

## LR-002 (b) MANAGEMENT CONTRACT REGULATIONS

### 4.0 REQUIRED PROVISIONS

Management contracts shall conform to all the requirements contained in this section in the manner indicated.

### 4.1 GOVERNING AUTHORITY

Provide that all gaming covered by the contract will be conducted in accordance with the Indian Gaming Regulatory Act (IGRA, or the Act) and the tribal gaming ordinance. ordinance(s).

*25 CFR 531.1 (a) Required Provisions (Pg. 60)*

### 4.2 ASSIGNMENT OF RESPONSIBILITIES

Enumerate the responsibilities of each of the parties for each identifiable function including:

1. Maintaining and improving the gaming facility;
2. Providing operating capital;
3. Establishing operating days and hours;
4. Hiring, firing training, and promoting employees;
5. Maintaining the gaming operation's books and records;
6. Preparing the gaming operation's books and records;
7. Paying for the services of the independent auditor engaged pursuant to 25 CFR 571.12.
8. Hiring and supervising security personnel;
9. Providing fire protection services;
10. Setting advertising budget and placing advertising;
11. Paying bills and expenses;
12. Establishing and administering employment practices;
13. Obtaining and maintaining insurance coverage, including coverage of public liability and property loss or damage;
14. Complying with all applicable provisions of the Internal Revenue Code;
15. Paying the cost of any increased public safety services; and
16. If applicable, supplying the TMGA/Commission with all information necessary for the TMGA/Commission to comply with the regulations of the TMGA/Commission issued pursuant to the National Environmental Policy Act (NEPA).

*25 CFR 531.1 (b) Required Provisions (Pg. 60)*

#### 4.3 ACCOUNTING

Provide for the establishment and maintenance of satisfactory accounting system and procedures that shall, at a minimum:

1. Include an adequate system of internal accounting controls;
2. Permit the preparation of financial statements in accordance with generally accepted accounting principles;
3. Be susceptible to audit;
4. The Commission shall calculate the annual fee under 25 CFR 514.1.
5. Permit the calculation and payment of applicable fees; and
6. Provide for the allocation of operating expenses or overhead expenses among the tribe, the tribal gaming operation, the contractor, and any other user of shared facilities and services

*25 CFR 531.1 (c) Required Provisions (Pg. 60)*

#### 4.4 REPORTING

The management contractor shall be required to provide the tribal governing body not less frequently than monthly with verifiable financial reports or all information necessary to prepare such reports.

*25 CFR 531.1 (d) Required Provisions (Pg. 60)*

#### 4.5 ACCESS

The management contractor shall be required to provide immediate access to the gaming operation, including its books and records, by appropriate tribal officials and/or the TMGC or designated representative, who shall have.

1. The right to verify the daily gross revenues and income from the gaming operation; and
2. Access to any other gaming-related information the tribe deems appropriate.

*25 CFR 531.1 (e) Required Provisions (Pg. 60)*

#### 4.6 GUARANTEED PAYMENT TO TRIBE

Provide for a minimum guaranteed monthly payment to the tribe in a sum certain that has preference over the retirement of development and construction costs.

*25 CFR 531.1 (f) Required Provisions (Pg. 60)*

#### 4.7 DEVELOPMENT AND CONSTRUCTION COSTS

Provide an agreed upon maximum dollar amount for the recoupment of development and construction costs.

*25 CFR 531.1 (g) Required Provisions (Pg. 60)*

#### 4.8 TERM LIMITS

Be for a term not to exceed five (5) years, except that upon the request of the Casino and/or the tribe, the TMGC may authorize a contract term that does not exceed seven (7) years if the TMGC is satisfied that the capital investment required, and the income projections, for the particular gaming operation require the additional time. The time period shall begin running no later than the date when the gaming activities authorized by an approved management contract begin. These term limits may be also subject to the National Indian Gaming Commissions approval.

