

LR-002 (d) TRIBAL-STATE COMPACT LICENSING REGULATIONS

2.0 STATE LICENSING AUTHORITY:

The purpose of this regulation is to assure the Tribe is in compliance with the Tribal-State Compact.

Unless the tribal-state compact assigns sole jurisdiction to an entity other than the Torres Martinez Gaming Commission with respect to background investigations, the requirements of this part of the Tribal-State Compact shall apply to all class II and class III gaming. The procedures and standards of this part apply only to primary management officials and key employees. This part does not apply to any license that is intended to expire within 90 days of issuance.

556.1 Scope of this part (Pg. 201)

The TMGC will ensure that the policies and procedures set out in this regulation are implemented with respect to key employees and primary management officials employed at any Class II and III gaming enterprise operated on TM approved gaming lands.

SEC VII Licenses for Key Employees and Primary Management Officials (PMO) (Pg. 8)

(a) All Gaming Activities conducted under the Tribal-State Compact shall, at a minimum, comply

(i) With the Gaming Ordinance ~~duly~~ adopted by the Tribe and approved in accordance with IGRA,

(ii) with all applicable rules, regulations, procedures, specifications, and standards duly adopted by the NIGC, the Tribal Gaming Agency, and the State Gaming Agency, and

(iii) with the provisions of the Tribal-State Compact.

SEC 6.0 LICENSING (a) (Pg. 17)

(b) The TMGA shall make available for inspection by the State Gaming Agency upon request a copy of the Tribe's Gaming Ordinance, and all the Tribal Gaming Agency's rules, regulations, procedures, specifications, ordinances, or standards applicable to the Gaming Activities that are referenced and required by the Tribal-State Compact, excluding the tribal Gaming Agency's internal policies and procedures as well as anything pertaining to Class II and any non-gaming function of the Casino. The TMGA shall give notice to the State Gaming Agency of any material change or amendment to the Gaming Ordinance, the Tribal gaming Agency's rules, regulations, procedures, specifications, ordinances, or standards applicable to the Gaming Activates, and the Gaming Operations' internal control standards, no later than thirty (30) days after the change or amendment.

SEC 6.0 LICENSING (Pg. 17)

(c) The TMGA shall make the following documents available in hard copy or on the Gaming Facility website to its patrons or their legal representatives:

- 1) The Gaming Ordinance.
- 2) The rules of each Class III Gaming game operated by the Tribe, to the extent that such rules are not available for display on the Gaming Device or the table on which the game is played.
- 3) Rules governing promotions.

- 4) Rules governing points and the player's club program, including rules regarding confidentiality of the player information, if any.
- 5) The tort liability ordinance.
- 6) And the regulations promulgated by the Tribal Gaming Agency concerning patron disputes To the extent that any of the foregoing are available to the public on a website maintained by an agency of the State of California or the federal government, or by the Tribe or the Gaming Operation, the Tribe Gaming Agency may refer requesters to such website(s) for the requested information.

SEC 6.0 LICENSING (Pg. 18)

2.1 LICENSING PRINCIPALS:

All persons in any way connected with the Gaming Operation or Gaming Facility who are required to be licensed or to submit to a background investigation under these regulations without limitation, all Gaming Employees, Gaming Resource Suppliers, Financial Sources not otherwise exempt from licensing requirements, and any other person having a significant influence over the Gaming Operation, must be licensed by the TMGA and except as otherwise where applicable cannot have had any determination of suitability denied or revoked by the State Gaming Agency. The TMGA intend that the licensing process provided for in this Regulation shall involve joint cooperation between the TMGA and the State Gaming Agency, as more particularly describe herein.

SEC 6.4.1. Summary of Licensing Principles. (Pg. 19)

2.2 GAMING EMPOLYEES:

(a) Every Gaming Employee shall obtain and thereafter maintain current a valid tribal gaming license and, except as provided in subdivision (b), shall obtain and thereafter maintain current, a State Gaming Agency determination of suitability, with license and determination shall be subject to biennial renewal; provided that in accordance with section 6.4.9, those persons may be employed on a temporary or conditional basis pending completion of the licensing process and the State Gaming Agency determination of suitability.

