6) 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 create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming or in the carrying on of the business and financial arrangements incidental to gaming;
 - (7) Denied the Band, the Council or their authorized representatives, access to any place where activity required to be licensed under these by-laws is being conducted or failed to produce for inspection or audit any book, record, documents, or other item;
 - (8) Failed to prove by a preponderance of the evidence his, her, or its qualifications to be licensed in accordance with these by-laws;

- (9) Failed to pay any taxes and additions to taxes, including penalty and interest, assessed by the Band;
- (10) Failed to pay a fine imposed pursuant to these by-laws;
- (11) Has been found guilty of any violation or attempt or conspiracy to violate any law, rule or regulation of gaming in any jurisdiction for which suspension or termination of employment or license might be imposed in such jurisdiction;
- (12) Has been suspended from operating a game of chance or a gambling operation in another jurisdiction or had a license to conduct gaming cancelled, revoked, suspended or limited for any reason;
- (13) has previously been found unfit for gaming licensing by any state;
- (14) Failed to provide information, documentation, or assurances required or requested by the Band or the Council, or the failure of the applicant to reveal any material fact as to qualification, or the supplying of information which is untrue or misleading as to any material fact pertaining to such qualification criteria;
- (15) Failed to demonstrate business experience and financial resources and responsibility sufficient to meet his, her, or its requirements (if any) under the license;
- (16) Has not disclosed the true ownership of the enterprise proposed;
- (17) Has any demonstrated contacts, associations or business enterprises with individuals associated with or identified as organized crime;
- (18) Has loaned money or other property of value to others for the purpose of permitting a wager on any game of chance unless permitted in that jurisdiction;
- (19) Fails or refuses to make timely payment of any fees prescribed by these by-laws;
- (20) Is receiving a substantial amount of financing for the proposed gaming operation from a source which is undesirable as determined with reference to subsections (1), (2), (5), (6), (18) and (21) hereof; or

- (21) has failed to satisfy any requirements to receive and/or hold a license established by these by-laws.

Section 5.9: Employment of Primary Management Officials, Key Employees and General Employees, Identification.

- (A) No person shall be employed by a gaming operation on Indian Lands who:
 - (1) Has not first applied for and obtained a license pursuant to these by-laws; or
 - (2) Is under the age of 18, except that, no person shall be employed as a Primary management Official or Key Employee who is not under the age of 21.
- (B) No person shall be employed as a Primary Management Official or Key Employee by a gaming operation on Indian Lands who has not satisfied the requirements of paragraph (A) or is ineligible for fidelity bonding or similar insurance covering employee dishonesty.
- (C) Every person employed at a gaming facility operated on Indian Lands shall wear an identification badge which conspicuously states the place of employment, the full name of the person, their position of employment and their license number.

Section 5.10: Approval of Licenses; Submission to Jurisdiction

The Council may approve or disapprove any application for licensure, depending on whether it deems the applicant a qualified person to hold the license under these by-laws. All applicants for licensure and all persons which have any contractual relationship relating to any gaming activities conducted pursuant to these by-laws shall be conclusively deemed to have voluntarily submitted to the jurisdiction of the Band and the Council.

Section 5.11: Denial of License Application or Renewal; Recourse of Applicant.

- (A) Upon completion by the Council of its investigation of an applicant's qualifications for initial licensing or renewal, the Council shall notify the applicant in writing of its intended action. If the application is denied, the grounds therefor shall be stated in the written notice.

Section 5.12: Summary Suspension of Licenses.

- (A) Any license issued pursuant to these by-laws is a revocable privilege and no person holding a license acquires any vested rights or other rights in it.
- (B) Where the Council has reasonable grounds to believe and finds that any licensee has been guilty of a deliberate and wilful violation of these by-laws, or that the public health, safety or welfare imperatively requires emergency action and incorporates such findings in its order, the Council may summarily suspend a license pending proceedings for suspension, cancellation or revocation which shall be promptly instituted and determined after due notice.

Section 5.13: License Suspension, Cancellation or Revocation; Recourse of Licensee.

- (A) In all cases in which summary suspension is not warranted under the provisions of Section 5.12, any license granted pursuant to these by-laws may be suspended, cancelled or revoked for any cause which would have prevented its issuance, or for violation by the licensee, or any officer, director, agent, member or employee of the licensee, or these by-laws.
- (B) The Council, before commencement of an administrative proceeding, shall give the licensee notice in writing of the facts or conduct that may warrant the suspension, cancellation or revocation, and afford the licensee opportunity to submit, in writing, data, view or arguments with respect to such facts or conduct. The licensee shall be given a reasonable opportunity to comply with all requirements of the Council prior to the commencement of an administrative proceeding for suspension, cancellation or revocation.
- (C) Except as provided in Section 5.12, no license shall be suspended, cancelled or revoked until after notice. The proceeding shall be commenced by the Council upon its own motion or by the filing of a written complaint, stating the name of the licensee complained against, the grounds for the requested action and any other information required.
- (D) Written notice of an order of suspension, cancellation or revocation, including such actions taken pursuant to Section 5.12, shall be served forthwith on the licensee personally or by certified mail, return receipt requested. The notice shall include a statement of the grounds for the suspension, cancellation or revocation, the effective date thereof, and, if applicable, the right of the licensee to appeal any revocation to the Council within ten (10) days of the licensee's receipt of the notice of revocation.

- (E) No person whose license has been revoked pursuant to an order of the Council shall be eligible for a new license until twelve months after the effective date of the revocation. At the expiration of said twelve month period, the revocation shall be deemed to have expired.

Section 5.14: Administrative Fines.

- (A) If grounds for license suspension, cancellation or revocation exist, as finally determined by the Council after notice and hearing, the Council may, in addition to or in lieu of the issuance of an order of suspension, cancellation or revocation, issue to the licensee a notice of intent to assess an administrative fine. The notice of intent, as well as any notice of assessment pursuant to Section 5.14(C)(3), shall be served on the licensee personally or by certified mail, return receipt requested.
- (B) The amount of an administrative fine which the Council intends to assess pursuant to a notice of intent shall not exceed five thousand dollars (\$5,000.00) per violation or twice the amount of any grand prize awarded in a gaming activity which is directly associated with the violation, whichever is the greater.
- (C) The notice of intent shall advise the licensee of the following:
 - (1) The amount of the administrative fine which the Council intends to assess;
 - (2) that the amount specified in the notice of intent will be assessed by the Council thirty (30) days subsequent to the licensee's receipt of the notice of intent unless the licensee timely commences an action challenging the Council's final decision that grounds for license suspension, cancellation or revocation exist and the amount specified in the notice of intent;
 - (3) that the Council will issue a notice of assessment of administrative fine for the amount specified in the notice of intent should the licensee fail to timely commence said action; and
 - (4) that the Council may commence an action against the licensee should the licensee fail to timely commence action in accordance with these by-laws or remit the administrative fine to the Council within ten (10) days subsequent to receipt of the notice of assessment.
- (D) In any civil action commenced pursuant to paragraph (C) (4), the validity and amount of the assessment shall not be subject to judicial review.

**PART VI INSPECTION OF GOING FACILITIES;
PROHIBITED ACTIVITIES; REMEDIAL ACTION BY COUNCIL**

Section 6.1: Inspection Of Gaming Facilities By Council.

- (A) Any premise where gambling-related activity is conducted or any premise connected to the operation of a gambling-related activity, including all public and private areas during normal business hours be open to inspection by the Council in order to determine compliance with these by-laws.
- (B) At any time during which a gambling related activity is being conducted upon a premise, the Council may enter upon the public and private areas of such premise without advance notice and:
 - (1) inspect the records related to the operation of any gambling activity;
 - (2) inspect the equipment or devices of any nature, including the dismantling and reassembly of all pieces of equipment and parts thereof, being used to conduct or in connection with the gambling activity;
 - (3) make a count of all monies involved in the operation of the gambling activity located on the premise; and,
 - (4) take any other reasonable action necessary to ensure compliance with these by-laws.
- (C) Upon completion by the Council of any investigation pursuant to this Section 6.1, the Council shall notify the operator or other person involved of any intended action deemed necessary by the Council to ensure compliance with these by-laws. If the operator or other person involved then desires a hearing before the Council, he must submit a written request to the Council within twenty (20) days of receipt of the Council's notice.

Section 6.2: Prohibited Activities.

- (A) It is a civil violation for any person playing or conducting any authorized game of chance on Indian Lands to:
 - (1) Knowingly use counterfeit chips, gaming billets, tokens, devices or coins, or knowingly to substitute and use in any game cards or dice that have been marked, loaded or tampered with;

- (2) Employ or have on one's person any cheating device to facilitate cheating in any game of chance;
- (3) Use any fraudulent scheme or technique in any game of chance;
- (4) To cheat or attempt to cheat at any game of chance;
- (5) By any trick or slight of hand performance, or by fraud or fraudulent scheme, cards, dice or device, for himself or for another, win or attempt to win money or property;
- (6) Knowingly to possess or use while on the premises of any gaming facility any key or device designed for the purpose of or suitable for opening or entering in a slot machine, gambling device, or video game of chance, or similar device or drop box, except that a duly authorized employee of a gaming facility or of the Council may possess and use any of the foregoing instruments only in furtherance of his employment;
- (7) Knowingly to deal, conduct, carry on, operate or expose for play any game or games played with cards, dice, a gambling device or other mechanical, electronic or electromechanical device, or any combination of games or devices, which have been in any manner marked or tampered with, or placed in a condition, or operated in a manner, the result of which tends to deceive the public or tends to alter the normal random selection of characteristics or the normal change of the game;
- (8) Knowingly to use or possess any marked cards, loaded dice, plugged or tampered with machines or devices;
- (9) Operate gaming on Indian Lands in violation of the provisions of these by-laws;
- (10) Make a false statement in an application for employment with a gaming operation or enterprise, or in an application for a license to operate or manage or be employed by, or sell any property to a gaming operation or enterprise on Indian Lands;
- (11) Bribe or attempt to bribe, or unduly influence or attempt to unduly influence, any person who licenses, regulates, operates, conducts, assists, or

is otherwise employed in a gaming operation or enterprise located on Indian Lands;

- (12) 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;
- (13) 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 any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome;
- (14) 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;
- (15) To use, or possess with the intent to use, any device to assist:
 - (a) In projecting the outcome of the game;
 - (b) In keeping track of the cards played;
 - (c) In analyzing the probability of the occurrence of an event relating to the game;
 - (d) In analyzing the strategy for playing or betting to be used in the game;

except as permitted by the Council;

- (16) To manipulate, with the intent to cheat, any component of a gambling device in a manner contrary to the design and normal operational purpose for the component including, but not limited to, varying the pull of the handle of a slot machine, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

- (B) The civil violations established by paragraph (A) are in addition to any criminal violations and/or civil violations otherwise established pursuant to the terms of these by-laws.

Section 6.3: Violations; Forfeiture.

- (A) Any property used in the commission of a violation of a provision of these by-laws may be seized by the Council and, following a hearing, forfeited to the Band and disposed of by the Council.
- (B) Whenever any authorized agent of the Council shall seize any property pursuant to paragraph (A), he shall inventory such property and leave a copy thereof with the person or representative from whom it was seized.
- (C) Within ten (10) calendar days of a seizure pursuant to paragraph (A), the Council shall commence an administrative proceeding for forfeiture of the seized property. Any persons claiming ownership, the right to possession or other interest in said property may intervene in said action and raise any defences which they may have. Such persons shall be served, personally or by certified mail return receipt requested, with notice of the forfeiture proceeding if they are reasonably known to the Council prior to the commencement of the action.

Section 6.4: Violations; Exclusions.

Any person who is not a member of the Band and who violates a provision of these by-laws, in addition to the imposition of an administrative fine, may be excluded from the reserve.

Section 6.5: Violations; Other Remedies.

- (A) If a person has engaged or is engaging in an act or practice constituting a violation of these by-laws or an order of the Council, the Council may:
- (1) issue a temporary order to cease and desist from the activity, act, or practice for a period not to exceed 60 days;
 - (2) following notice and an opportunity for an administrative hearing:
 - (a) issue a permanent order to cease and desist from the act or practice, which order may remain in effect pending judicial review;
 - (b) place a licensee on probation;
 - (c) suspend a license for the gambling activity, device, or enterprise involved in the act or practice constituting the violation in accordance with Chapter 5 of these by-laws;
 - (d) revoke a license for the gambling activity, device, or enterprise involved in the act or practice constituting the violation in accordance with Chapter 5 of these by-laws;
 - (e) impose an administrative fine not to exceed \$50,000 for each violation when the person is not a licensee of the Council, or impose an administrative fine in accordance with Chapter 5 of these by-laws when the person is a licensee of the Council;
 - (3) bring an action for relief against the act or practice. The Council may not be required to post a bond.
- (B) A civil penalty imposed under this section shall be collected by the Council and deposited in the Council's general fund. If a person fails to pay the civil penalty, the amount due is a lien on the person's licensed gaming premises and gambling

devices located on Indian Lands and/or may be recovered by the Council in a civil action.

Section 6.6: Criminal Violations; Detention By Council.

The Council or its agents may temporarily detain any person located on Indian Lands when a reasonable suspicion exists that the person has committed a criminal violation. The temporary detention by the Council shall exist only so long as is necessary for appropriate law enforcement personnel to arrive on the scene for purposes of continuing the investigation of the suspected criminal activity.

**PART VII STANDARDS OF OPERATION AND MANAGEMENT
FOR GAMING ACTIVITIES**

Section 7.1: Definitions.