*25 CFR 531.1 (h) Required Provisions (Pg. 61)*

#### 4.9 COMPENSATION

Detail the method of compensating and reimbursing the management contractor. If a management contract provides for a percentage fee, such fee shall be either:

1. Not more than thirty (30) percent of the net revenues of the gaming operation if the TMGC determines that such percentage is reasonable considering the circumstances; or
2. Not more than forty (40) percent of the net revenues if the TMGC is satisfied that the capital investment required and income projections for the gaming operation require the additional fee.
3. These conditions may be subject to the National Indian Gaming Commissions approval.

*25 CFR 531.1 (i) Required Provisions (Pg. 60)*

#### 4.10 TERMINATION PROVISIONS

Provide the grounds and mechanisms for amending or terminating the contract (termination of the contract may not require the approval of the TMGC).

*25 CFR 531.1 (j) Required Provisions (Pg. 60)*

#### 4.11 DISPUTE PROVISIONS

Contain a mechanism to resolve disputes between:

1. The management contractor and customers, consistent with the procedure's tribal ordinance.
2. The management contractor and the tribe; and
3. The management contractor and the gaming operation employees.

*25 CFR 531.1 (k) Required Provisions (Pg. 60)*

#### 4.12 ASSIGNMENTS AND SUBCONTRACTING

Indicate whether and to what extent contract assignments and subcontracting are permissible.

*25 CFR 531.1 (l) Required Provisions (Pg. 60)*

#### 4.13 OWNERSHIP INTEREST

Indicate whether and to what extent changes in the ownership interest in the management contract require advance approval by the tribe.

*25 CFR 531.1 (m) Required Provisions (Pg. 60)*

#### 4.14 EFFECTIVE DATE

State that the contract shall not be effective unless and until it is approved by the TMGC as well as the NIGC Chairman, date of signature of the parties notwithstanding.

*25 CFR 531.1 (n) Required Provisions (Pg. 60)*

A management contract shall not transfer or, in any other manner, convey any interest in land or other real property, unless specific statutory authority exists and unless clearly specified in writing in the contract.

*25 CFR 531.2 Required Provisions. (Pg. 61)*

#### 4.15 REQUIREMENTS FOR REVIEW AND APPROVAL

Subject to the TMGC and the NIGC Chairman's approval, the Torres Martines Desert Cahuilla Indians may enter a management contract for the operation of a class II or class III gaming activity.

- (a) Such contract shall become effective upon approval by the TMGC and the NIGC Chairman.
- (b) Contract approval shall be evidenced by the TMGC, and a copy sent to the NIGC that has a document dated and signed by the NIGC Chairman. No other means of approval shall be valid.

*25 CFR 533.1. Requirement for review and approval. (Pg. 61)*

#### 4.16 TIME FOR SUBMITTING MANAGEMENT CONTRACTS AND AMENDMENTS

A tribe or a management contractor shall submit a management contract to the TMGC for review within ninety (90) days of execution by the parties. The TMGC shall notify the parties of their right to appeal against the approval or disapproval of the management contract under part 583 of 25.

*25 CFR 533.2 Time for submitting management contracts and amendments. (Pg. 61)*

#### 4.17 SUBMISSION OF MANAGEMENT CONTRACT FOR APPROVAL

The tribe shall include in any request for approval of a management contract under this part:

- (a) A contract containing:
  - 1. Original signatures of an authorized official of the tribe and the management contractor and;
  - 2. A representation that the contract as submitted to the TMGC who will send it to the NIGC Chairman is the entirety of the agreement among the parties.

*25 CFR 533.3 (a) Submission of management contract for approval. (Pg. 62)*

- (b) A letter, signed by the tribal chairman, setting out the authority of an authorized tribal official to act for the tribe concerning the management contract.

*25 CFR 533.3 (b) Submission of management contract for approval. (Pg. 62)*

(c) Copies of documents evidencing the authority under paragraph (b) of this section.

*25 CFR 533.3 (c) Submission of management contract for approval. (Pg. 62)*

(d) A list of all persons and entities identified in 25 CFR 537.1 (a) and 537.1 (c)(1), and either:

1. The information required under 25 CFR 537.1 (b)(1) OF THIS CHAPTER FOR CLASS II GAMING CONTRACTS AND 537.1 (b)(1)(i) of this chapter for class III gaming contracts; or
2. The dates on which the information was previously submitted.