SEC 6.4.3. Gaming Employees. (Pg. 24)

(b) The TMGA shall identify those Gaming Employees who, in addition to a tribal gaming license, must also apply for, obtain, and maintain, a finding of suitability from the State Gaming Agency. The general principles governing those Gaming Employees who must have both a tribal gaming license and a finding of suitability from the State Gaming Agency are set forth in the Tribal-State Compact. A Gaming Employee who is required to obtain and maintain current a valid tribal gaming license under the Tribal-State Compact shall not be required to obtain or maintain a State Gaming Agency determination of suitability if any of the following apply:

SEC 6.4.3. Gaming Employees. (Pg. 24)

- (1) The Gaming Employee is subject to the licensing requirement solely because he or she is a person who conducts, operates, maintain, repair, accounts for, or assists in Gaming Activities, provided that this exception shall not apply if he or she supervises Gaming Activates or persons who conduct, operate, maintain, repair, assist, account for, or supervise any such Gaming Activity

and is empowered to make discretionary decisions affecting the conduct or operation of the Gaming Activities.

SEC 6.4.3. Gaming Employees. (Pg. 24)

(2) The Gaming Employee is subject to the licensing requirement solely because he or she is a person whose employment duties require or authorize access to areas of the Gaming Facility that are not open to the public, provided that this exception shall not apply if he or she supervises Gaming Activities or persons who conduct, operate, maintain, repair, assist, account for or supervise any such Gaming Activity, and is empowered to make discretionary decisions affecting the conduct or operation of the Gaming Activities.

SEC 6.4.3. Gaming Employees. (Pg. 24)

(3) The Gaming Employee is subject to the licensing requirement solely because he or she is a Tribal Gaming Agency employee with access to confidential information.

SEC 6.4.3. Gaming Employees. (Pg. 25)

(4) The TMGA in consultation with the State Gaming Agency, exempts the Gaming Employee from the requirement to obtain or maintain current a State Gaming Agency determination of stability.

SEC 6.4.3. Gaming Employees. (Pg. 25)

(5) State Key Employee Positions

- (1) Accounting Supervisor/Manager
- (2) Assistant Casino Shift Manager
- (3) Cage Manager/Relief Supervisor
- (4) Cage Shift Supervisor
- (5) Chief Financial Officer
- (6) Director of Accounting
- (7) Director of Operations
- (8) Floor Supervisor
- (9) General Manger
- (10) Information Technology Supervisor
- (11) Information Technology Manager
- (12) Revenue Auditor
- (13) Revenue Manager
- (14) Security Manager
- (15) Security Manager/Director
- (16) Security Shift Supervisor

(17) Slot Lead Technician

(18) Surveillance Manager

(19) Surveillance Shift Supervisor

(c) If the State Gaming Agency determines it is reasonably necessary, the State Gaming Agency is authorized to review the tribal license application, and all materials and information received by the TMGA in connection therewith, for any person whom the TMGA has licensed or proposes to license as a Gaming Employee. If the State Gaming Agency determines that the person would be unsuitable for issuance of a license or permit for a similar level of employment in a gambling establishment subject to the jurisdiction of the State, it shall notify the TMGA of its determination and the reasons supporting its determination. The TMGA shall thereafter conduct a hearing in accordance with Tribal-State Compact section 6.5.5 to reconsider issuance of the tribal gaming license and shall notify the State Gaming Agency of its determination immediately after the State Gaming Agency of its determination immediately after the hearing, which shall be final unless made the subject of dispute resolution between the Tribe and the State pursuant to section 13.0 within thirty (30) days of such notification.

SEC 6.4.3. Gaming Employees. (Pg. 25)

(d) Gaming Operations: shall not employ, or continue to employ, any person whose application to the State Gaming Agency for a determination of suitability or for a renewal of such a determination has been denied, or whose determination of suitability has expired without renewal.