In this Chapter 7, unless the context indicates otherwise:

- (1) "Accounting Department" is that established in the gaming operation's system of organization in accordance with these standards;
- (2) "Cage Cashiers" are the cashiers performing any of the functions in the Cashier's Cage as set forth in these standards;
- (3) "Cash Equivalent" means a treasury check, personal check, travellers check, wire transfer of funds, money order, certified check, cashier's check, a check drawn on the gaming operation payable to the patron or to the gaming operation, or a voucher recording cash drawn against a credit card or charge card;
- (4) "Chief Operating Officer" is the senior executive, or executive board, of the gaming operation exercising the overall management or authority over all the operations of the gaming operation and the carrying out by employees of the gaming operation of their duties;
- (5) "Closer" means the original of the upon which each table inventory is recorded at the end of each shift;

- (6) "Credit Slip" (known as a "Credit") is the document reflecting the removal of gaming chips and coins from a gaming station in accordance with these standards;
- (7) "Drop Box" is the metal container attached to a gaming station for deposit of cash and certain documents received at a gaming station as provided by these standards;
- (8) "Fill Slip" (known as a "Fill") is the document reflecting the distribution of gaming chips and coins to a gaming station as provided in these standards;
- (9) "Gaming Facility" means any gaming facility on Indian Lands in which a gaming operation is conducted;
- (10) "Gaming Facility Supervisor" is a reference to a person in a supervisory capacity and required to perform certain functions under these standards, including but not limited to, Pit Bosses, Gaming Facility Shift Managers, the Assistant Gaming Facility Manger and the Gaming Facility Manager;
- (11) "Imprest Basis" means the basis on which Cashier's Cage funds are replenished from time to time by exactly the amount of the net expenditures made from the funds and amounts received and in which a review of the expenditure is made by a higher authority before replenishment;
- (12) "Incompatible Function" means a function, for accounting and internal control purposes, that places any person or department in a position to both perpetrate and conceal errors or irregularities in the normal course of his or her duties. Anyone both recording transactions and having access to the relevant assets is in a position to perpetrate errors or irregularities.
- (13) "Independent Accountant" means a professional accountant suitably qualified and sufficiently independent to act as auditor of the gaming operation;
- (14) "Inspector" means an employee of the Council duly appointed by the Council as an inspector;
- (15) "Master Game Report" means a record of the computation of the win or loss for each gaming station, each game, and each sift;

- (16) "Opener" means the duplicate copy of the table inventory slip upon which each table inventory is recorded at the end of each shift and serves as the record of each table inventory at the beginning of the next succeeding shift;
- (17) "Pit" means the area enclosed or encircled by an arrangement of gaming stations in which gaming facility personnel administer and supervise the games played at the tables by the patrons located on the outside perimeter of the area;
- (18) "Request for Credit" is the document reflecting the authorization for preparation of a credit with respect to removal of gaming chips and coins from a gaming station in accordance with these standards;
- (19) "Request for Fill" is the document reflecting the request for the distribution of gaming chips and coins to a gaming station as provided in these standards;
- (20) "Security Department Member: means any person who is a member of the Security Department as provided in the organization of the gaming operation in accordance with these standards;
- (21) "Table Game Drop" means the sum of the total amounts of currency and coin removed from a drop box;
- (22) "Table Game Win or Loss" is determined by adding the amount of cash or coin, the amount recorded on the loser, removed from a drop box, plus credits, and subtracting the amount recorded on the opener and the total of the amounts recorded on fills removed from a drop box.

Section 7.2: Accounting Records; Other Records.

- (A) The gaming operation shall maintain complete accurate and legible records of all transactions relating to the revenues and costs of the gaming operation.
- (B) General accounting records shall be maintained on a double entry system of accounting with transactions recorded pursuant to generally accepted accounting principles, and detailed, supporting, subsidiary records, sufficient to meet the requirements of paragraph (D).
- (C) The forms of accounts adopted should be of a standard form which will ensure consistency, comparability, and effective disclosure of financial information.

- (D) The detailed, supporting and subsidiary records shall include, but not necessarily be limited to:
 - (1) Records of all patrons' checks initially accepted, deposited, and returned as "Uncollected," and ultimately written off as "uncollectible";
 - (2) Statistical game records to reflect drop and win amounts for each station, for each game, and for each shift;
 - (3) Records of investments in property and services, including equipment used directly in connection with the operation of gaming;
 - (4) Records of amounts payable by the gaming operation; and
 - (5) Records which identify the purchase, receipt and destruction of gaming chips used in wagering.

- (E) All accounting records shall less than two (2) years from be kept for a period not less than two (2) years from their respective dates.

- (F) In addition to the prescribed accounting records, each gaming facility shall maintain accurate and up-to-date records for each gaming-related activity conducted including:
 - (1) all financial transactions;
 - (2) all gaming machine testing, malfunctions, maintenance and repairs;
 - (3) personnel;
 - (4) complaints of patrons;
 - (5) facility in-house investigations of any kind;
 - (6) incidents and accidents;
 - (7) actions by facility against players or facility visitors;
 - (8) actions by facility against or in reprimand of employees; and

- (9) compliance of the facility with applicable laws regarding safety standards, including fire codes and building codes.

Section 7.3: System Of Internal Control.

- (A) The gaming operation shall submit to the Council a description of its system of internal procedures and administrative and accounting controls before gaming operations are to commence.
- (B) Each such submission shall contain both narrative and diagrammatic representation of the internal control system to be utilized by the gaming operation.
- (C) The submission required by paragraph (A) shall be signed by the executive responsible for its preparation and shall be accompanied by report of an independent accountant stating that the submitted system conforms in all respects to the principles of internal control required by these standards.

Section 7.4: Forms, Records, Documents And Retention.

- (A) All information required by these standards is to be placed on a form, record or document or in stored data in ink or other permanent form.
- (B) Whenever duplicate or triplicate copies are required of a form, record or document:
 - (1) The original, duplicate and triplicate copies shall be colour coded.
 - (2) If under these standards, forms, records, and documents are required to be inserted in a locked dispenser, the last copy shall remain in a continuous unbroken form in the dispenser; and
 - (3) If under these standards, forms or serial numbers of forms are required to be accounted for or copies of forms are required to be compared for agreement and exceptions noted, such exceptions shall be reported immediately in writing to the Council for investigation.
- (C) Unless otherwise specified in these standards or exempted by the Council, all forms, records, documents and stored data required to be prepared, maintained and controlled by these standards shall:
 - (1) Have the title of the form, record, document or stored data imprinted or preprinted thereon or therein;

- (2) Be located on Indian Lands or such other location as is approved by the Council; and
- (3) Be retained for a period of at least two (2) years in a manner that assures reasonable accessibility to inspectors of the Council.

Section 7.5: Annual Audit And Other Reports.

- (A) The gaming operation shall, at its own expense, cause its annual financial statements to be audited in accordance with generally accepted auditing standards by an independent accountant selected by the Council. Nothing in these by-laws shall prohibit the annual audit of gaming activities owned solely by the Band from being encompassed within the Band's existing audit system.
- (B) The annual financial statements shall be prepared on a comparative basis for the current and prior calendar or fiscal year and shall present the financial position and results of operations in conformity with generally accepted accounting principles. Each contract for supplies, services or concessions with a contract amount in excess of \$25,000.00 annually (except contracts for professional legal services) shall be subject to the independent audit required by this Section 7.5.
- (C) Two copies of the audited financial statements, together with the report thereon of the gaming operation's independent accountant shall be filed with the Council not later than 120 days following the end of the calendar or fiscal year. Extensions may be granted by the Council for extenuating circumstances.
- (D) The gaming operation shall require its independent accountant to render the following additional reports:
 - (1) A report on material weaknesses in accounting and internal controls. Whenever, in the opinion of the independent accountant, there exists no material weaknesses in accounting and internal controls, the report shall so state; and
 - (2) A report expressing the opinion of the independent accountant that, based on his or her examination of the financial statements, the gaming operation has followed, in all material respects, during the period covered by his or her examination, the system of accounting and internal control on file with the Council. Whenever, in the opinion of the independent accountant, the

gaming operation has deviated from the system of accounting and internal controls filed with the Council, or the accounts, records, and control procedures examined are not maintained by the gaming operation in accordance with these by-laws, the report shall enumerate such deviations regardless of materiality, as well as the areas of the system no longer considered effective, and shall make recommendations in writing regarding improvements in the system of accounting and internal controls.

- (E) Two copies of the reports required by paragraph (D) and two copies of any other reports on accounting and internal control, administrative controls, or other matters relating to the gaming operation's accounting or operating procedures rendered by the gaming operation's independent accountant, shall be filed with the Council by the gaming operation within 120 days following the end of each fiscal year or within thirty (30) days of receipt whichever is earlier; provided, extensions may be granted by the Council for extenuating circumstances.

Section 7.6: Closed Circuit Television System.

- (A) The gaming operation shall install a closed circuit television system according to the specifications set forth in this Section 7.6.
- (B) The closed circuit television system shall include, but need not be limited to the following:
 - (1) Light sensitive cameras with zoom, scan and tilt capabilities to effectively and clandestinely monitor in detail and from various vantage points, the following:
 - (a) The gaming conducted at each gaming station in the gaming facility and the activities in the gaming facility pits;
 - (b) The operations conducted at and in the cashier's cage;
 - (c) The count processes conducted in the count rooms in conformity with these standards;
 - (d) The movement of cash, gaming chips, drop boxes, and drop buckets in the establishment;
 - (e) The entrances and exits to the gaming facility and the count rooms; and

- (f) Such other areas as the Council designates.
 - (2) Video units with time and date insertion capabilities for tapping what is being viewed by any camera of the system;
 - (3) Audio capability in the count rooms; and
 - (4) One or more monitoring rooms in the establishment which shall be in use at all times by the employees of the security department assigned to monitor the activities in the gaming facility and which may be used as necessary by the inspectors of the Council.
- (C) Adequate lighting shall be present in all areas, including gaming stations and pits, where closed circuit camera coverage is required.
- (D) The gaming operation shall be required to maintain a surveillance log of all surveillance activities in the monitor room. The log shall be maintained by monitor room personnel and shall include, at a minimum, the following:
- (1) Date and time of surveillance;
 - (2) Person initiating surveillance;
 - (3) Reason for surveillance;
 - (4) Time of termination of surveillance;
 - (5) Summary of the results of the surveillance;
 - (6) A record of any equipment or camera malfunctions.
- (E) The surveillance log shall be available for inspection at any time by inspectors of the Council.
- (F) Video or audio tapes shall be retained for at least seven (7) days and at least thirty (30) days in the case of tapes of evidentiary value, or for such longer period as the Council may require.
- (G) Entrances to the closed circuit television monitoring rooms shall not be visible from public areas of the gaming facility.

Section 7.7: Organization Of The Gaming Operation.

- (A) The gaming operation shall have a system of internal control that includes the following:
 - (1) Administrative control, which includes but is not limited to the plan of organization and the records that are concerned with the decision processes leading to management's authorization of transactions; and
 - (2) Accounting control which includes the plan of organization and the procedures and records that are concerned with the safeguarding of assets and the reliability of financial records and are consequently designed to provide reasonable assurance that:
 - (a) Transactions are executed in accordance with the management's general and specific authorization which shall include the requirements of these standards;
 - (b) Transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles and with these standards, and to maintain accountability for assets;
 - (c) Access to assets is permitted only in accordance with management's authorization which shall include the requirements of these standards; and
 - (d) The recorded accountability for assets is compared with existing assets at reasonable intervals and appropriate action is taken with respect to any differences.
- (B) The gaming operation's system of internal control shall provide for:
 - (1) Competent personnel with an understanding of prescribed procedures; and
 - (2) The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of his or her duties.
- (C) The gaming operation shall, at a minimum, establish the following departments:

- (1) A security department supervised by the head of the security department who shall cooperate with, yet perform independently of, all other departments and shall report directly to the Chief Operating Officer of the gaming operation regarding matters of policy, purpose, and responsibilities. The head of security shall be responsible for, but not limited to, the following:
 - (a) The clandestine surveillance of the operation and conduct of the table games;
 - (b) The clandestine surveillance of the operation of the cashier's cage;
 - (c) The audio-video taping of activities, in the count rooms;
 - (d) The detection of cheating, theft, embezzlement, and other illegal activities in the gaming facility, count rooms, and cashier's cage;
 - (e) The video taping of illegal and unusual activities monitored; and
 - (f) The notification of appropriate gaming facility supervisors and the Council upon the detection and taping of cheating, theft, embezzlement, or other illegal activities.

No present or former security department employee shall be employed in any other capacity in the gaming operation unless the Council, upon petition, approves such employment in a particular capacity upon a finding that: (i) one year has passed since the former security department employee worked in the security department; and (ii) security and security systems will not be jeopardized or compromised by the proposed employment of the former security department employee in the capacity proposed; and (iii) errors, irregularities or illegal acts cannot be perpetrated and concealed by the former security department employee's knowledge of the surveillance system in the capacity in which the former security department employee will be employed.

- (2) A gaming facility department supervised by a gaming facility manager who shall perform independently of all other departments and shall report directly to the Chief Operating Officer. The gaming facility manager shall be responsible for the operation and conduct of all gaming activities conducted in the gaming facility.

- (3) A gaming facility accounting department supervisor who shall report directly to the Chief Operating Officer. The supervisor's responsibilities shall include, but not be limited to, the following:
 - (a) accounting controls;
 - (b) the preparation and control of records and data required by these standards;
 - (c) the control of stored data, the supply of unused forms, the accounting for and comparing of forms used in the gaming operation and required by these standards; and
 - (d) the control and supervision of the cashier's cage.
- (4) A cashier's cage supervised by a cage supervisor who shall supervise cage cashiers and cooperate with, yet perform independently of, the gaming facility and security departments, and shall be under the supervision of, and report directly to the Chief Operating Officer. The cashier's cage supervisor shall be responsible for, but not limited to, the following:
 - (a) the custody of currency, coin, patron checks, gaming chips, and documents and records normally associated with the operation of a cashier's cage;
 - (b) the approval, exchange, redemption and consolidation of patron checks received for the purpose of gaming in conformity with the gaming operation's standards;
 - (c) the receipt, distribution and redemption of gaming chips in conformity with these standards; and
 - (d) such other functions normally associated with the operation of a cashier's cage.
- (D) The gaming operation's personnel shall be trained in all accounting and internal control practices and procedures relevant to each employee's individual function. Special instructional programs may be developed by the gaming operation in addition to any on-the-job instruction sufficient to enable all members of the departments required by this standard to be thoroughly conversant and

knowledgeable with the appropriate and required manner of performance of all transactions relating to their function.