*25 CFR 533.3(d)(1)(2) Submission of management contract for approval. (Pg. 62)*

(e)(1) For new contracts and new operations, a three (3)-year business plan which sets forth the parties' goals, objectives, budgets, financial plans, and related matters; or

*25 CFR 533.3(e)(1) Submission of management contract for approval. (Pg. 62)*

(e)(2) For new contracts for existing operation, a three (3)-year business plan which sets forth the parties; goals, objectives, budgets, financial plans, and related matters, and income statements and sources and uses of funds statements for the previous three (3) years.

*25 CFR 533.3(e)(2) Submission of management contract for approval. (Pg. 62)*

(f) If applicable, a justification, consistent with the provisions of 25 CFR 531.1(h), for a term limit of more than five (5) years, but not exceeding seven (7) years.

*25 CFR 533.3(f) Submission of management contract for approval. (Pg. 62)*

(g) If applicable, a justification, consistent with the provisions of 25 CFR 531.1(i), for a fee more than thirty (30) percent, but not exceeding forty (40) percent.

*25 CFR 533.3 (g) Submission of management contract for approval. (Pg. 62)*

(h) A legal description for the site on which the gaming operation to be managed is, or will be, located.

*25 CFR 533.3 (h) Submission of management contract for approval. (Pg. 62)*

This section of the Regulations shall require complete compliance with the following actions by the NIGC Chairman.

(a) The NIGC Chairman shall approve or disapprove a management contract, applying the standards contained in 533.6 of this part, within 180 days of the date on which the NIGC Chairman receives a complete submission under 533.3 of this part, unless the NIGC Chairman notifies the tribe and management contractor in writing of the need for an extension of up to ninety (90) days.

*25 CFR 533.4 (a) Action by the Chairman. (Pg. 62)*

(b) A tribe may bring an action in a U.S. district court to compel action by the NIGC Chairman:

1. After 180 days following the date on which the NIGC Chairman receives a complete submission if the NIGC Chairman does not approve or disapprove the contract under this part; or

2. After 270 days following the NIGC Chairman's receipt of a complete submission if the NIGC Chairman has told the tribe and management contractor in writing of the need for an extension and has not approved or disapproved the contract under this part.

*25 CFR 533.4 (b) Action by the Chairman. (Pg. 62)*

#### 4.18 APPROVAL AND DISAPPROVAL

(a) The TMGC or the NIGC Chairman may approve a management contract if it meets the standards of part 531 of this chapter and 533.3 of this part. Failure to comply with the standards of part 531 of this chapter or 533.3 may result in the NIGC Chairman's disapproval of the management contract.

*25 CFR 533.6 (a) Approval and disapproval. (Pg. 62)*

(b) The NIGC Chairman shall disapprove a management contract for class II gaming if he or she determines that

1. Any person with a direct or indirect financial interest in, or having management responsibility for, a management contract;
  - (i) Is an elected member of the governing body of the tribe that is party to the management contract;
  - (ii) Has been convicted of any felony or any misdemeanor gaming offense;
  - (iii) Has knowingly and willfully provided materially false statements or information to the Commission or to a tribe;
  - (iv) Has refused to respond to questions asked by the NIGC Chairman in accordance with his or her responsibilities under this part; or
  - (v) Is determined by the TMGC or the NIGC Chairman to be a person whose prior activities, criminal record, if any, or reputation, habits, and association pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of related business and financial arrangements;

*25 CFR 533.6 (b)(1) Approval and disapproval. (Pg. 62)*

2. The management contractor or its agents have unduly interfered with or influenced for advantage, or have tried to unduly interfere with or influence for advantage, any decision or process of tribal government relating to the gaming operation;

*25 CFR 533.6 (b)(2) Approval and disapproval. (Pg. 63)*

3. The management contractor or its agents has deliberately or substantially failed to follow the terms of the management contract or the tribal gaming ordinance or resolution adopted and approved pursuant to the Act; or

*25 CFR 533.6 (b)(3) Approval and disapproval. (Pg. 63)*

4. A trustee, exercising the skill and diligence to which a trustee is commonly held, would not approve the contract.

*25 CFR 533.6 (b)(3) Approval and disapproval. (Pg. 63)*

(c) The NIGC Chairman may disapprove a management contract for class III gaming if he or she determines that a person with a financial interest in, or management responsibility for, a management contract is a person whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of related business and financial arrangements.