SEC 6.4.3. Gaming Employees (Pg. 25)

(e) The TMGA may employ or retain in its employ a person whose application for a determination of suitability, or for a renewal of such a determination, has been denied by the State Gaming Agency, if:

SEC 6.4.3. Gaming Employees (Pg. 25)

(1) The person holds a valid and current license issued by the TMGA that must be renewed at least biennially; and

SEC 6.4.3. Gaming Employees (Pg. 26)

(2) The denial of the application by the State Gaming Agency is based solely on activities, conduct, or associations that antedate, by at least ten (10) years, the filing of the person's initial application to the State Gaming Agency for a determination of suitability; and

SEC 6.4.3. Gaming Employees (Pg. 26)

(3) The person is not an employee or agent of any other gaming operation; and

SEC 6.4.3. Gaming Employees (Pg. 26)

(4) The person has been in the continuous employ of the Tribe for at least three (3) years prior to January 16, 2004.

SEC 6.4.3. Gaming Employees (Pg. 26)

(f) Gaming Operations may employ or retain in its employ a person whose application for a determination of suitability, or for a renewal of such a determination, has been denied by the State Gaming Agency, if the person is an enrolled member of the Tribe (defined for purpose as a person who is a member of the Tribe as determined by the Tribe's law), and if:

SEC 6.4.3. Gaming Employees (f) (Pg. 26)

(1) The enrolled member of the Tribe holds a valid and current license issued by the Tribal Gaming Agency that must be renewed at least biennially; and

SEC 6.4.3. Gaming Employees (f)(1) (Pg. 26)

(2) The enrolled member of the Tribe is not an employee or agent of any other gaming operation; and

SEC 6.4.3. Gaming Employees (f)(2) (Pg. 26)

(3) If:

(A) The enrolled member was eligible for an exemption under Tribal-State Compact section 6.4.4, subdivision (d) of the 2003 Compact, has been granted a license by the Tribal Gaming Agency while the 2003 Compact was in effect, and the State Gaming Agency's denial of the application is based solely on activities, conduct, or associations that antedate the Tribal Gaming Agency's first grant of a license to the tribal member pursuant to the 2003 Compact; or

SEC 6.4.3. Gaming Employees (f)(3)(A)(Pg. 26)

(B) The denial of the application by the State Gaming Agency is based solely on activities, conduct, or associations that antedate, by at least ten (10) years, the filing of the enrolled member of the Tribe's initial application to the State Gaming Agency for a determination of suitability.

SEC 6.4.3. Gaming Employees (f)(3)(B) (Pg. 27)

SEC 6.4.3. Gaming Employees (g) (Pg. 27)

(g) This section shall not apply to members of the Tribal Gaming Agency.

SEC 6.4.3. Gaming Employees (g) (Pg. 27)

2.3 PROCESSING OF A TRIBAL-STATE GAMING LICENSE APPLICATION.

(a) Each Application for a Tribal-State- gaming license shall submit the completed application along with the required information and an application fee, if required, to the TMGA in accordance with the rules and regulation of the agency.

SEC 6.4.6 Processing Tribal Gaming License Applications. (Pg. 35)

(b) At a minimum, the TMGA shall require submission and consideration of all information required under IGRA, including part 556.4 of title 25 of the Code of Federal Regulations, for licensing primary management officials and key employees.

SEC 6.4.6 Processing Tribal Gaming License Applications. (Pg. 35)

(c) Nothing herein precludes the Tribe or Tribal Gaming Agency requiring more stringent licensing requirements if they deem necessary.

SEC 6.4.6 Processing Tribal Gaming License Applications. (Pg. 35)

2.4 SUITABILITY STANDARD REGARDING GAMING LICENSES

(a) In reviewing an application for a tribal gaming license, and in addition to any standards set forth in the Gaming Ordinance, the TMGA shall consider whether issuance of the license is inimical to public health, safety, or welfare, and whether issuance of the license will undermine public trust that the Tribe's Gaming Operation is free from criminal and dishonest elements and would be conducted honestly.

SEC 6.4.6 Suitability Standard Regarding Gaming Licenses. (Pg. 36)

(b) A license may not be issued unless, based on all information and documents submitted, the TMGA determines a licensing applicant is suitable. In the case of an entity, everyone identified in the Tribal-State Compact section 6.4.6, subdivision (c), meets all the following requirements:

SEC 6.4.6 Suitability Standard Regarding Gaming Licenses. (Pg. 36)

(1) The person is of good character, honesty, and integrity.