Section 7.8: Personnel Assigned To The Operation And Conduct Of Gaming Activities.

- (A) Table games shall be operated by dealers or croupiers who shall be the persons assigned to each gaming station.
- (B) A pit boss shall be the supervisor assigned the responsibility for the overall supervision of the operation and conduct of gaming at the table games played within a single pit and shall oversee any intermediate supervisors assigned by the gaming operation to assist in supervision of table games in the pit.
- (C) A gaming facility shift manager shall be the supervisor assigned to each shift with the responsibility for the supervision of table games conducted in the gaming facility. In the absence of the gaming facility manager, the gaming facility shift manager shall have the authority of a gaming facility manager.
- (D) Nothing in this standard shall be construed to limit the gaming operation from utilizing personnel in addition to those described herein.

Section 7.9: Cashier's Cage.

- (A) As part of the gaming operation there shall be on or immediately adjacent to the gaming floor a physical structure known as the cashier's cage ("cage") to house the cashiers and to serve as the central location for the following:
 - (1) The custody of the cage inventory comprising currency, coin, patron checks, gaming chips, forms, documents and records normally associated with the operation of a cage;
 - (2) the approval of patron checks for the purpose of gaming in conformity with these standards;
 - (3) the receipt, distribution, and redemption of gaming chips in conformity with these standards; and
 - (4) such other functions normally associated with the operation of a cage.
- (B) The gaming operation shall have a reserve cash bankroll in addition to the imprest funds normally maintained by the cashier's cage, on hand in the cashier's cage or

readily available to the cashier's cage at the opening of every shift in a minimum amount established by the gaming operation.

- (C) The cage shall be designed and constructed to provide maximum security including, at a minimum, the following:
 - (1) A fully enclosed structure except for openings through which items such as gaming chips, checks, cash, records, and documents can be passed to service the public and gaming stations;
 - (2) Manually triggered silent alarm systems connected directly to the monitoring rooms of the closed circuit television system and the security department office;
 - (3) Access shall be through a locked door.
 - (a) The system shall have closed circuit television coverage which shall be monitored by the gaming facility security department.
- (D) The gaming operation shall place on file with the Council the names of all persons authorized to enter the cage, those who possess the combination or the keys or who control the mechanism to open the locks securing the entrance to the cage, and those who possess the ability to operate the alarm systems.

Section 7.10: Accounting Controls Within The Cashier's Cage.

- (A) The assets for which the cashiers are responsible shall be maintained on an imprest basis. At the end of each shift, the cashiers assigned to the outgoing shift, shall record on a cashier's count sheet the face value of each cage inventory item counted and the total of the opening and closing cage inventories and shall reconcile the total closing inventory with the total opening inventory.
 - (1) Cashiers functions shall be, but are not limited to the following:
 - (a) Receive cash, checks, and gaming chips from patrons for check consolidations, total or partial redemptions or substitutions;
 - (b) Receive gaming chips from patrons in exchange for cash;
 - (c) Receive travellers checks and other cash equivalents from patrons in exchange for currency or coin;

- (d) Receive documentation with signatures thereon, required to be prepared for the effective segregation of functions in the cashier's cage;
 - (e) Receive from security department members, chips and coins removed from gaming stations in exchange for the issuance of a credit;
 - (f) Receive from security department members, requests for fills in exchange for the issuance of a fill and the disbursal of gaming chips;
 - (g) Receive cash from the coin and currency count rooms;
 - (h) Prepare the overall cage reconciliation and accounting records; and
 - (i) Perform such other functions as necessary to ensure proper accountability consistent with these standards.
- (2) The gaming operation in its discretion may utilize the necessary number of independent cashiers to ensure compliance with these standards.
- (C) Signatures attesting to the accuracy of the information contained on the following sheets shall be, at a minimum:
- (1) On the cashier's count sheet, the fill bank closeout sheet, and the main bank closeout sheet, the signatures of the cashiers assigned to the incoming and outgoing shifts.
- (D) At the conclusion of gaming activity each day, at a minimum, copies of the cashier's count sheet, recapitulation, fill, main, and related documentation, shall be forwarded to the accounting department for agreement of opening and closing inventories, and agreement of amounts thereon to other forms, records and documentation required by these standards or for the recording of transactions.

Section 7.11: Drop Boxes.

- (A) Each gaming station in a gaming facility shall have attached to it a metal container known as a "Drop Box", in which shall be deposited all cash, duplicate fills and credits, requests for fills and credits, and station inventory forms.
- (B) Each drop box shall have:

- (1) One separate lock securing the contents placed into the drop box, the key to which shall be different from any other key;
 - (2) A separate lock securing the drop box to the gaming station, the key to which shall be different from the key to the lock securing the contents of the drop box;
 - (3) An opening through which currency, coins, forms, records and documents can be inserted into the drop box; and
 - (4) Permanently imprinted or impressed thereon and clearly visible a number corresponding to a permanent number on the gaming station to which it is attached, and a marking to indicate game and shift, except that emergency drop boxes may be maintained without such number or marking, provided the word "emergency" is permanently imprinted or impressed thereon and, when put into use, are temporarily marked with the number of the gaming station and identification of the game and shift.
- (C) The key utilized to unlock the drop boxes from the gaming stations shall be maintained and controlled by the security department.
- (D) The key to the lock securing the contents of the drop boxes shall be maintained and controlled by the gaming facility department.

Section 7.12: Drop Boxes, Transportation To And From Gaming Stations And Storage In The Count Room.

- (A) All drop boxes removed from the gaming stations shall be transported, at a minimum, by one security department member and one employee of the gaming operation directly to, and secured in, the count room.
- (B) All drop boxes, not attached to a be stored in the count room in an cabinet or trolley and secured in gaming station, shall be stored in the count room in an enclosed storage cabinet or trolley and secured in such cabinet or trolley by a separately keyed, double locking system. The key to one lock shall be maintained and controlled by the security department and the key to the second lock shall be maintained and controlled by the gaming facility department.

- (C) Drop boxes, when not in use during a shift may be stored on the gaming stations provided that there is adequate security. If adequate security is not provided during this time, the drop boxes shall be stored in the count room in an enclosed storage cabinet or trolley as required in paragraph (B).

Section 7.13: Gaming On Cash Basis; Procedure For Exchange Of Checks And Use Of Credit Cards Submitted By Gaming Patrons.

- (A) The consideration paid for the chance to play a game shall be strictly cash. Every participant must present the money in which he intends to play the game at the time the game is played. No check, credit card, note, IOU, or other evidence of indebtedness shall be offered or accepted as part of the price of participation in such game or as payment of a debt incurred therein. No person or organization shall be permitted to offer credit for gaming for a fee. The restrictions within this paragraph (A) shall not apply to credits won by players who activate electronic games of chance or other gambling devices after inserting coins or currently into the machines, and shall not prohibit the gaming operation from offering check cashing or accepting bank cards or credit card transactions in the same manner as would be normally permitted at any retail business.
- (B) Except as otherwise provided in this section, no employee of the gaming operation, and no person acting on behalf of or under any arrangement with the gaming operation, shall make any loan, or otherwise provide or allow to any person any credit or advance of anything of value or which represents value to enable any person to take part in gaming activity as a player; provided, that nothing in these standards shall restrict the use of any automatic device for providing cash advances on patrons' credit cards or bank cards in accordance with normal commercial practices; provided further, that nothing in these standards shall restrict the use of patron checks when utilized in accordance with these standards.
- (C) All personal checks sought to be exchanged in the gaming facility by a patron shall be:
 - (1) Drawn on a bank and payable on demand;
 - (2) Drawn for a specific amount;
 - (3) Made payable to the gaming operation; and
 - (4) Currently dated, and not post dated.

- (D) All checks sought to be exchanged at the cashier's cage shall be:
 - (1) Presented directly to the cashier who shall:
 - (a) Restrictively endorse the check "for deposit only" to the gaming operation's bank account;
 - (b) Initial the check;
 - (c) Date and time stamp the check;
 - (d) Immediately exchange the check for currency and coin in an amount equal to the amount for which the check is drawn, not to exceed two hundred and fifty dollars (\$250.00) per patron per day; and
 - (e) Forward all patron checks to the main bank cashier.
- (E) Prior to acceptance of a travellers check from a patron, the general cashier shall verify its validity by:
 - (1) Requiring the patron to countersign check in his or her presence;
 - (2) Comparing the countersignature with signature on the travellers check;
 - (3) Examining the travellers check for any other signs of tampering, forgery or alteration; and
 - (4) Performing any other procedures which the issuer of the travellers check requires in order to indemnify the acceptor against loss.
- (F) Prior to the acceptance of any gaming operation check from a patron, a general cashier shall examine that patron's identification credentials to ensure the patron's identity and shall maintain documentation supporting that examination.
- (G) A person may obtain cash used for gaming purposes credit card to a general at the cashier's cage to be by presenting a recognized cashier. Prior to the issuance of cash to a person, the general cashier shall verify through the recognized credit card company the validity of the person's credit card or shall verify through a recognized electronic funds transfer company which, in turn, verifies through the credit card company the validity of the person's credit card and shall obtain

approval for the amount of cash the person has requested. The general cashier shall then prepare such documentation as required by the gaming operation to evidence such transactions and to balance the imprest fund prior to the issuance of the cash.

Section 7.14: Procedure For Depositing Checks Received From Gaming Patrons.

- (A) All checks received in conformity with these standards shall be deposited in the gaming operation's bank account in accordance with the gaming operation's normal business practice, but in no event later than seven (7) days after receipt.
- (B) In computing a time period prescribed by this section, the last day of the period shall be included unless it is a Saturday, Sunday, or a tribal, state or federal holiday, in which event the time period shall run until the next business day.
- (C) Any check deposited into a band will not be considered clear until a reasonable time has been allowed for such check to clear the bank.

Section 7.15: Procedure For Collecting And Recording Checks Returned To The Gaming Operation After Deposit.

- (A) All dishonoured checks returned by a bank ("returned checks") after deposit shall be returned directly to and controlled by accounting department employees.
- (B) No person other than one employed within the accounting department may engage in efforts to collect returned checks except that a collection company or an attorney-at-law representing the gaming operation may bring action for such collection. Any verbal or written communication with patrons regarding collection efforts shall be documented in the collection section.
- (C) Continuous records of all returned checks shall be maintained by accounting department employees. Such records shall include, at a minimum, the following:
 - (1) The date of the check;
 - (2) The name and address of the drawer of the check;
 - (3) The amount of the check;
 - (4) The date(s) the check was dishonoured;

- (5) The date(s) and amount(s) of any collections received on the check after being returned by a bank.
- (D) A check dishonoured by a bank may be immediately redeposited if there is sufficient reason to believe the check will be honoured the second time.
- (E) If a check is dishonoured a second time, the name of the person who submitted the check shall be kept in a log, and available to the cashier. Such person shall be prohibited from submitting a future check until the amount owed is paid in full.

Section 7.16: Procedure For Accepting Cash at Gaming Stations.

- (A) The cash shall be spread on the top of the gaming station by the croupier or dealer, accepting it in full view of the patron who presented it and the facility supervisor specifically assigned to such gaming station.
- (B) The amount of cash, if fifty dollars (\$50.00) or over, shall be announced by the croupier or dealer accepting it in a tone of voice calculated to be heard by the patron who presented the cash and the facility supervisor specifically assigned to such gaming station.
- (C) Immediately after an equivalent amount of gaming chips has been given to the patron, the cash shall be taken from the top of the gaming station and placed by the croupier or dealer into the drop box attached to the gaming station.

Section 7.17: Acceptance Of Gratuities From Patrons.

- (A) No gaming operation employee directly concerned with management, accounting, or security and surveillance shall solicit or accept any tip or gratuity from any player or patron.
- (B) The gaming operation shall establish a procedure for accounting for all tips received by other gaming employees.
- (C) Upon receipt from a patron of a tip, a croupier or dealer assigned to a gaming station shall tap the table or wheel and extend his or her arm to show the pit boss that he has received a tip and immediately deposit such tip in the tip box. Tips received shall be retained by employees or pooled among employees in such manner as determined by the gaming operation.

Section 7.18. Adoption Of Rules For Gaming Activities.