*25 CFR 533.6 (c) Approval and disapproval. (Pg. 63)*

#### 4.19 VOID AGREEMENTS

Management contracts and changes in persons with a financial interest in or management responsibility for a management contract, that have not been approved by the NIGC Chairman in accordance with the requirements of part 531 of this chapter and this part, are void.

*25 CFR 533.7 Void agreements. (Pg. 63)*

#### 4.20 AMENDMENTS

(a) Subject to the NIGC Chairman's approval, a tribe may enter an amendment of a management contract for the operation of a class II or class III gaming activity.

*25 CFR 535.1 (a) Amendments. (Pg. 63)*

(b) A tribe shall submit an amendment to the NIGC Chairman within thirty (30) days of its execution.

*25 CFR 535.1 (b) Amendments. (Pg. 63)*

(c) A tribe shall include in any request for approval of an amendment under this part;

- (1) An amendment containing original signatures of an authorized official of the tribe and the management contractor and terms that meet the applicable requirements of part 531 of this chapter;
- (2) A letter, signed by the tribal chairman, setting out the authority of an authorized tribal official to act for the tribe concerning the amendment;
- (3) Copies of documents evidencing the authority under paragraph (c)(2) of this section;
- (4) A list of all persons and entities identified in 537.1(a) and 537.1(c)(1) of this chapter;
  - (i) If the amendment involves a change in person(s) having a direct or indirect financial interest in the management contract or having management responsibility for the management contract, a list of such person(s) and either;
    - (A) The information required under 537.1(b)(1) of this chapter for class II gaming contracts or 537.1(b)(1)(i) of this Chapter for class III gaming contracts; or

(B) The dates on which the information was previously submitted;  
*25 FR 535.1 (c) Amendments. (Pg. 63)*

(5) If applicable, a justification, consistent with the provisions of 531.1(h) of this chapter, for a term limit in excess of five (5) years, but not exceeding seven (7) years; and

*25 CFR 535.1 (c) Amendments. (Pg. 64)*

(6) If applicable, a justification, consistent with the provisions of 531.1(i) of this chapter, for a management fee in excess of thirty (30) percent, but not exceeding forty (40) percent.

*25 CFR 535.1 (c) Amendments. (Pg. 64)*

(d)(1) The NIGC Chairman shall approve or disapprove an amendment within thirty (30) days from receipt of a complete submission of the amendment does not require a background investigation under part 537 of this chapter unless the Chairman notifies the parties in writing of the need for an extension of up to thirty (30) days.

*25 CFR 535.1 (d)(1) Amendments. (Pg. 64)*

(d)(2) The NIGC Chairman shall approve or disapprove an amendment as soon as practicable but no later than 180 days from receipt of a complete submission if the amendment requires a background investigation under part 537 of this chapter.

*25 CFR 535.1 (d)(2) Amendments. (Pg. 64)*

(d)(3) A party may appeal the NIGC Chairman's approval or disapproval of an amendment under part 583 of this chapter. If the Chairman does not approve or disapprove an amendment within the timelines of paragraph (d)(1) or (d)(2) of this section, the amendment shall be deemed disapproved and a party shall have thirty (30) days to appeal the decision under part 683 of this chapter.

*25 CFR 535.1 (d)(3) Amendments. (Pg. 64)*

(e)(1) The NIGC Chairman may approve an amendment to a management contract if the amendment meets the submission requirements of paragraph (c) of this section. Failure to comply with the submission requirements of paragraph (c) of this section may result in the Chairman's disapproval of an amendment.

*25 CFR 535.1 (e)(1) Amendments. (Pg. 64)*

(e)(2) The NIGC Chairman shall disapprove an amendment of a management contract for class II gaming if he or she determines that the conditions contained in CFR 533.6 of this chapter apply.