SEC 6.4.6 Suitability Standard Regarding Gaming Licenses. (Pg. 36)

(2) The person's prior activities, criminal record (if any), reputation, habits, and associations do not 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, or activities in the conduct of gaming, or in the carrying on of business and financial arrangements incidental thereto.

SEC 6.4.6 Suitability Standard Regarding Gaming Licenses. (Pg. 36)

(3) The person is in all other respects qualified to be licensed as provided, and meets the criteria established in the Tribal-State Compact, IGRA, NIGC regulations, the Gaming Ordinance, and any other criteria adopted by the TMGC.

SEC 6.4.6 Suitability Standard Regarding Gaming Licenses. (Pg. 36)

2.5 BACKGROUND INVESTIGATIONS OF STATE LICENSE APPLICANTS.

(a) The TMGA shall conduct or cause to be conducted all necessary background investigations reasonably required to determine that the Applicant is qualified for a gaming license under the standards set forth in the Tribal-State Compact section 6.4.7, and to fulfill all applicable requirements for licensing under IGRA, NIGC regulations, the Gaming Ordinance, and the Tribal-State Compact. The TMGA shall not issue a gaming license, other than a temporary license pursuant to section 6.4.9 of the Tribal-State Compact until a determination is made that those qualifications have been met.

SEC 6.4.8 Background Investigations of Applicants. (Pg. 36)

(b) In lieu of completing its own background investigation, and to the extent that doing so does not conflict with or violate IGRA or the Tribe's Gaming Ordinance, the TMGA may contract with the State Gaming Agency for the conduct of background investigations, may rely on a State determination of suitability that is then valid and previously issued under a Class III Gaming compact or Secretarial Procedures involving another tribe and the State, or may rely on a State Gaming Agency license previously issued to the Applicant, to fulfill some or all of the Tribal Gaming Agency's background investigation obligations.

SEC 6.4.8 Background Investigations of Applicants. (Pg. 37)

(c) If the TMGA contracts with the State Gaming Agency for the conduct of background investigations, then an Applicant for a tribal gaming license shall be required to provide releases to the State Gaming Agency to make available to the TMGA background information regarding the Applicant. The State Gaming Agency shall cooperate in furnishing that information, unless doing so would violate California state or federal law, would violate any agreement the State Gaming Agency has with a source of the information other than the Applicant, or would impair or impede a criminal investigation, or unless the Tribal Gaming Agency cannot provide sufficient safeguards to assure the State Gaming Agency that the information will remain confidential.

SEC 6.4.8 Background Investigations of Applicants. (Pg. 37)

(d) In lieu of obtaining summary criminal history information from the NIGC, the TMGA may, pursuant to the provisions in subdivisions (d) through (j), obtain such information from the California Department of Justice. The Tribe has adopted an ordinance confirming that article 6 (commencing with section 11140) of chapter 1 of title 1 of part 4 of the California Penal Code is applicable to members, investigators, and staff of the TMGA Tribal Gaming Agency, and those members, investigators, and staff thereafter comply with that ordinance, then, for purposes of carrying out its obligations under this section, the tribal Gaming Agency shall be eligible to be considered an entity entitled to request and receive state summary criminal history information, within the meaning of subdivision (b)(13) of section 11105 of the California Penal Code.

SEC 6.4.8 Background Investigations of Applicants. (Pg. 37)

(e) The information received shall be used by the requesting agency solely for the purpose for which it was requested and shall not be reproduced for secondary dissemination to any other employment or licensing agency. Additionally, any person intentionally disclosing information obtained from personal or confidential records maintained by a state agency or from records within a system of records maintained by a government agency may be subject to prosecution.

SEC 6.4.8 Background Investigations of Applicants. (Pg. 38)

(f) The TMGA shall submit to the California Department of Justice fingerprint images and related information required by the California Department of Justice of all Applicants, as defined by section 2.2 of the Tribal-State Compact, for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests and also information as to the existence and content of a record of state or federal arrests for which the California Department of Justice establishes that the person is free on bail or on his or her recognizance pending tribal or appeal.