- (A) The gaming operation shall submit for approval to the Council rules to govern the conduct of gaming activities operated in the gaming facility. Summaries of the rules of each game relevant to the method of play and odds paid to winning bets shall be visibly displayed in the gaming facility and betting limits applicable to any gaming station shall be displayed at such gaming station. Game rules adopted by the gaming operation and submitted for approval to the Council shall include, when applicable, specifications provided by the equipment manufacturer or supplier and physical characteristics of gaming equipment for use in all authorized gaming activities. In addition to the foregoing, the gaming operation shall submit to the Council for approval the following:
- (1) Proposed hours of operation, which may be 24 hours a day and seven days a week.
 - (a) The proposed schedule for hours of operation shall be deemed approved unless the Council notifies the owner or operator of any objection within fifteen (15) days of receipt of the proposed schedule.
 - (b) If the Council makes objection, it shall state its reasons and the changes necessary. The proposer may submit a revised proposal accommodating the Council's objections or may request an opportunity to rebut the objections.
 - (c) Submission of a revised schedule, incorporating and accommodating the objections of the Council, shall be deemed approved upon its submission.
 - (d) If an opportunity to rebut is requested, a conference shall be set within fifteen (15) days. The Council shall issue its decision, which shall be final and not subject to further appeal, within fifteen (15) days of the conference.
- (B) Rules for each authorized game shall include:
- (1) Procedures of play;
 - (2) Minimum and maximum permissible wagers;
 - (3) Shuffling, cutting and dealing techniques, as applicable;
 - (4) Payout odds on each form of wager;

- (5) Procedures to be followed on occurrence of irregularities, including definition of irregularities as applicable to each game; and
 - (6) Prohibitions on side betting between and against player and against the house.
- (C) No person under the age of nineteen (19) years shall be permitted to play and no person employed may play any game while on duty.
 - (D) A person who is not physically present on the premises where the gaming activity is actually conducted may not be allowed to participate in the gaming activity.
 - (E) The right of any person to a prize shall not be assignable, except that the payment of any prize may be made to the estate of a deceased prize winner or to a person pursuant to an order of the court.
 - (F) Any unclaimed prize shall be retained by the gaming operation for ninety (90) days. If the winner fails to claim the prize prior to the expiration of such period, all rights to the prize shall be forfeited and the amount of the prize shall be awarded to the Band. Any prize won by a person under the age of nineteen (19) shall be forfeited as a violation these by-laws and the amount of the prize shall be awarded to the Band and the approximate consideration paid by the minor shall be refunded.

Section 7.19: Station Inventories And Procedure For Opening Stations For Gaming.

- (A) Whenever a gaming station is opened for gaming, operations shall commence with an amount of gaming chips and coins to be known as the "Station Inventory" and the gaming operation shall not cause or permit gaming chips or coins to be added to or removed from such station inventory during the gaming day except:
 - (1) In exchange for cash;
 - (2) In payment of winning wagers and collection of losing wagers made at such gaming station;
 - (3) In exchange for gaming chips received from a patron having an equal aggregate face value; and

- (4) In conformity with the fill and credit procedures described in these standards.
- (B) Each station inventory and the station inventory slip prepared in conformity with the procedures set forth in these standards shall be stored during non-gaming hours in a separate locked, clear container which shall be clearly marked on the outside with the game and the gaming station number to which it corresponds. The information on the station inventory slip shall be visible from the outside of the container. All containers shall be stored either in the cashier's cage during non-gaming hours or secured to the gaming station subject to arrangements for security approved by the Council..
- (C) The keys to the locked containers containing the station inventories shall be maintained and controlled by the gaming facility department in a secure place and shall at no time be made accessible to any cashier's cage personnel or to any person responsible for transporting such station inventories to or from the gaming stations.
- (D) Whenever gaming stations are to be opened for gaming activity, the locked container securing the station inventory and the station inventory slip shall be unlocked by the gaming facility supervisor assigned to such station.
- (E) A croupier or dealer assigned to the gaming station shall count the contents of the container in the presence of the gaming facility supervisor assigned to such station and shall agree the count to the opener removed from the container.
- (F) Signatures attesting to the accuracy of the information on the opener shall be placed on such opener by the croupier or dealer assigned to the station and the gaming facility supervisor that observed the croupier or dealer count the contents of the container.
- (G) Any discrepancy between the amount of gaming chips and coins counted and the amount of the gaming chips and coins recorded on the opener, shall be immediately reported to the gaming facility manager, assistant gaming facility manager, or gaming facility shift manager in charge at such time, the security department and the Council inspector verbally. Security will complete the standard security report in writing and immediately forward a copy to the Council.
- (H) After the count of the contents of the container and the signing of the opener, such slip shall be immediately deposited in the drop box attached to the gaming station by the croupier or dealer after the opening of such station.

Section 7.20: Procedure For Distributing Gaming Chips And Coins To Gaming Stations.

- (A) A request for fill ("Request") shall be prepared by a gaming facility supervisor to authorize the preparation of a fill slip ("Fill") for the distribution of gaming chips and coins to gaming stations. The request shall be prepared in a duplicate form and restricted to gaming facility supervisors.
- (B) On the original and duplicate of the request, the following information, at a minimum, shall be recorded:
 - (1) The date, time and shift of preparation;
 - (2) The denomination of gaming chips or coins to be distributed to the gaming stations;
 - (3) The total amount of each denomination of gaming chips or coins to be distributed to the gaming stations;
 - (4) The game and station number to which the gaming chips or coins are to be distributed.
 - (5) The signature of the gaming facility supervisor; and
 - (6) The signature of the security department member.
- (C) After preparation of the request, the original of such request shall be transported directly to the cashier's cage.
- (D) The duplicate copy of the request shall be placed by the croupier or dealer in public view on the gaming station to which the gaming chips or coins are to be received. Such duplicate copy shall not be removed until the chips and coins are received, at which time the request and fill are deposited in the drop box.
- (E) A fill shall be prepared by a cashier whenever gaming chips or coins are distributed to the gaming stations from the cashier's cage.
- (F) Fills shall be serially prenumbered forms, and each series of fills shall be used in sequential order, and the series of numbers of all fills received by a gaming facility shall be separately accounted. All the originals and duplicates of void fills shall be marked "VOID" and shall require the signature of the preparer.

- (G) The following procedures and requirements shall be observed with regard to fills:
- (1) Each series of fills shall be in triplicate form to be kept in a locked dispenser that will permit an individual slip in the series and its copies to be written upon simultaneously while still located in the dispenser, and that will discharge the original and duplicate while the triplicate remains in a continuous, unbroken form in the dispenser;
 - (2) Access to the triplicate copy of the form shall be maintained and controlled at all times by employees responsible for accounting for the unused supply of fills, placing fills in the dispensers, and removing from the dispensers, each day, the triplicate copies remaining therein.
- (H) On the original, duplicate and triplicate copies of the fill, the preparer shall record, at a minimum, the following information:
- (1) The denomination of the gaming chips or coins being distributed;
 - (2) The total amount of the gaming chips or coins being distributed;
 - (3) The total amount of all denominations of gaming chips or coins being distributed;
 - (4) The game and station number to which the gaming chips or coins are being distributed;
 - (5) The date and shift during which the distribution of gaming chips or coins occur; and
 - (6) The signature of the preparer.
- (I) Upon preparation, the time of preparation of the fill shall be recorded, at a minimum, on the original and the duplicate.
- (J) All gaming chips or coins distributed to the gaming stations from the cashier's cage shall be transported directly to the gaming stations from the cashier's cage by a security department member who shall agree to the request to the fill and sign the original of the request maintained at the cashier's cage before transporting the gaming chips or coins and the original and duplicate of the fill for signature.

- (K) Signatures attesting to the accuracy of the information contained on the original and duplicate of the fills shall be, at a minimum, of the following personnel at the following times:
- (1) The cashier upon preparation;
 - (2) The security department member transporting the gaming chips or coins to the gaming station upon receipt from the cashier of gaming chips or coins to be transported;
 - (3) The croupier or dealer assigned to the gaming station upon receipt;
 - (4) The gaming facility supervisor assigned to the gaming station, upon receipt of the gaming chips or coins at such station.
- (L) Upon meeting the signature requirements as described in paragraph (K), the security department member that transported the gaming chips or coins and the original and duplicate copies of the fill to the station, shall observe the immediate placement by the croupier or dealer of the duplicate fill and duplicate request in the drop box attached to the gaming station to which the gaming chips or coins were transported and return the original fill to the fill bank where the original fill and request shall be maintained together and controlled by employees independent of the gaming facility department.
- (M) The original and duplicate "VOID" fills, the original request and the original fill, maintained and controlled in conformity with paragraph (L) shall be forwarded to:
- (1) The count team for agreement with the duplicate copy of the fill and duplicate copy of the request removed from the drop box after which the original and duplicate copy of the request and the original and duplicate copy of the fill shall be forwarded to the accounting department for agreement, on a daily basis, with the triplicate; or
 - (2) The accounting department for agreement, on a daily basis, with the duplicate fill and duplicate copy of the request removed from the drop box and the triplicate.

Section 7.21: Procedure For Removing Gaming Chips Gaming Stations.

- (A) A request for credit ("Request") shall be prepared by a gaming facility supervisor to authorize the preparation of a credit ("Credit") for the removal of gaming chips

and coins to the cashier's cage. The request shall be in duplicate form and access to such form shall, prior to use, be restricted to gaming facility supervisors.

- (B) On the original and the duplicate copy of the request the following information, at a minimum, shall be recorded:
 - (1) The date, time and shift of preparation;
 - (2) The denomination of gaming chips or coins to be removed from the gaming station;
 - (3) The total amount of each denomination of gaming chips or coins to be removed from the gaming station;
 - (4) The game and station number from which the gaming chips or coins are to be removed; and
 - (5) The signature of the gaming facility supervisor and croupier or dealer assigned to the gaming station from which gaming chips or coins are to be removed.
- (C) Immediately upon preparation of a request and transfer of gaming chips or coins to a security department member, a gaming facility supervisor shall obtain on the duplicate copy of the request, the signature of the security department member to whom the gaming chips or coins were transferred and the croupier or dealer shall place the duplicate copy in public view on the gaming station from which the gaming chips or coins were removed, and such request shall not be removed until a credit is received from the fill bank at which time the request and credit are deposited in the drop box.
- (D) The original of the request shall be transported directly to the cashier's cage by the security department member who shall at the same time transport the gaming chips or coins removed from the gaming station.
- (E) A credit shall be prepared by a fill bank cashier whenever gaming chips or coins are removed from the gaming stations to the cashier's cage.
- (F) Credits shall be serially prenumbered forms, each series of credits shall be used in sequential order, and the series number of gaming facility shall be all credits

received by a separately accounted for. All original and duplicate copies of credits shall be marked "VOID" and shall require the signature of the preparer.

- (G) The following procedures and requirements shall be observed with regard to credits:
 - (1) Each series of credits shall be a three-part form and shall be inserted in a locked dispenser that will permit an individual slip in the series and its copies to be written upon simultaneously while still locked in the dispenser, and that will discharge the original and duplicate while the triplicate remains in a continuous, unbroken form in the dispenser.
 - (2) Access to the triplicate shall be maintained and controlled at all times by employees responsible for controlling and accounting for the unused supply of credits, placing credits in the dispensers, and removing from the dispensers, each day, the triplicates remaining therein.
- (H) On the original, duplicate and triplicate copies of a credit, the preparer shall records, at a minimum, the following information:
 - (1) The denomination of the gaming chips or coins removed from the gaming station to the cashier's cage;
 - (2) The total amount of each denomination of gaming chips or coins removed from the gaming station to the cashier's cage;
 - (3) The total amount of all denominations of gaming chips or coins removed from the gaming station to the cashier's cage;
 - (4) The game and station number from which the gaming chips or coins were removed;
 - (5) The date and shift during which the removal of gaming chips or coins occurs; and
 - (6) The signature of the preparer.
- (I) Upon preparation, the time of preparation of the credit shall be recorded, at a minimum, on the original and duplicate copy.

- (J) Signatures attesting to the accuracy of the information contained on the original and the duplicate copy of a credit shall be, at a minimum, of the following personnel at the following times:
- (1) The fill bank cashier upon preparation;
 - (2) The security department member transporting the gaming chips or coins to the cashier's cage;
 - (3) The croupier or dealer assigned to the gaming station upon receipt at such station from the security department member; and
 - (4) The gaming facility supervisor assigned to the gaming station upon receipt at such station.
- (K) Upon meeting the signature requirements as described in paragraph (J), the security department member transporting the original and duplicate copies of the credit to the gaming station, shall observe the immediate placement by the croupier or dealer of the duplicate copies of the credit and request in the drop box attached to the gaming station from which the gaming chips or coins are removed. The security department member shall expeditiously return the original credit to the fill bank where the original of the credit and request shall be maintained together, and controlled by employees independent of the gaming facility department.
- (L) The original and duplicate copies of "VOID" credits and the original request and credit maintained and controlled in conformity with paragraph (K) shall be forwarded to:
- (1) The count team for agreement with the duplicate credit and the duplicate request removed from the drop box, after which the request and the original and duplicate credit shall be forwarded to the accounting department for agreement, on a daily basis, with the triplicate; or
 - (2) The accounting department for agreement, on a daily basis, with the duplicate copies of the credit and request removed from the drop box and the triplicate.

Section 7.22: Procedure For Gaming Station Shift Changes.

- (A) Whenever gaming stations are to remain open for gaming activity at the conclusion of a shift, the gaming chips and coins remaining at the gaming stations at the time

of the shift change shall be counted by either the counted by either the croupier or dealer assigned to the outgoing shift, and the croupier or dealer assigned to the incoming shift, or the croupier or dealer assigned to the gaming station at the time of a drop box shift change which does not necessarily coincide with an employee shift change. The count shall be observed by the gaming facility supervisor assigned to the gaming station at the time of a drop box shift change.

- (B) The gaming chips and coins counted shall be recorded on the station inventory slip by the gaming facility supervisor assigned to the gaming station of the outgoing shift or the gaming facility supervisor assigned to the gaming station at the time of the drop box shift change.
- (C) Station inventory slips shall be three-part serially prenumbered forms and on the original of the slip ("Closer"), the duplicate of the slip ("Opener"), and on the triplicate, which is maintained and controlled by security, the gaming facility supervisor shall record the following:
 - (1) The date and identification of the shift ended;
 - (2) The game and station number;
 - (3) The total value of each denomination of gaming chips and coins remaining at the station.
- (D) Signatures attesting to the accuracy of the information recorded on the station inventory slips shall be of either the croupier or dealer and the gaming facility supervisor assigned to the incoming and outgoing shifts or the croupier or dealer and the gaming facility supervisor assigned to the gaming station at the time of a drop box shift change.
- (E) Upon meeting the signature requirements as described in paragraph (D), the closer shall be deposited in the drop box that is attached to the gaming station immediately prior to the change of shift at which time the drop boxes shall then shall be deposited in the replacement drop box that is to be attached to the gaming stations immediately following the change of shift. The triplicate shall be forwarded to the accounting department by a security department member.