*25 CFR 535.1 (e)(2) Amendments. (Pg. 64)*

(e)(3) the NIGC Chairman may disapprove an amendment of a management contract for class III gaming if he or she determines that the conditions contained in CFR 533.6(c) of this chapter apply.

*25 CFR 535.1 (e)(3) Amendments. (Pg. 64)*

(f) Amendments that have not been approved by the NIGC Chairman in accordance with the requirements of this part are void.

*25 CFR 535.1 (f) Amendments. (Pg. 64)*

Subject to the approval of the NIGC Chairman, a management contractor may assign its rights under a management contract to the extent permitted by the contract. A tribe or a management contract shall submit such assignment to the NIGC Chairman upon execution. The NIGC Chairman shall approve or disapprove an assignment applying the standards of, and within the time provided by 531.1(d) and 535.1 of this part.

*25 CFR 535.2 Assignments. (Pg. 64)*

#### 4.21 POST-APPROVAL NON-COMPLIANCE

If the TMGC or the NIGC Chairman learns of any action of condition that violates the standards contained in 23 CFR parts 531, 533, 535, or 537 of this chapter, the TMGC or the NIGC Chairman may require modifications of, or may void, a management contract or amendment approved by the TMGC or the NIGC Chairman under such sections, after providing the parties an opportunity for a hearing before the TMGC or the NIGC Chairman and a subsequent appeal to the NIGC Commission as set forth in part 584 or part 585 of this chapter. The TMGC or the NIGC Chairman will initiate modification or voiding proceedings by serving the parties, specifying the grounds for the modification or voiding. The parties will have thirty (30) days to request a hearing or respond with objections. Within thirty (30) days of receiving a request for a hearing and receive oral presentations and written submissions. The TMGC or the NIGC Chairman will decide based on the developed record and notify the parties of the decision and of their right to appeal.

*25 CFR 535.3 Post-approval noncompliance. (Pg. 64)*

#### 4.22 BACKGROUND INVESTIGATIONS FOR PERSONS OR ENTITIES WITH A FINANCIAL INTEREST IN, OR HAVING MANAGEMENT RESPONSIBILITY FOR, A MANAGEMENT CONTRACT

(a) For each management contract for class II gaming, the TMGC shall conduct or cause to be conducted a background investigation of:

1. Each person with management responsibility for a management contract;
2. Each person who is a director of a corporation that is a party to a management contract;
3. The ten (10) persons who have the greatest direct or indirect financial interest in a management contract;
4. Any entity with a financial interest in a management contract (in the case of any tribe, a wholly owned tribal entity, national bank, or institutional investor that is federally regulated or is required to undergo a background investigation and licensure by a state or tribe pursuant to a tribal-state compact, the NIGC Chair may exercise discretion and reduce the scope of the information to be furnished and the background investigation to be conducted); and
5. Any other person with a direct or indirect financial interest in a management contract otherwise designated by the TMGC or the Commission.

*537.1 Applications for approval. (a) (Pg. 65)*

(b) For each natural person identified in paragraph (a) of this section, the management contractor shall provide to the TMGC and the NIGC Commission the following information:

*1. Required information.*

- (i) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship and gender;
- (ii) A current photograph, driver's license number, and list of all languages spoken or written;
- (iii) Business and employment positions held, and business and residence address currently and for the previous ten (10) years; the city, state and country of residence from age eighteen (18) to the present;
- (iv) The names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the person at each different residence location for the past five (5) years;
- (v) Current business and residence telephone numbers;
- (vi) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (vii) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (viii) The names and address of any licensing or regulatory agency with which the person has filed an application for a license or permit relating to gaming, whether or not such license or permit was granted;
- (ix) For each gaming offense and for each felony for which there is an ongoing prosecution or a conviction, the name and address of the court involved, the charge and the dates for the charge and of the disposition;
- (x) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved, and the dates of the prosecution and the disposition;
- (xi) A complete financial statement showing all sources of income for the previous three (3) years, and assets, liabilities, and net worth as of the date of the submission; and
- (xii) For each criminal charge (excluding minor traffic charges) regardless of whether or not it resulted in a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraphs (b)(1)(ix) or (b)(1)(x) of this section, the name and address of the court involved, the criminal charge, and the dates of the charge and the disposition.