SEC 6.4.8 Background Investigations of Applicants. (Pg. 38)

2.6 TEMPORARY STATE LICENSING

(a) If the Applicant has completed a license application in a manner satisfactory to the tribal Gaming Agency, and that the TMGA has conducted a preliminary background investigation, and the investigation or other information held by the agency does not indicate that the Applicant has a criminal history or other information in his or her background that would either automatically disqualify the Applicant from obtaining a tribal gaming license or cause a reasonable person to investigate further before issuing a license, or that the Applicant is otherwise unsuitable for licensing, the TMGA may issue a temporary tribal gaming license and may impose such specific conditions thereon pending completion of the Applicant's background investigation, as the TMGA in its sole discretion shall determine.

COMPACT SEC 6.4.9. Temporary Licensing. (Pg. 39)

(b) Special fees may be required by the TMGA to issue or maintain a temporary tribal gaming license.

COMPACT SEC 6.4.9. Temporary Licensing. (Pg. 39)

(c) A temporary state gaming license shall remain in effect until suspended or revoked, or a final determination is made by the state on the application, or for a period of up to one (1) year, whichever comes first.

COMPACT SEC 6.4.9. Temporary Licensing. (Pg. 39)

(d) At any time after issuance of a temporary tribal gaming license, the TMGA shall or may, as the case may be, suspend or revoke it in accordance with the provisions of sections 6.5.1 or 6.5.5, and the State gaming Agency any request suspension or revocation before making a determination of unsuitability.

COMPACT SEC 6.4.9. Temporary Licensing. (Pg. 39)

(e) Nothing herein shall be construed to relieve the Tribe of any obligation under part 558 of title 25 of the Code of Federal Regulations.

COMPACT SEC 6.4.9. Temporary Licensing. (Pg. 39)

2.7 TRIBAL GAMING LICENSE ISSUANCE

Upon completion of the necessary background investigation, the TMGA may issue a tribal gaming license on a conditional or unconditional basis. Nothing herein shall create a property or other right of an Applicant in an opportunity to be licensed, or in a tribal gaming license itself, both of which shall be considered to be privileges granted to the Applicant in the sole discretion of the Tribal Gaming Agency.

COMPACT SEC 6.5. Tribal Gaming License Issuance. (Pg. 39)

(a) Any Applicant's application of a tribal gaming license may be denied, and any license issued may be revoked, if the TMGA determines that the application is incomplete or deficient, or if the Applicant is determined to be unsuitable or otherwise unqualified for a tribal gaming license.

COMPACT SEC 6.5.1. Denial, Suspension, or Revocation of Licenses. (Pg. 40)

(b) Pending consideration of revocation, the Tribal Gaming Agency may suspend a tribal gaming license in accordance with these regulations a section 6.5.5 of the Tribal-State Compact and these regulations.

COMPACT SEC 6.5.1. Denial, Suspension, or Revocation of Licenses. (Pg. 40)

(c) All rights to notice and hearing shall be governed by tribal law, these rules, regulations and comport with federal procedural due process by, for instance, providing the Applicant with notice reasonably calculated to apprise the Applicant of the pendency of the determination, an opportunity to review materials upon which the charge is based in such a manner that does not compromise security or regulation of the Gaming Operation, and an opportunity to be heard. The Applicant shall be notified in writing of the hearing and given notice of any intent to suspend or revoke the tribal gaming license.

COMPACT SEC 6.5.1. Denial, Suspension, or Revocation of Licenses. (Pg. 40)

(d) Except as provided in subdivision (e) below, upon receipt of notice that the State Gaming Agency has determined that a person would be unsuitable for licensure in a gambling establishment subject to the jurisdiction of the State gaming Agency, the TMGA shall deny that person a tribal gaming license and promptly, and in no event more than thirty (30) days from the State gaming Agency notification, revoke any tribal gaming license that has theretofore been issued to that person; provided that the TMGA may, in its discretion, reissue a tribal gaming license to the person following entry of a final judgement reversing

the determination of the State Gaming Agency in a proceeding between the Applicant and the State Gaming Agency in a proceeding between the Applicant and the State Gaming Agency in state court conducted pursuant to section 1085 or 1094.5 of the California Code of Civil Procedure, as provided by the California gambling Control Act.