Section 7.23: Procedure For Closing Gaming Stations.

- (A) Whenever the daily gaming activity at each gaming station is concluded, the gaming chips and coins on the gaming station shall be counted by the croupier or

dealer assigned to the gaming station and observed by a gaming facility supervisor assigned to the gaming station, and the station float shall be brought back to the imprest value.

- (B) The gaming chips and coins counted shall be recorded on a station inventory slip by the gaming facility supervisor assigned to the gaming station of the outgoing shift or the gaming facility supervisor assigned to the gaming station at the time of the drop box shift change.
- (C) Station inventory slips shall be three-part serially pre-numbered forms and on the original of the slip ("Closer"), the duplicate of the slip ("Opener"), and on the triplicate, which is maintained and controlled by security, the gaming facility supervisor shall record the following:
 - (1) The date and identification of the shift ended;
 - (2) The game and station number;
 - (3) The total value of each denomination of gaming chips and coins remaining at the stations; and
 - (4) The total value of all denominations of gaming chips and coins remaining at the gaming stations.
- (D) Signatures attesting to the accuracy of the information recorded on the station inventory slips at the time of closing the gaming stations shall be of the croupier or dealer and the gaming facility supervisor assigned to the gaming station who observed the croupier count the contents of the station inventory.
- (E) Upon meeting the signature requirements specified in paragraph (D), the closer shall be deposited in a drop box attached to the gaming station immediately prior to the closing of the station.
- (F) The triplicate copy of the station inventory slip shall be forwarded to the accounting department by a security department member.
- (G) Upon meeting the signature requirements specified in paragraph (D), the opener and the gaming chips remaining at the station shall be placed in the clear container provided for that purpose as specified in these standards after which the container shall be locked.

- (H) At the end of each gaming day, if the locked containers are transported to the cashier's cage, a cage cashier shall determine that all locked containers have been returned or, if the locked containers are secured to the gaming station, a gaming facility supervisor shall account for all the locked containers.

Section 7.24: Count Room: Characteristics.

- (A) As part of the gaming operation, there shall be a room specifically designated for counting the contents of drop boxes which shall be known as the count room.
- (B) The count room shall be designed and constructed to provide maximum security for the materials housed therein and for the activities conducted therein, to include at a minimum, the following:
 - (1) A door equipped with two separate locks securing the interior of the count room, the keys to which shall be different from each other and from the keys to the locks securing the contents of the drop boxes, and one key shall be maintained and controlled by the security department in a secure area within the security department, access to which may be gained only by a nominated security department member, and the other key maintained and controlled by the gaming facility department;
 - (2) The security department shall establish a sign out procedure for all keys removed from the security department; and
 - (3) An alarm device connected to the entrance of the count room in such a manner as to cause a signalling to the monitors of the closed circuit television system in the gaming facility's surveillance monitor room whenever the door to the count room is opened.
- (C) Located within the count room shall be:
 - (1) A table constructed of clear glass or similar material for the emptying, counting and recording of the contents of the drop boxes known as the "Count Table"
 - (2) Closed circuit television cameras wired to monitoring rooms capable limited to the following:
 - (a) Effective and detailed audio-video monitoring of the entire count process;

- (b) Effective, detailed video-monitoring of the count room, including storage cabinets or trolleys used to store drop boxes ; and
- (c) Audio-video taping of the entire count process and any other activities in the count room.

Section 7.25: Procedure For Counting and Recording Contents of Drop Boxes.

- (A) The contents of drop boxes shall be counted and recorded in the count room in conformity with this standard.
- (B) The gaming operation shall notify the Council whenever the contents of drop boxes removed from gaming stations are to be counted and recorded, which, at a minimum, shall be once each gaming day.
- (C) The opening, counting and recording of the contents of drop boxes shall be performed in the presence of the security department supervisor or his delegate and by those employees assigned by the gaming operation for the conduct of the count ("Count Team") who have no incompatible functions.
- (D) Immediately prior to the opening of the drop boxes, the doors to the count room shall be securely locked and except as otherwise authorized by this standard, no person shall be permitted to enter or leave the count room, except during a normal work break or in an emergency, until the entire counting, recording and verification process is completed.
- (E) Immediately prior to the commencement of the count, one count team member shall notify the person assigned to the closed circuit television monitoring station in the establishment that the count is about to begin, after which such person shall make an audio-video recording, with the time and date inserted thereon, of the entire counting process which shall be retained by the security department for at least seven days from the date of recording unless otherwise directed by the Council.
- (F) Procedures and requirements for conducting the count shall be the following:
 - (1) As each drop box is placed on the count table, one count team member shall announce, in a tone of voice to be heard by all persons present and to be recorded by the audio recording device, the game station number, an shift marked thereon;

- (2) The contents of each drop box shall be emptied and counted separately on the count table, which procedures shall be at all times conducted in full view of the closed circuit television cameras located in the count room;
- (3) Immediately after the contents of a drop box are emptied onto the count drop box shall be held table, the inside of the up to the full view of a closed circuit television camera, and shall be shown to at least one other count team member and the security department official to confirm that all contents of the drop box have been removed, after which the drop box shall be locked and placed in the storage area for drop boxes;
- (4) The contents of each drop box shall be segregated by a count team member into separate stacks on the count table by denominations of coin and currency and by type of form, record or document;
- (5) Each denomination of coin and currency shall be counted separately by at least two count team members who shall place individual bills and coins of the same denomination on the count table in full view of the closed circuit television cameras, and such count shall be observed and the accuracy confirmed orally or in writing, by at least one other count team member;
- (6) As the contents of each count team member shall drop box is counted, one record or verify on a master game report, by game, station number, and shift, the following information:
 - (a) The total amount of currency and coin counted;
 - (b) The amount of the opener;
 - (c) The amount of the closer;
 - (d) The serial number and amount of each fill;
 - (e) The total amount of all fills;
 - (f) The serial number and amount of each credit;
 - (g) The total amount of all credits; and
 - (h) The win or loss.

- (7) After the contents of each drop box have been counted and recorded, one member of the count team shall record by game and shift, on the master game report, the total amounts of currency and coin, station inventory counted, and win or loss, additional information as master game report by the gaming operation;
 - (8) Notwithstanding the requirements of sub-paragraphs (6) and (7), if the gaming operation's system of accounting and internal controls provides for the recording on the master game report of fills, station inventory slips by cage cashiers prior to the commencement of the count, a count team member shall compare for agreement the serial numbers and totals of the amounts recorded thereon to the fills, credits, and station inventory slips removed from the drop boxes;
 - (g) Notwithstanding the requirements of sub-paragraphs (6) and (7), if the gaming operation's system of accounting and internal controls provides for the count team functions to be comprised only of counting and recording currency, coin, and credits, accounting department employees shall perform all other counting, recording and comparing duties herein;
 - (10) After completion and verification of the master game report, each count team member shall sign the report attesting to the accuracy of the information recorded thereon;
 - (11) At no time after the security department official has signed the master game report shall any change be made to it without prior written approval of the security department supervisor.
- (G) Procedures and requirements at the conclusion of the count for each gaming shift shall be the following:
- (1) All cash removed from each drop box after the initial count shall be presented in the count room by a count team member to a cashier who, prior to having access to the information recorded on the master game report and in the presence of the security department official, shall re-count, either manually or mechanically, the cash received, after which the security department official shall sign the report evidencing his or her presence during the count and the fact that both the cashier and count team have agreed on the total amount of cash counted;

- (2) The top copy of the master game report, after signing, and the requests for fills, the fills, the requests for credits, the credits, and the station inventory slips removed from drop boxes shall be transported directly to the accounting department and shall not be available to any cashier's cage personnel;
 - (3) A duplicate of the master game report, but no other document referred to in this standard whatsoever, shall be retained by the security department official and a copy thereof forwarded immediately to the Council.
 - (4) If the gaming operation's system of accounting and internal controls does not provide for the forwarding from the cashier's case of the duplicate of the fills, credits, request for credits, request for fills, such documents recorded or to be recorded on the master game report shall be transported from the count room directly to the accounting department.
- (H) The originals and copies of the master game report, request for fills, fills, request for credits, credits and station inventory slips shall on a daily basis, in the accounting department be:
- (1) Compared for agreement with each other, on a test basis, by persons with no recording responsibilities and, if applicable, to triplicates or stored data;
 - (2) Reviewed for the appropriate number and propriety of signatures on a test basis;
 - (3) Accounted for by series numbers, if applicable;
 - (4) Tested for proper calculation, summarization, and recording;
 - (5) Subsequently recorded; and
 - (6) Maintained and controlled by the accounting department.

Section 7.26: Signatures.

(A) Signatures shall:

- (1) Be, at a minimum, the signer's first initial and last name;

- (2) Be immediately adjacent to, or above, the clearly printed or preprinted title of the signer and his or her certificate or license number; and
 - (3) Signify that the signer has prepared forms, records, and documents, and/or is authorized to a sufficient extent to attest to the accuracy of the information recorded thereon, in conformity with these standards and the gaming operation's system of accounting and internal control.
- (B) Signature records shall be prepared for each person required by these standards to sign or initial forms, records and documents and shall include specimens of signatures and initials of signers. Such signature records shall be maintained on a dated signature card file, alphabetically by name, within a department. The signature records shall be adjusted on a timely basis to reflect changes of personnel.
- (C) Signature records shall be securely stored in the accounting department.

PART VIII PATRON DISPUTES

Section 8.1: Enforceability And Resolution Of Gaming Debts.

- (A) A claim by a patron of a licensee of the Council for payment of an alleged gaming debt may be resolved in accordance with Section 8.2 to Section 8.5, inclusive:
- (1) By the Council; or
 - (2) If the claim is for less than \$500, by a hearing examiner designated by the Council.

Section 8.2: Refusal By Licensee To Pay Alleged Winnings; Investigation; Resolution Of Dispute by Council's Agent.

- (A) Whenever a licensee of the Council refuses payment of alleged winnings to a patron, the licensee and the patron are unable to resolve the dispute to the satisfaction of the patron and the dispute involves:
- (1) At least \$500, the licensee shall immediately notify the Council; or
 - (2) Less than \$500, the licensee shall inform the patron of his right to request that the Council conduct an investigation.

The Council, through an agent, shall conduct whatever investigation it deems necessary and shall determine whether payment should be made.

- (B) The agent of the Council shall mail written notice to the Council, the licensee and he patron of his decision resolving the dispute within thirty (30) days after the date the Council first receives notification from the licensee or a request to conduct an investigation from the patron. The failure of the agent to mail notice of his decision within the time required by this subsection does not divest the Council of its exclusive jurisdiction over the dispute.
- (C) Failure of the licensee to notify the Council or inform the patron as provided in paragraph (A) is grounds for license revocation or other administrative sanction by the Council.
- (D) The decision of the agent of the Council is effective on the date the aggrieved party receives notice of the decision. Notice of the decision shall be deemed sufficient if address of the licensee mailing may be proven by a officer or employee of the it is mailed to the last known and patron. The date of mailing may be proven by a certificate signed by an officer or employee of the Council which specifies the time the notice was mailed. The notice shall be deemed to have been received by the licensee or the patron 5 days after it is mailed.

Section 8.3: Petition For Hearing By Council; Notice and Conduct Of Hearing.

- (A) Within twenty (20) days after the date the written decision of the agent, the aggrieved party may file a petition with the Council requesting a hearing to reconsider the decision.
- (B) The petition must set forth the basis of the request for reconsideration.
- (C) If no petition for reconsideration is filed within the time prescribed in paragraph (A), the decision shall be deemed final action on the matter and is not subject to reconsideration by the Council.
- (D) The party requesting the hearing must provide a copy of the petition to the other party and retain evidence that the petition was served.
- (E) Within fifteen (15) days after service of the petition, the responding party may answer the allegations contained therein by filing a written response with the Council.

- (F) The Council shall schedule a hearing and may conduct the hearing and notice of the date, time and place of the hearing must be provided by the Council to both parties.

Section 8.4: Burden of Proof On Party Seeking Reconsideration; Decision of Council or Hearing Examiner.

- (A) The party seeking reconsideration bears the burden of showing that the agent's decision should be reversed or modified.
- (B) After the hearing, the Council or the hearing examiner may sustain, modify or reverse the agent's decision. The decision by the Council or the hearing examiner must be in writing and must include findings of fact. A copy of the decision must be delivered or mailed forthwith to each party.

Section 8.5: Payment of Claim After Decision of Council or Hearing Examiner Becomes Final; Deposit and Withdrawal of Amount of Claim Upon Judicial Review.

- (A) Except as otherwise provided in paragraph (B), a licensee shall pay a patron's claim within 20 days after the decision of the Council or the hearing examiner directing him to do so becomes final. Failure to pay within that time is grounds for license revocation or other administrative sanction by the Council.

PART IX DISTRIBUTION OF REVENUE

9.1 The permittee shall remit all profits of each gaming event to the chief and council who shall hold the funds in trust to be disbursed as follows:

- (a) to the permittee in accordance with a contract between the permittee and the Band;
- (b) to the use and benefit of the members of the Beecher Bay Band in accordance with the advice of the planning committee and auditor.

9.2 The permittee shall remit 2% of the gross profit as a gaming permit fee, within thirty (30) days of:

- (a) completion of the first six (6) months of the term of the permit; or

(b) the expiry of the permit.