*537.1 Applications for approval. (b)(1) (Pg. 65)*

2. *Fingerprints.*

The management contractor shall arrange with an appropriate federal, state, or tribal law enforcement authority to supply the TMGC and/or Commission with a completed form FD-258, Applicant Fingerprint Card, (provided by the TMGC and/or Commission), for each person for whom background information is provided under this section.

*537.1 Applications for approval. (b)(2) (Pg. 66)*

3. *Responses to Questions.*

Each person with a direct or indirect financial interest in a management contract or management responsibility for a management contract shall respond within thirty (30) days to written or oral questions propounded by the TMGC and/or Chairman.

*537.1 Applications for approval. (b)(3) (Pg. 66)*

4. *Privacy notice.*

In compliance with the Privacy Act of 1974, each person required to submit information under this section shall sign and submit the following statement;

*Solicitation of information in this section is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the suitability of individuals with a financial interest in, or having management responsibility for, a management contract. The information will be used by the National Indian Gaming Commission members and staff and Indian tribal officials who have need for the information in the performance of their official duties. The information may be disclosed to appropriate federal, tribal, state, or foreign law enforcement and regulatory agencies in connection with a background investigation or when relevant to civil, criminal or regulatory investigations or prosecutions or investigations of activities while associated with a gaming operation. Failure to consent to the disclosures indicated in this statement will mean that the Chairman of the National Indian Gaming Commission will be unable to approve the contract in which the person has a financial interest or management responsibility.*

The disclosure of a person's Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing the information provided.

*537.1 Applications for approval. (b)(4) (Pg. 66)*

5. *Notice regarding false statements.*

Each person required to submit information under this section shall sign and submit the following statement:

*A false statement knowingly and willfully provided in any of the information pursuant to this section may be grounds for not approving the contract in which I have a financial interest or management responsibility, or for disapproving or voiding such contract after it is approved by the Chairman of the National Indian Gaming Commission, Also, I may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).*

537.1 Applications for approval. (b)(5) (Pg. 66)

(c) For each entity identified in paragraph (a)(4) of this section, the management contractor shall provide to the TMGC and/or Commission the following information

537.1 Applications for approval. (c) (Pg. 66)

(c)(1) List of individuals.

- (i) Each of the ten (10) largest beneficiaries and the trustees when the entity is a trust;
- (ii) Each of the ten (10) largest partners when the entity is a partnership;
- (iii) Each person who is a director or who is one of the ten (10) largest holders of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling when the entity is a corporation; and
- (iv) For any other type of entity, the ten (10) largest owners of that entity alone or in combination with any other owner who is a spouse, parent, child or sibling and any person with management responsibility for that entity.

537.1 Applications for approval. (c)(1) (Pg. 66)

(c)(2) Required information.

- (i) The information required in paragraph (b)(1)(i) of this section for each individual identified in paragraph (c)(1) of this section;
- (ii) Copies of documents establishing the existence of the entity, such as the partnership agreement, the trust agreement, or the articles of incorporation;
- (iii) Copies of documents designating the person who is charged with acting on behalf of the entity;
- (iv) Copies of bylaws or other documents that provide the 10-day operating rules for the organization;
- (v) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (vi) A description of any existing and previous business relationships with the gaming industry generally, including ownership interest in those businesses;
- (vii) The name and address of any licensing or regulatory agency with which the entity has filed an application for a license or permit relating to gaming, whether or not such license or permit was granted;
- (viii) For each gaming offense and for each felony for which there is an ongoing prosecution or a conviction, the name and address of the court involved, the charge, and the dates of the charge and disposition;

- (ix) For each misdemeanor conviction or ongoing misdemeanor prosecution within ten (10) years of the date of the application, the name and address of the court involved, and the dates of the prosecution and disposition;
- (x) Complete financial statements for the previous three (3) fiscal years; and
- (xi) 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 paragraph (c)(1)(viii) or (c)(1)(ix) of this section, the criminal charge, the name and address of the court involved and the dates of the charge and disposition.