COMPACT SEC 6.5.1. Denial, Suspension, or Revocation of Licenses. (Pg. 40)

(e) Notwithstanding a determination of unsuitability by the State Gaming Agency, the TMGA may, in its discretion, decline to revoke a tribal gaming license issued to a person employed by the Gaming Operation pursuant to section 6.4.3, subdivision (e) or (f) of the Tribal-State Compact.

COMPACT SEC 6.5.1. Denial, Suspension, or Revocation of Licenses. (Pg. 41)

2.8 RENEWAL OF LICENSES; EXTENSIONS; FURTHER INVESTIGATION

(a) Except as provided in section 6.4.4, subdivision (c) of the Tribal-State Compact, the term of a tribal gaming license shall not exceed two (2) years, and application for renewal of a license must be made prior to its expiration. Applicants for renewal of a tribal gaming license shall provide updated material, as requested, on the appropriate renewal forms, but, at the discretion of the TMGA, may not be required to resubmit historical data previously submitted or that is otherwise available to the TMGA. At the discretion of the TGMA, an additional background investigation may be required at any time if the TMGA determines the need for further information concerning the Applicant's continuing suitability or eligibility for a license.

COMPACT SEC 6.5.2. Renewal of Licenses; Extensions; Further Investigation. (Pg. 41)

(b) Prior to renewing a tribal gaming license for a Gaming Employee as to whom a determination of suitability is required, a gaming Resource Supplier, or a Financial Source, the TMGA shall deliver to the State Gaming Agency copies of all information and documents received in connection with the application for renewal of the tribal gaming license, which is not otherwise prohibited or restricted from disclosure under applicable federal law or regulation, for purposes of the State gaming Agency's consideration of renewal of its determination of suitability.

COMPACT SEC 6.5.2. Renewal of Licenses; Extensions; Further Investigation. (Pg. 41)

(c) At the discretion of the State Gaming Agency, an additional background investigation may be required regarding a gaming Employee as to whom a determination of suitability is required, a gaming Resource Supplier, or a Financial Source if the State gaming Agency determines the need for further information concerning the Applicant's continuing suitability for a license.

COMPACT SEC 6.5.2. Renewal of Licenses; Extensions; Further Investigation. (Pg. 41)

2.9 TRIBAL GAMING LICENSE

(a) the TMGA shall require that all persons who are required to be licensed wear, in plain view always while in the Gaming Facility, identification badges issued by the Tribal Gaming Agency. The Tribal Gaming Agency may allow temporary exceptions to this provision for the purposes of authorizing investigators who are actively investigating a matter within the Gaming Facility to monitor gaming Activities.

COMPACT SEC 6.5.3. (Pg. 42) Identification Cards.

(b) Tribal Gaming License must display information, including, but not limited to, a photograph and the person's name, which is adequate to enable members of the public and agents of the TMGA to readily identify the person and determine the validity and date of expiration of his or her license.

COMPACT SEC 6.5.3. Identification Cards. (Pg. 42)

(c) Upon request, the TMGA shall provide the State Gaming Agency with the name, Tribal Gaming License number (if any), and job title of all required gaming Employees. This information can only be released by the TMGA and no other entity.

COMPACT SEC 6.5.3. Identification Cards. (Pg. 42)

2.10 FEES FOR TRIBAL GAMING LICENSE

The Fees for all tribal gaming licenses shall be set by the Tribal Gaming Agency.

COMPACT SEC 6.5.4. Fees for Tribal Gaming License. (Pg. 42)

The Tribal Gaming Agency shall summarily suspend the tribal gaming license of any licensee if the Tribal Gaming Agency determines that the continued licensing of the person or entity constitutes a threat to the public health or safety or may summarily suspend the license of any licensee if the tribal gaming Agency determines that the continued licensing of the person or entity may violate the Tribal Gaming Agency's licensing or other standards. The Tribal Gaming Agency shall notify the State Gaming Agency within seven (7) days of any such determination. The right to notice or hearing in regard thereto shall be governed by tribal law and comport with federal due process by, for instance, providing the licensed person or entity with notice reasonably calculated to apprise the licensee of the pendency of the determination, an opportunity to review materials upon which the charge is based in such a manner that does not compromise security or regulation of the Gaming Operation or Facility, and an opportunity to be heard.