9.3 All fees are payable by cheque to the band and shall be submitted to the inspector with the gaming revenue report.

9.4 Net revenues from gaming permit fees are not to be used for purposes other than:

- (a) to fund band government operations or programs, including education, training and job advancement programs for the band membership;
- (b) to provide for the general welfare which will include housing of the band and band members;
- (c) to promote band economic development; and
- (d) to donate to charitable organizations.

9.5 All monies received under this bylaw shall be deposited by the band administrator in the same manner as other revenue received by council and will be budgeted and used as directed in this bylaw.

PART X MISCELLANEOUS

10.1 Actions Prohibited. No action lies or shall be instituted against chief or council, any band member, or any officer or employee of the council where the chief, council, band member, officer or employee is acting pursuant to the authority of this bylaw, the regulations or terms and conditions prescribed pursuant to the authority of this bylaw, for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done, or omitted to be done, by any of them, pursuant to or in exercise of or supposed exercise of any power conferred by this bylaw or in the carrying out of supposed carrying out of any order made pursuant to this bylaw or any duty imposed by this bylaw.

10.2 Powers of Council. For the purposes of carrying out this bylaw according to its intent, the council may prescribe regulations or terms and conditions:

- (a) respecting fees payable:
 - i. by applicants for permits; and

- ii. for any goods, materials, or services provided by the council to any person;
- and requiring the payment of those fees;
- (b) requiring permittees or categories of permittees to be bonded;
 - (c) prescribing the circumstances in which permits are required to be registered;
 - (d) prescribing:
 - i. games which may be conducted, managed or operated; and
 - ii. games, operations and devices to be used in the conduct of a gaming activity; and
 - iii. the prizes to be paid with respect to the gaming event including, without limiting the generality thereof, the percentage which must be utilized from gross revenue for prizes, and the maximum prizes payable.
 - (e) exempting any person or category of persons from this bylaw or any provisions of this bylaw; and
 - (f) prescribing any other matter or thin required or authorized to be prescribed pursuant to this bylaw.

10.3 **Severability.** If any portion of this bylaw is found invalid by decision of a court of competent jurisdiction, the invalid portion shall be severed without effect on the remainder of the bylaw.

10.4 **Enforceability.** This bylaw made under Section 81 of the Indian Act shall come into force forty (40) days after a copy thereof is forwarded to the Minister pursuant to subsection 82(1) of the Indian Act or upon the Minister declaring the bylaw to be in force at any time before the expiration of the aforementioned period, whichever comes sooner.

10.5 **Amendments.** Any section of this bylaw may be amended by band council resolution of the band and shall come into force forty (40) days after a copy of the amendment is forwarded to the Minister pursuant to subsection 82(1) of the Indian Act or upon the Minister declaring the amendment to be in force at any time before the expiration of the aforementioned period, whichever comes sooner.

Readings of Council

THIS BYLAW IS HEREBY enacted by the chief and council at a duly convened meeting of the council of the Beecher Bay Band this ___ day of February, 1994.

READ A FIRST TIME THE ___ day of _____, 1994

READ A SECOND TIME THE ___ day of _____, 1994

READ A THIRD TIME THE ___ day of _____, 1994

RECONSIDERED AND ADOPTED the ___ day of _____, 1994

Voting in favour of the bylaw are the following members of the council:

Member of the Council

Member of the Council

Member of the Council

Member of the Council

Member of the Council

Member of the Council

Member of the Council

Member of the Council

being the majority of those members of the council of the Beecher Bay Band present at the aforesaid meeting of the Council.

I, _____ Councillor of the Beecher Bay Band, do hereby certify that a true copy of the foregoing by law was forwarded to the Minister of Indian Affairs and Northern Development pursuant to subsection 82(1) of the Indian Act, this ____ day of February, 1994.

Witness

Councillor, _____

SCHEDULE A

VIDEO GAMBLING MACHINES

I. DEFINITIONS

For the purposes of these By-Laws, the following definitions apply:

A. "Bingo machine" means an electronic video gambling machine that, upon insertion of cash, is available to play bingo as provided in this Agreement. The machine utilizes a video display and microprocessor(s) in which, by chance, the player may receive cash or credits that may be redeemed for cash. The term does not include a slot machine.

B. "Draw poker machine" means an electronic video gambling machine that, upon insertion of cash, is available to play or simulate the play of the game of draw poker as provided in this Agreement. The machine utilizes a video display and microprocessor(s) in which, by the skill of the player, by chance, or both, the player may receive cash or credits that may be redeemed for cash. The term does not include a slot machine.

C. "Keno machine" means an electronic video gambling machine that, upon insertion of cash, is available to play keno as provided in this Agreement. The machine utilizes a video display and microprocessor(s) in which, by chance, the player may receive cash or credits that may be redeemed for cash. The term does not include a slot machine.

D. "Video gambling machine" means a bingo machine, draw poker machine, or keno machine.

II. CONDITIONS

A video gambling machine regulated by the Band must comply with the following conditions:

A. Prizes may be awarded only in the form of free games, credits, or cash. A prize may not exceed the value of \$1,000 for each individual award.

B. Video gambling machines within a tribal premises may be connected in a progressive banc provided the prize limit for the progressive banc does not exceed \$1,000.

C. Video gambling machines may not be operated between the hours of 2 a.m. and 8 a.m. of each day, unless the Council adopts an ordinance allowing play between 2 a.m. and 8 a.m.

D. General Specifications of Video Gambling Machines.

A video gambling machine and associated equipment must meet the following general specifications:

- (1) Each video gambling machine model or modification must:
 - (a) be inspected for approval and licensure. Any machine sold or operated may be inspected. Any approval granted to a person is not transferable. Immediate access must be allowed to each machine. Keys to allow access to a machine for purposes of inspection may be provided or must be immediately available on the premises. Machines for which a substantial modification or a series of minor modifications whose total result is substantial must meet all of the specific law or rule requirement in effect at the time of submission. Only those machines which are owned or operated and to which the submitted modification will be applied are required to meet those specifications in effect at time of submission. A determination that a modification is substantial may be contested;
 - (b) be operated by the players in the manner specified by this appendix;
 - (c) not have any switches, jumpers, wire posts, or other means of manipulation that could affect the operation or outcome of a game. The machine may not have any functions or parameters adjustable by and through any separate video display or input codes except for the adjustment of features that are wholly cosmetic or other operational parameters as approved. This is to include devices known as "knockoff switches";
 - (d) offer only those games defined as video gambling in this Agreement and operate in the following manner:

- (i) in the case of draw poker, after the initial cards have been dealt, the player may be allowed to raise his wager;
- (ii) the game must display the combinations for which credits will be awarded and the number of credits awarded for each combination;
- (iii) one credit may not exceed twenty-five cents in value;
- (iv) the machine must have locked doors to two separate areas, one containing the logic board and software for the game and the other housing the cash. Game EPROMS contained on the logic board must be readily accessible from the front of the machine. Access from one area to another must not be allowed;
- (v) (A) the machines may have two mechanisms that accept coins, hereinafter referred to as "mechanism 1" and "mechanism 2". These mechanisms must have devices referred to as "lockouts" which prohibit the machine from accepting coins during periods when the machine is inoperable;

(B) the machine may have a machine manufacturer mechanism that accepts cash in the form of bills that do not exceed \$5;
- (vi) in the case of poker each machine must use a colour display with images of cards that closely resemble the standard poker playing cards;
- (vii) if the machine prints ticket vouchers, the machine must be capable of printing a ticket voucher for all credits owed the player at the completion of each game. A valid game ticket must contain the following:
 - (A) the name of the establishment;

- (B) the name of the city, town, or county in which the establishment is located;
 - (C) the machine serial number;
 - (D) the time of day in hours and minutes in a 24-hour format;
 - (E) the current date;
 - (F) the program name and revision;
 - (G) the value of the prize in numbers;
 - (H) the value of the prize in words;
 - (I) the sequential number of the ticket voucher;
- (viii) for both ticket voucher and cash drop machines, the printing mechanism must be located in a locked area of the machine to ensure the safekeeping of the audit copy. The logic board shall be mounted within the logic area so it is not visible upon opening the logic area door. The printing mechanism must have a paper sensing device that upon sensing a "low paper" condition will allow the machine to finish printing the ticket and prevent further play. The machine must recognize a printer power loss occurrence and cease play until power has been restored to the printer and the machine is capable of producing a valid ticket;
- (ix) the machine must have nonresettable mechanical meters housed in a readily accessible locked machine area. The mechanical meters must be manufactured in such a way as to prevent access to the internal parts without destroying the meter. Meters must be hardwired (no quick connects will be allowed in the meter wiring system). A validating identification sticker attached to the mechanical meters to verify the meters are assigned to a specific licensed machine may be required. The meters must keep a permanent record of:

- (A) total credits accepted by the coin acceptor mechanism(s), and bill acceptor (if applicable);
 - (B) total credits played;
 - (C) total credits won;
 - (D) total credits paid;
- (x) the machine must contain electronic metering, using meters that record and display the following on the video screen;
- (A) total credits in the mechanism(s) 1 and 2 (if applicable);
 - (B) total credits through the bill acceptor (if applicable);
 - (C) total credits, total credits played, total credits won, and total credits paid;
 - (D) total games played and total games won; and
 - (E) any other metering required by this appendix.
- (xi) the machine must issue by activation of an external key switch, an accounting ticket containing a performance synopsis of the machine and progressive accounting date if applicable. The printing of all totals from the electronic meters shall occur automatically each time access occurs to either the logic compartment or any compartment where cash is collected. Whenever electronic meters are reset, each machine must produce a full accounting ticket both before and after each resetting. The tickets must contain:
- (A) the name of the establishment;
 - (B) the name of city, town, or county in which the establishment is located;

- (C) the serial number of the machine;
 - (D) the time of day, in hours and minutes in a 24-hour format;
 - (E) the current date;
 - (F) the program name and revision number; and
 - (G) the electronic meter readings required;
- (xii) the machine and any peripheral electronic device must have an identification tag permanently affixed to the machine by the manufacturer. The tag must be on the right-hand side, upper left corner of the machine or peripheral electronic device or in another approved location and must include the following information:
- (A) manufacturer;
 - (B) serial number;
 - (C) model;
 - (D) date of manufacture; and
- (xiii) the face of the machine must be clearly labelled so as to inform the public that no person under the age of 18 years is allowed to play;
- (xiv) no machine may offer for play more than one pay table per program;
- (xv) each machine and peripheral electronic device must pass a static test;
- (xvi) a machine shall be equipped with a surge protector that will feed all A.C. electrical current to the machine and a backup power supply capable of maintaining for a 30-day period the accuracy of all electronic meters, date, and time during power fluctuations and loss. The

battery must be in a state of charge during normal operation of the machine. Manufacturers incorporating either the use of E2 proms or a lithium battery for memory retention will be considered to meet this requirement; and

(xvii) play of the game shall be activated by a button or lever.

(2) If the video gambling machines are connected to a centralized monitoring system, the system must have the same security features and capabilities as required for individual machines.

(3) Any and all modifications made to an approved video gambling machine must be submitted for approval prior to installation.

(4) Authorization to operate a machine may be suspended or revoked or approval of a machine may be revoked at any time if it is determined that a machine or machine component does not comply with Council by-laws.

E. Safety Specifications.

A video gambling machine must include the following hardware specifications:

(1) All electrical and mechanical parts and design principles shall follow acceptable industrial codes and standards in both design and manufacture.

(2) A video gambling machine shall be designed to ensure that the player will not be subjected to any physical, electrical, or mechanical hazards.

F. General Video Gaming Machine Software Specifications.

(1) Each video gambling machine must be meet the following specifications:

(a) the random number selection process shall conform to an acceptable random order of occurrence and uniformity of distribution;

(b) the field of numbers must be mixed after each game by using a random number generator;

- (c) after the field of numbers has been mixed and before the start of the game the field of numbers is to be frozen with all numbers used for play taken in order from the top of the frozen field;
 - (d) any variable data, e.g., location name, shall not reside on EPROMs that contain game programs;
 - (e) must payback or award credits at a minimum rate of 80%;
 - (f) the game program must not interfere in any way with expected random play;
 - (g) all electronic meters must be 8 digits in length; and
 - (h) for any game played, the payable for that game must be prominently displayed and understandable to the player.
- (2) A machine may have a personality program that includes but is not limited to the following:
- (a) payable (limited to one per program);
 - (b) graphics;
 - (c) deal;
 - (d) optional features to include but not be limited to:
 - (i) raise;
 - (ii) auto-bet;
 - (iii) hold and discard;
 - (e) personality program number.

G. Software Specifications for Video Draw Poker.

- (1) Each video draw poker machine must meet the following specifications for approval. In order to be approved the machine must:

- (a) use a deck of cards consisting of 52 standard playing cards, up to two jokers may also be used;
- (b) deal the initial cards from the top of the frozen field;
- (c) replace discarded cards with remaining cards in the frozen field starting with the sixth card and drawing any additional cards in the order of that frozen field;
- (d) meter for each breakdown in the paytable; and
- (e) display the winning hands and the number of credits awarded for that hand.

H. Software Specifications for Video Keno Machines.

(1) Each video keno machine must meet the following specifications for approval. In order to be approved the machine must:

- (a) display a fixed playing field of numbers from 1 - 80;
- (b) only accept a bet on a minimum of 2 spots and a maximum of 10 spots per game;
- (c) display the balls picked;
- (d) conform to standard rules of keno; and
- (e) display the total number of player spots picked at the end of each game, display the number of balls drawn that matched the players' picks (this may be shown as 3 out of 8, 8 out of 10, etc.) and display any credits awarded for these combinations.