*537.1 Applications for approval. (c)(2) (Pg. 66)*

(c)(3) Responses to questions. Each entity with a direct or indirect financial interest in a management contract shall respond within thirty (30) days to written or oral questions propounded by the TMGC and/or Chairman.

*537.1 Applications for approval. (c)(3) (Pg. 66)*

(c)(4) Notice regarding false statements. Each entity required to submit information under this section shall sign and submit the following statement.

A false statement knowingly and willfully provided in any of the information pursuant to this section may be grounds for not approving the contract in which we have a financial interest, or for disapproving or voiding such contract after it is approved by the TMGC Chairman of the National Indian gaming Commission. Also, we may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).

*537.1 Applications for approval. (c)(4) (Pg. 67)*

#### 4.23 SUBMISSION OF BACKGROUND INFORMATION

A management contractor shall submit the background information required in 537.1 of this part:

- (a) Insufficient time to permit the TMGC and/or Commission to complete its background investigation by the time the individual is to assume management responsibility for, or the management contractor is to begin managing, the gaming operation; and
- (b) Within ten (10) days of any proposed change in financial interest.

*537.2 Submission of background information. (Pg. 67)*

#### 4.24 FEES FOR BACKGROUND INVESTIGATIONS

A management contractor shall pay to the TMGC and/or Commission or the contractor(s) designated by the TMGC and/or Commission the cost of all background investigations conducted under this part.

*537.3 Fees for background investigations. (a) (Pg. 67)*

The management contractor shall post a deposit with the TMGC and/or Commission to cover the cost of the background investigations as follows:

- (1) Management contractor (party to the contract) \$25,000.00
- (2) Each individual and entity with a financial interest in the contract \$10,00.00

*537.3 Fees for background investigations. (b) (Pg. 67)*

The Management contractor shall be billed for the costs of the investigation as it proceeds; the investigation shall be suspended if the unpaid costs exceed the amount of the deposit available.

- (1) An investigation will be terminated if any bills remain unpaid for more than thirty (30) days.
- (2) A terminated investigation will preclude the TMGC and/or Chairman from making the necessary determinations and result in a disapproval of a management contract.

*537.3 Fees for background investigations. (c) (Pg. 67)*

Any remaining balance of the deposit will be returned to the management contractor when all bills have been paid and the investigations have been completed or terminated.

*537.3 Fees for background investigations. (d) (Pg. 67)*

**THE TORRES MARTINEZ GAMING COMMISSION**

**TRIBAL MOTION  
RECORD OF MOTION or ACTION TAKEN**

Meeting Date: 1/17/2024		Agenda Item Number: V.d	
Department: TMGC		Presenter: TGA	
Concerning the matter of:		Bo-Co-Pa Draft Regulation Approvals	
Resolution number:		#LR002b – Management Contract Regulations	

**ACTION TAKEN**

<input checked="" type="checkbox"/> <b>APPROVED</b>
<input type="checkbox"/> DENIED
<input type="checkbox"/> TABLED
<input type="checkbox"/> FOR THE RECORD
<input type="checkbox"/> OTHER
<input type="checkbox"/> FURTHER INFORMATION REQUIRED
<input type="checkbox"/> FORWARD TO
<input checked="" type="checkbox"/> Alfonso Loya, TGA Manager
<input type="checkbox"/> Tribal Procurement
<input checked="" type="checkbox"/> Altrena Santillanes, Tribal Council

FOR <u>  3  </u> AGAINST <u>  0  </u> ABSTAIN <u>  0  </u>
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<b>COMMENTS: MOTION TO APPROVE MANAGEMENT CONTRACT REGULATIONS (#LR002b) – EFFECTIVE DATE 1/17/2024. TO BE REVIEWED EVERY 3 YEARS. COMMISSION RESERVES RIGHTS TO MAKE AMENDMENTS AT ANY TIME.</b>
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<b>VERIFICATION:</b> <u>Britni Stafford</u> Britni Stafford, Secretary TM Gaming Commission <b>DATE: 1/25/2024</b>
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**Britni Stafford** Digitally signed by Britni Stafford  
Date: 2024.01.25 19:00:44 -08'00'