COMPACT SEC 6.5.5. Summary Suspension of Tribal gaming License. (Pg. 42)

2.11 STATE DETERMINATION OF SUITABILITY PROCESS

(a) With respect to Applicants as to whom a determination of suitability is required, upon receipt of an Applicant's completed license application and a determination to issue either a temporary or permanent license, the TMGA shall transmit within twenty-one (21) days to the State gaming Agency for a determination of suitability for licensure under the California Gambling Control Act a notice of intent to license the Applicant, together with all the following:

COMPACT SEC 6.5.6. State Determination of Suitability Process. (Pg. 43)

(1) A copy of all tribal license application materials and information received by the TMGA from the Applicant that is not otherwise prohibited or restricted from disclosure under applicable federal law or regulation.

COMPACT SEC 6.5.6. State Determination of Suitability Process. (Pg. 43)

(2) An original, complete set of fingerprint impressions, rolled by an authorized TMGA LASO or Certified Designee as identified in the TMGA policy and procedures

COMPACT SEC 6.5.6. State Determination of Suitability Process. (Pg. 43)

(3) A current photograph.

COMPACT SEC 6.5.6. State Determination of Suitability Process. (Pg. 43)

(4) Except to the extent waived by the State Gaming Agency, such releases of information, waivers, and other completed and executed forms as have been obtained by the TMGA.

COMPACT SEC 6.5.6. State Determination of Suitability Process. (Pg. 43)

(b) Upon receipt of a written request from a Gaming Resource Supplier or a Financial Source for a determination of suitability, the State Gaming Agency shall transmit an application package to the Applicant to be completed and returned to the State Gaming Agency for purposes of allowing it to make a determination of suitability for licensure.

COMPACT SEC 6.5.6. State Determination of Suitability Process. (Pg. 43)

(c) Investigation and disposition of applications for a determination of suitability shall be governed entirely by California law, and the State Gaming Agency shall determine whether the Applicant would be found suitable for licensure in a gambling establishment subject to the State Gaming Agency's jurisdiction. Additional information may be required by the State Gaming Agency to assist it in its background investigation, to the extent permitted under state law for licensure in a gambling establishment subject to the State Gaming Agency's jurisdiction.

COMPACT SEC 6.5.6. State Determination of Suitability Process. (Pg. 43)

(d) The TMGA shall require a licensee to apply for renewal of a determination of stability by the State Gaming Agency at such time as the licensee applies for renewal of a tribal gaming license.

COMPACT SEC 6.5.6. State Determination of Suitability Process. (Pg. 44)

(e) Upon receipt of completed license or license renewal application information from the Applicant or the TMGA, the State Gaming Agency may conduct a background investigation pursuant to state law to determine whether the Applicant is suitable to be licensed for association with Class III Gaming operations. The TMGA shall provide to the State Gaming Agency summary reports, including any derogatory information, of the background investigations conducted by the Applicant and any related applications. While the TMGA shall ordinarily be the primary source of application information, the State Gaming Agency is authorized to directly seek application information from the Applicant. If further investigation is required to supplement the investigation conducted by the TMGA, the Applicant will be required to pay the application fee charged by the State Gaming Agency pursuant to California Business and Professions Code section 19951, subdivision (a), but any deposit requested by the State Gaming Agency pursuant to section 19867 of that code shall take into account reports of the background investigation already conducted by the Tribal Gaming Agency and the NIGC, if any. Failure to provide information reassembly required by the State Gaming Agency to complete its investigation under California law or failure to pay the application fee or deposit can constitute grounds for denial of the application by the State Gaming Agency. The State Gaming Agency shall cooperate in sharing as much background information as possible, both to maximize investigative efficiency and thoroughness, and to minimize investigative cost.