I. Software Specifications for Video Bingo Machines.

(1) Each video bingo machine must meet the following specifications for approval. In order to be approved the machine must:

- (a) utilize a field of numbers from 1 to 75;

- (b) provide a card or cards that contain 24 numbered spaces per card and one free spot. No cards may be identical;
- (c) generate cards by utilizing a random number generator;
- (d) meter each breakdown in the paytable;
- (e) conform to standard rules of bingo;
- (f) produce a bingo during each game;
- (g) display the number of balls picked and the credits awarded for the number of balls drawn in order to obtain a bingo;
- (h) allow the player the choice of cards on which to play. All winning cards must be available for display on the screen, including any that may be played by the machine in any game; and
- (i) designate the winning arrangement of numbers prior to commencing play.

SCHEDULE B

SIMULCAST RACING

I. DEFINITION

For the purposes of these By-Laws, "simulcast racing" means a live broadcast of an actual horserace at the time it is run. The term includes races of local or national prominence.

II. CONDITIONS

Simulcast racing regulated by the Band must:

- (1) be with a network approved to operate within British Columbia; and
- (2) not pay any state and local tax assessment but shall pay other standard fees charged by the network.

SCHEDULE C
CALCUTTA POOLS

I. DEFINITION

For the purposes of these By-Laws, "Calcutta pool" means a form of auction pool conducted on an event having more than two entrants in which a person's wager is equal to his bid.

II. CONDITIONS

A Calcutta pool regulated by the Band must comply with the following conditions:

- (1) At least 50% of the total amount wagered on the pool must be paid out in prizes.
- (2) A person may not wager on an elementary school or high school event.
- (3) The rules of the Calcutta pool must be publicly posted.
- (4) Proceeds from the pool minus administrative costs and prizes must be contributed to a charitable or non-profit organization, association, or cause.

SCHEDULE D

FANTASY SPORTS LEAGUES

I. DEFINITIONS

For the purposes of these By-Laws, the following definitions apply:

(1) **"Administrative fee"** means an amount that may be charged a member for payment of expenses directly related to the operation of a fantasy sports league. An administrative fee may not exceed 15% of a member's entrance fee.

(2) **"Entrance fee"** means the amount charged a member, excluding any administrative fee, for membership in a fantasy sports league.

(3) **"Fantasy sports league"** means a gambling activity in which persons assemble fictitious teams through a process of bidding for or drawing players from a recognized league and wagering a participation fee that the assembled team will accumulate the most points over a specified season.

(4) **"Member"** means a person or group of persons who own a fictitious team that is a competitor in a fantasy sports league.

(5) **"Prize"** means anything of value awarded to a winner of a fantasy sports league.

(6) **"Transaction fee"** means an amount charged a member for trading or purchasing a player after the initial teams in the fantasy sports league are selected. The fee for each transaction may not exceed the entrance fee.

II. FANTASY SPORTS LEAGUES DESCRIBED

A fantasy sports league is a gambling activity conducted in the following manner:

(1) A fantasy sports league consists of a limited number of persons or groups of persons who pay an entrance fee for membership in the league. The entrance fee may include an administrative fee.

(2) Each league member creates a fictitious team composed of athletes from a given professional sport, such as baseball, basketball, or football. Player selection is conducted through random drawings or a bidding process.

(3) After the initial teams are selected, interim replacement of players may occur by trade or purchase. A specific fee, which may not exceed the total entrance fee, may be charged for each transaction.

(4) A method, as defined by league rules, is devised to permit each team to compete against other teams in the league. Points are awarded to a team according to the performance of individual players or teams or both during a designated time period.

(5) A member may be eligible to receive a prize based on the number of points accumulated. Prizes, which may be in the form of cash or merchandise or a combination of both, are awarded according to league rules. If a prize is merchandise, the purchase price paid for the merchandise is considered the value of the prize.

(6) Rules governing the conduct of the fantasy sports league are provided in writing to each member.

III. LEAGUE RULES

Rules governing a fantasy sports league must include:

- (1) name, address, and telephone number of the person or organization conducting the league;
- (2) amount charged for entrance, administrative, and transaction fees;
- (3) name of the professional sport and teams on which the league is based;
- (4) length of the season that the league is to operate;
- (5) size of a member's team roster;
- (6) method used to select players;
- (7) method for awarding points to a team based on the performance of individual players, teams or both during a designated period; and
- (8) anticipated prizes to be awarded.

IV. RECORD KEEPING REQUIREMENTS

An organization or individual conducting a fantasy sports league shall retain the following records for 1 year after the league winners are determined:

- (1) name and address of each individual who participated as a member in the league;
- (2) total amount collected for each of the following fees:

- (a) entrance;
 - (b) administrative; and
 - (c) transaction.
- (3) number of interim trades or purchases made by each member;
 - (4) proof of the purchase price of any merchandise prize awarded; and
 - (5) a list of the prizes awarded at the conclusion of the league season, including:
 - (a) the amount of each prize;
 - (b) name of the member awarded each prize; and
 - (c) total value of the payout of the fantasy league.

V. RESTRICTIONS

(1) A representative of each member of the fantasy sports league must be present to initially select team players and to trade or purchase interim players.

(2) Players for initial teams must be selected through a random drawing or competitive bidding process.

(3) an entrance fee and any administrative fee must be paid in cash at the time a member joins the league. A transaction fee must be paid in cash at the time the interim trade or purchase of a player is made.

(4) The total value of prizes awarded to all members must equal the total amount collected for entrance, administrative, and transaction fees, minus any payment for administrative expenses.

SCHEDULE E

FISHING DERBIES AND BETTING ON NATURAL OCCURRENCES

I. DEFINITIONS

For the purposes of these By-Laws, the following definitions apply:

(1) **"Fishing derby"** means a gambling activity in which two or more persons pay valuable consideration for an opportunity to win a prize for the species, size, weight, or otherwise specified fish caught in a fishing event.

(2) **"Wagering on the outcome of a natural occurrence"** means a gambling activity in which two or more persons pay valuable consideration for an opportunity to win a prize by most accurately predicting the date or time of an event resulting from a climatological or meteorological activity.

II. CONDITIONS

A gambling activity involving a fishing derby or wagering on the outcome of a natural occurrence that is regulated by the Band must comply with the following conditions:

(1) Except as provided in subsection (2), all consideration paid to participate in the gambling activity must be paid to the winners.

(2) A nonprofit organization sponsoring the gambling activity may retain up to 50% of the total amount paid to participate.

SCHEDULE F

LOTTERIES

I. DEFINITIONS

"LOTTERY GAMES". The term "LOTTERY GAMES" means any procedure, including any on-line or other procedure using a machine or electronic device, by which one or more prizes are randomly distributed among persons who have paid for a chance to win a prize but does not include any game in which a player competes against or plays with any other person.

II. CONDITIONS

Lottery games may be conducted on the reserve if such games are conducted and operated by the Band in a manner which provides security at least as stringent as the Lottery Corporation of British Columbia.

SCHEDULE G

SHAKE-A-DAY AND SHAKING FOR MUSIC OR A DRINK

I. DEFINITIONS

For the purposes of these By-Laws, the following definitions apply:

(1) **"Shake-a-day"** means a dice game in which a person may once each day pay an amount of money predetermined by an establishment and shake a number of dice predetermined by the establishment in an attempt to roll a predetermined combination simulating a poker hand. If the combination is rolled, the person wins all the money paid to play the game since the last winning combination was rolled.

(2) **"Shaking for music or a drink"** means a gambling activity in which a customer, either alone or with an owner or employee of an establishment, shakes or chooses one or more dice to determine whether the customer or the establishment shall pay for the customer's drink or shall immediately pay a predetermined amount of money for music from a jukebox in the establishment.

II. CONDITIONS

A gambling activity involving shake-a-day or shaking for music or a drink that is regulated by the Band must comply with the following conditions;

(1) The maximum amount that may be wagered by a person participating in a game of shake-a-day is 50 cents.

(2) Before a shake-a-day game begins, an establishment may limit the amount that may be won and use the remaining money played on that game to start the pot for the next game, thus enhancing the incentive to play the next game in the early stages of the next game. all money paid to play games must be paid out as winnings.

(3) The maximum amount of money that may be placed in a jukebox as a result of shaking for music is \$2.

(4) Nothing in this Agreement authorizes the dice game of craps or any other dice game not specifically described in these By-Laws.

APPENDIX H

LIVE KENO

I. DEFINITION

For the purposes of these By-Laws, "live keno" means a game of chance in which prizes are awarded using a card with 80 numbers arranged in eight horizontal rows and ten columns, on which a player may pick up to ten numbers. A keno caller, using authorized equipment, selects at random at least twenty numbers out of numbers between one and eighty inclusive.

II. CONDITIONS

Live keno regulated by the Band must comply with the following conditions:

(1) Live keno may not be conducted between the hours of 2 a.m. and 8 a.m. of each days, unless the Council adopts an ordinance allowing play between 2 a.m. and 8 a.m.

(2) A keno operator shall keep a record of gross proceeds in the form required by the Band. At all times during the business ours of the licensee the records must be available for inspection.

(3) A keno operator shall annually complete and deliver to the Council a statement showing the total gross proceeds for each live keno game operated by him and the total amount due as live keno tax for the preceding year. This statement must contain any other relevant information required by the Council.

(4) Except as provided in subsection (6):

(a) the price for an individual keno card may not exceed 50 cents;

(b) a prize may not exceed the value of \$1,000 for each individual keno card; and

(c) it is unlawful to, in any manner, combine any awards so as to increase the ultimate value of the award.

(5) Keno prizes may be paid in either tangible personal property or cash.

(6) Variations of the game of keno, as authorized in section III, in which a player selects three or more numbers and places a wager on various combinations of these numbers is permissible if:

(a) no more than 50 cents is wagered on each combination of numbers; and

- (b) a winning combination does not pay more than \$1,000.

(7) A player may give a keno caller a card with instructions on the card to play that card and its marked numbers for up to the number of successive games that the house allows and that the player has indicated on the card, upon payment of the price per game times the number of successive games indicated. The player shall remain on the house premises until the card is played or withdrawn. The caller shall keep the card until the end of the number of games indicated.

(8) Electronic live keno equipment must at a minimum use a random selection process to determine the outcome of each game.

III. AUTHORIZED VARIATIONS OF LIVE KENO

(1) Authorized variations of live keno are:

- (a) a straight ticket in which a player picks from one to ten numbers and wagers that the numbers will be duplicated entirely or in part from the group of numbers drawn.
- (b) a split ticket consisting of two or more straight tickets written on a single keno card. Each group on a split ticket is treated as if it were a single straight ticket.
- (c) a way ticket in which a player selects three or more equal groups of numbers which when taken at least two groups at a time comprise several straight ticket combinations.
- (d) a combination way ticket in which a player simultaneously combines any or all of the variations described in subsections (a), (b), and (c).
- (e) a king ticket in which a single number, commonly known as a king number, is matched with each group of numbers selected. The king number is treated as any circled number group a used in way and combination way tickets.

(2) A group of numbers resulting from combining smaller groups for way, combination way, or king tickets may not exceed a total of 10 numbers.

(3) A player shall clearly identify and separate on his keno card any group of numbers selected for a split, way, combination way, or king ticket by drawing:

- (a) a line between or circle around each group for a split ticket; or

(b) a circle around each group for a way, combination way, or king ticket.

(4) A keno caller shall record in the margin (sideline) of a keno card each wager made by a player, other than for a straight ticket, by using a standard fractional format that identifies the number of wagers by group size (e.g., 2/4 for two wagers each placed on a different group of four numbers). Only the wagers recorded in the margin (sideline) may be winners. The total amount wagered by the player must be written on the front of the keno card.

SCHEDULE I

SPORTS POOLS AND SPORTS TAB GAMES

I. DEFINITIONS

For the purposes of these By-Laws, the following definitions apply:

(1) **"Master square"** means that portion of the sports pool card used in a traditional, series, or multiple way sports pool that is divided into spaces representing chances purchased by the participants and containing the name or initials of the participant in the sports pool.

(2) **"Series of sports events"** means two or more sports events involving the same sport that are conducted at the same level (e.g. collegiate, professional).

(3) **"Sports event"** means an athletic game, race or contest involving two or more competitors, who are natural persons or teams comprised of natural persons, in which the winner is determined by score or placement.

(4) **"Sports pool"** means a gambling activity in which a person wagers money for each chance to win money or other items of value based on the outcome of a sports event or series of sports events wherein the competitors in the sports event or series of sports events are natural persons or teams comprised of natural persons.

(5) **"Sports tab"** means a folded or banded ticket with a face covered to conceal a combination of two numbers, with each number ranging from zero through nine.

(6) **"Sports tab game"** means a gambling enterprise conducted on a card to which 100 sports tabs are attached that have 100 different combinations for which consideration in money is paid by the person purchasing each tab. A person may purchase a sports tab from the card for the chance to win money or other items of value on a sports event.

II. DESIGN AND CONDUCT OF SPORTS TAB GAME

(1) A sports tab game may be conducted only in conjunction with a single sports event with two competitors. A sponsor may conduct more than one sports tab game for each event.

(2) A winner or winners of a sports tab game are determined by matching the appropriate numbers on a participant's sports tab with the only or last digit of the competitors' score at the end of the sports event, and if designated before the event by the sponsor, at intervals during the sports event.

(3) Before the sale of any sports tabs in a sports tab game, the sponsor shall describe the game by prominently displaying the following information on the sports tab card or on a board to which the card is attached:

- (a) name of the competitors in the sports event;
 - (b) date of the sports event;
 - (c) notification of which competitor's score corresponds to the first and second numbers on the sports tab;
 - (d) name of the sponsor;
 - (e) cost of a sports tab;
 - (f) total dollar value of all prizes to be awarded to winners;
 - (g) total amount to be retained by the sponsor;
 - (h) dollar amount or type and value of merchandise to be awarded to each winner;
 - (i) intervals during the sports event for which prizes are to be awarded, if any; and
 - (j) name of the competitors and the date of the sports event that will be substituted for the original sports event if it is cancelled.
- (4) After sale of the sports tabs begins, the sponsor:
- (a) may not cancel the sports tab game or alter the game in any manner; and
 - (b) shall award all prizes at the end of the sports event in accordance with the description required under subsection (3), regardless of whether all tabs on the sports tab card are sold to participants before the start of the sports event.

III. PURCHASE AND SALE OF SPORTS TABS BY SPONSOR

(1) A sponsor may purchase a sports tab card only from the manufacturer licensed by the state or the manufacturer's authorized agent. The sports tab card must contain a sports tab decal.

(2) The total cost of each sports tab on the same sports tab card must be identical and may not exceed \$5. A participant shall pay cash for the sports tab at the time the tab is selected.

IV. PRIZES

(1) "**Cost of the sports tabs**" means an amount that is equal to the amount paid by a participant for a single sports tab multiplied by 100.

(2) If a prize is awarded for scores attained at a predetermined interval during a sports event, the value of the prize awarded at the interval may not exceed the value of the prize awarded for the score at the end of the event.

(3) Except as provided in subsection (6), a sponsor shall pay to the winners of a sports tab game at least 90% of the cost of the sports tabs. The sponsor may retain up to 10% of the cost of the sports tabs.

(4) The total value of all prizes awarded in a sports pool may not exceed \$500. Prizes must be in cash or merchandise.

(5) If merchandise is awarded, the purchase price paid for the merchandise is considered to be the value of the prize. Except as provided in subsection (6), if the value of the merchandise is less than 90% of the cost of the sports tabs the difference must be awarded to the winners in cash.

(6) A sponsor who is a nonprofit organization may retain up to 50% of the cost of the sports tabs.

(7) All prizes must be available for distribution to winners immediately at the end of the sports event.

V. SPONSOR RECORDKEEPING REQUIREMENTS

(1) After a winning sports tab is submitted to the sponsor and a prize is awarded, the sponsor shall cancel the tab, by whatever means chosen, and attach the cancelled tab to the sports tab card or board. A sports tab that was not sold to a participant must remain attached to the sports tab card.

(2) The sponsor shall retain a sports tab card or board to which the card is attached for at least 1 year after the date of the sports event.

(3) If merchandise is awarded as a prize, the sponsor shall retain proof of the purchase price of the merchandise for 1 year after the date of the sports event.

VI. USE OF SPORTS TABS RESTRICTED

(1) A sports tab may be used only in conducting a sports tab game as described in this Schedule. A sports tab used for any other purpose is an illegal gambling device.

VII. AUTHORIZED SPORTS POOLS

(1) Authorized sports pools described in this section are identified by a title to distinguish one pool type from another. The controlling factor as to the legality of a sports pool is not the pool's title but the method and manner in which the pool is conducted.

(2) The conduct of an authorized sports pool is subject to the provisions of this Schedule.

(3) The following sports pools are authorized:

(a) a "traditional sports pool" involving a single sports event with two competitors that is conducted on a sports pool card containing a master square with 25, 50, or 100 spaces. Each space is randomly assigned a unique pair of numbers from the vertical and horizontal axis of the master square. A winner is determined by matching the numbers assigned to a space with the only or last digit of the score of each competitor in the sports event at predetermined intervals during the event or at the end of the event.

(b) a "series sports pool" conducted on a master square in conjunction with a series of sports events. The pair of numbers assigned to each space on the master square remains the same for each sports event in the series. The competitors in each sports event in the series may be individual teams or a combination of teams (e.g., a group of teams designated as home teams versus a group of teams designated as away teams). Spaces must be sold for all events in the series of sports events and may not be sold for individual events. Winners for each sports event in the series are determined:

(i) in the same manner as in a traditional sports pool; or

- (ii) in the same manner as in a traditional sports pool for the first sports event in the series. For the second and subsequent events, winners are determined by combining the scores generated by each competitor in the previous events.
- (c) a "multiple way sports pool" conducted on a master square with multiple sets of numbers randomly assigned to the horizontal and the vertical axes representing certain intervals of a single sports event or individual sports events in a series of events. Winners are determined in the same manner as in a traditional sports pool.
- (d) a "selected point sports pool" in which the winner is the participant whose assigned competitor is the first to attain a final score that matches a predetermined number (e.g. 28, 39). If in a given week none of the competitor's score match the predetermined number, the prize is carried over to the next and subsequent weeks until a match occurs. However, the pool must be designed to ensure that a prize does not exceed the value of \$500. The number of participants in a selected point sports pool is limited to the number of competitors in an established league. Competitors are randomly assigned to the participants and may be assigned for a single week or the duration of the pool.
- (e) a "blackout sports pool" in which the winner is the participant who holds the randomly assigned competitor that first accumulates scores on succeeding weeks whose only or final digit corresponds to all of the numbers zero through nine. A variation of this pool tallies only those scores in which the competitor is the winner of a sports event. The number of participants is limited to the number of competitors in an established league.
- (f) a "weekly sweepstakes sports pool" in which a different competitor or competitors are randomly assigned to participants for each week. The winner is determined by the most or least points scored by the competitor or competitors assigned to a participant or by the most games won by the competitors assigned to a participant. The number of participants is limited to the number of competitors in a league or to the maximum combination of competitors in a league.
- (g) a "multiple competitor sports pool" in which three or more competitors simultaneously compete in a sports event or series of sports events as individuals, not as a team, such as in a car race or golf tournament. Competitors are randomly assigned to participants, and a pool winner is

determined by the score or place that the competitor attains in the sports event or series of sports events.

VIII. SPORTS POOL CARD

(1) A traditional, series, or multiple way sports pool must be conducted on a sports pool card containing a master square.

- (a) The master square of the card must be divided into spaces arranged in horizontal rows and vertical columns.
- (b) The numbers for each horizontal row and vertical column must be randomly assigned after the person conducting the pool closes the pool to additional sale of spaces but prior to the beginning of the sports event or the first event in a series of sport events. Any unsold spaces at the time the numbers are assigned are considered purchased by the person conducting the sports pool and must be marked in a manner indicating that they may not be sold to another person.
- (c) Each space must be represented by a number from both the horizontal row and vertical column.
- (d) Each competitor in the sports event must be assigned to either the horizontal or vertical axis of the master square before the beginning of each sports event.

(2) A sports pool card used to conduct an authorized sports pool must be of adequate size to be easily read by participants and observers.

(3) The sports pool card shall, in advance of any sale of any chance, clearly indicate:

- (a) rules for conducting the sports pool;
- (b) name of the sports event or series of events covered by the card;
- (c) name of the competitors in the sports event or series of events, if known;
- (d) date of the sports event or dates of the series of sports events;
- (e) total number of chances available in the pool;
- (f) cost to participant for each chance;

- (g) total amount to be paid to each winner;
- (h) intervals that a pay-out will be made and the amount of each pay-out;
- (i) name of the person conducting the sports pool;
- (j) name or initials of participants who have purchased chances in the pool;
- (k) amount or value of each individual prize and the total value of all prizes; and
- (l) name of the competitors and the date of a sports event that will be substituted for the original sports event if it is cancelled.

(4) After each prize is awarded, the names of the winners of each prize must be prominently displayed on each card.

(5) A sports pool card must be retained by the person conducting the sports pool until all prizes are awarded or for 30 days after the event or last event in a series of events, whichever occurs first.

IX. SALE OF CHANCES

(1) The total cost of a chance shall not exceed \$5 per sports event and must be paid in full and in cash at the time the chance is selected.

(2) If the actual number of sports events conducted as part of a series of events is less than the number of events for which chances were sold, the sponsor shall refund to each participant the money paid for chances on those events that were not conducted.

(3) After sale of the chances begins, the person conducting the sports pool:

- (a) may not cancel the sports pool or alter it in any manner; and
- (b) shall award all prizes at the end of the sports event or series of events.

(4) In an authorized sports pool in which a competitor is randomly assigned to each participant purchasing a chance in the pool, a participant may not sell, trade, or otherwise transfer his competitor to another person.

X. DETERMINATION OF WINNERS - PRIZES

(1) There must be at least one winner from among the participants in a sports pool. A winner or winners are determined by the score or place attained by one or more competitors in the sports event upon which the sports pool is conducted.

(2) The prizes awarded to the winner or winners of a sports pool may be cash or merchandise but must not exceed a total value of \$500 per sports event.

(a) Where the prize awarded is merchandise, the purchase price paid for the item(s) of the merchandise prize is considered to be the value of the prize. Proof of the purchase price of the item(s) of the merchandise prize shall be retained for a period of 30 days from the event.

(b) Subject to subsection (4) if the value of the merchandise prize is less than the amount of money paid by all participants for the chance to participate, the person conducting the sports pool shall award the balance in cash to the winner(s).

(3) All prizes must be available for distribution to winners immediately at the end of the sports event or at the end of each sports event in a series of events.

(4) A non-profit organization may retain up to 50 percent of the value of a sports pool if the amount retained is used to support charitable activities, scholarships or educational grants, or community service activities. The non-profit organization must maintain and open to inspection upon reasonable demand records to verify the use of the retained portion of the sports pool.

SCHEDULE 'J' BINGO EVENT

Standard Procedures

1. Where a place of gaming is to be used for a bingo event, the owner shall comply with all terms and conditions issued pursuant to this bylaw.

Use of a Place of Gaming

2. No permittee shall conduct or manage a bingo event in a place or premises other than a place of gaming or place of amusement unless the total value of all prizes at the bingo event does not exceed \$26,000.00 in a twelve month period.
3. No permittee shall conduct or manage a bingo event in a place or premises other than a place of gaming unless the total value of all prizes at the bingo event exceeds \$26,000.00 but does not exceed \$60,000.00 in a twelve month period.
4. No permittee shall conduct or manage a bingo event in a place of gaming unless the premises has been approved by the chief and council.
5. No permittee shall conduct or manage a bingo event in a place of gaming unless the permittee has a written lease for the use and occupancy of the premises.
6. Bingo shall not be played in any room where liquor is sold or consumed.

Restriction on Play

7. No permittee shall conduct or manage a bingo event in a time slot that has not been approved by the chief and council.
8. No person engaged in the conduct or management of the bingo event shall participate as a player in any games at the event.
9. No person who assists in the conduct or management of the bingo event shall accept a gratuity in connection with the event.

Rules

10. The permittee shall ensure that:
 - (a) the permit;
 - (b) the name or names of permittees;

- (c) the terms and conditions prescribed by the chief and council; and
- (d) house rules, not inconsistent with terms and conditions prescribed pursuant to this bylaw;

are prominently displayed in the place where the bingo event is held.

Cash Transactions

- 11. Sale of bingo cards shall be for cash only.
- 12. Extending credit or honouring credit cards is prohibited.

Hours of Operation

- 13. A permittee may only conduct or manage a bingo event between the hours of 9:00 a.m. to 2:00 a.m.

Advertising

- 14. Advertising shall include the date, time, type and location of the event.
- 15. Advertising may include:
 - (a) the name or names of the permittees;
 - (b) up to three special games;
 - (c) special promotions offered in connection with the gaming event;
 - (d) past performance or other similar matters of fact; or
 - (e) the benefits of bingo within the band community, including the use of proceeds.
- 16. Advertising shall not include projections with respect to the total value of prizes.

Bingo Paper

- 17. Only paper approved by the British Columbia Gaming Commission or as prescribed by chief and council shall be used at bingo events;

18. The permittee shall retain, as part of its gaming records, the invoice for all purchased paper.
19. The permittee shall maintain a perpetual inventory system for the control of paper.
20. No permittee shall sell or exchange paper without the prior approval of the inspector.
21. Only paper purchased at the bingo event shall be played during the event.
22. No paper shall be repurchased or exchanged after a game has commenced.
23. Free or discounted paper shall not be offered to any player.
24. Bonus paper may be offered if financial inventory controls for such a game are approved in writing by the inspector.

Completion of Games

25. Every game shall be completed during the bingo event.

Prizes

26. A prize is anything given to a player at a bingo event or in connection with a player's participation in the bingo game.
27. Prizes at the bingo event shall be paid from the gross revenue of the bingo event and shall be awarded at the event.
28. Where a prize is in a form other than cash, the value of the prize shall be determined on the basis of its fair market value.
29. No prize at the bingo event shall exceed 60% of gross revenue.
30. No person other than a permittee shall offer a prize at a bingo event.
32. Carryover prizes or prohibited. For the purposes of this section, a "carryover prize" is a prize or a portion of a prize which is carried over and added to a prize at another permitted gaming event.

Indian and Northern Affairs Canada / Affaires indiennes et du Nord Canada

Chronological no. - N° consécutif
File reference no. - N° de référence du dossier

BAND COUNCIL RESOLUTION / RÉSOLUTION DE CONSEIL DE BANDE

DTE: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
DTA: Les mots "des fonds de notre bande" "capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

Table with financial data: Cash free balance - Solde disponible, Capital account - Compte capital, Revenue account - Compte revenu. Includes BEECHER BAY BAND and date 19/01/95.

DO HEREBY RESOLVE: / DÉCIDE, PAR LES PRÉSENTES:

The Chief and Council for the Beecher Bay Band, pursuant to Section 81(1)(m) of the Indian Act RSC 1985 I-5, hereby makes and authorizes by-laws controlling public games and other amusements, which by-laws were subject to the review of the Beecher Bay Band Members on December 3, 1994 and November 21, 1994, and which are hereto attached.

Quorum 2

(Councillor - Conseiller)

(Councillor - Conseiller)

Handwritten signature of the Chief

(Chief - Chef)

Handwritten signature of a Councillor

(Councillor - Conseiller)

Handwritten signature of a Councillor

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)