COMPACT SEC 6.5.6. State Determination of Suitability Process. (Pg. 44)

(f) Upon completion of the necessary background investigation or other verification of suitability, the State Gaming Agency shall issue a notice to the TMGA certifying that the State has determined that the Applicant is suitable, or that the Applicant is unsuitable, for licensure and, if unsuitable, stating the reasons, therefore. Issuance of a determination of suitability does not preclude the State Gaming Agency from a subsequent determination based on newly discovered information that a person or entity is unsuitable for the purpose for which the person or entity is licensed. Upon receipt of notice that the State Gaming Agency has determined that a person or entity is or would be unsuitable for licensure, the TMGA

shall, except as provided in section 6,4,3, subdivisions (e) and (f), deny that person or entity a license and promptly, and in no event more than thirty (30) days from the issuance of the State Gaming Agency notification, revoke any tribal gaming license that has theretofore been issued to that person or entity; provided that the TMGA may, in its discretion, reissue a tribal gaming license to the person or entity following entry of a final judgment reversing the determination of the State Gaming Agency in proceeding in state court between the Applicant and the State Gaming Agency conducted pursuant to section 1085 or 1094.5 of the California Code of Civil Procedure, as provided by the California Gambling Control Act.

COMPACT SEC 6.5.6. State Determination of Suitability Process. (Pg. 45)

(g) Prior to denying an application for a determination of suitability, or to issuing notice to the TMGA that a person or entity previously determined to be suitable had been determined unsuitable for licensure, the State Gaming Agency shall notify the TMGA and afford the TMGA an opportunity to be heard. If the State Gaming Agency denies an application for a determination of suitability, or issues notice that a person or entity previously determined suitable has been determined unsuitable for licensure, the State gaming Agency shall provide that person or entity with written notice of all appeal rights available under state law.

COMPACT SEC 6.5.6. State Determination of Suitability Process. (Pg. 45)

(h) The State Gaming Commission, or its successor, shall maintain a roster of Gaming Resource Suppliers and Financial Sources that it has determined to be suitable pursuant to the provisions of this section, or through separate procedures to be adopted by the State Gaming Commission. Upon application to the TMGA for a tribal gaming license, a Gaming Resource Supplier that appears on the Commission's suitability roster may be licensed by the TMGA under subdivision (d) of section 6.4.4, and a Financial Source that appears on the Commission's suitability roster may be licensed by the TMGA under section 6.4.5, subdivision (f), subject to any later determination by the State Gaming Agency that the Gaming Resource Supplier or Financial Source is not suitable or to a tribal gaming license suspension or revocation pursuant to sections 6.5.1, or 6.5.5; provided that nothing in this subdivision exempts the gaming Resource Supplier or Financial Source from applying for a renewal of a State Gaming Agency determination of suitability.

COMPACT SEC 6.5.6. State Determination of Suitability Process. (Pg. 46)

2.12 SUBMISSION OF NEW APPLICATION

Nothing in section 6.0 of the Tribal-State Compact shall be construed to preclude an Applicant who has been determined to be unsuitable for licensure by the State Gaming Agency, or the TMGA on behalf of such Applicant, from later submitting a new application for a determination of suitability by the State Gaming Agency; provided that the Applicant may not commence duties or activities until found suitable by the State Gaming Agency.

COMPACT SEC 6.6. Submission of New Application. (Pg. 46)

THE TORRES MARTINEZ GAMING COMMISSION

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

Meeting Date: 3/20/2024		Agenda Item Number: VI.f	
Department: TMGC		Presenter: TGA	
Concerning the matter of:		State Employee Licensing Regulation	
Resolution number:		#LR002(d)	

ACTION TAKEN

<input checked="" type="checkbox"/> APPROVED
<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 type="checkbox"/> Tribal Council

FOR <u> 3 </u> AGAINST <u> 0 </u> ABSTAIN <u> 0 </u>
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COMMENTS: Approval for State Employee Licensing Regulation #LR002(d) effective March 20, 2024; to be reviewed every 3 years. TMGC reserves right to make amendments at any time.
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VERIFICATION: <u> Britni Stafford </u> Britni Stafford, Secretary TM Gaming Commission DATE: 3/20/2024
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