

THE TORRES MARTINEZ GAMING COMMISSION

Regulation: # ADM002 TMGC Grievance Regulation
Approved by: Torres Martinez Gaming Commission
Approval Date: March 19, 2026
Effective Date: March 19, 2026

Section 1: Purpose and Authority

1.1 The purpose of this regulation is to establish an impartial, structured process to resolve grievances between the Tribal Gaming Commission (hereafter “Commission”), the Tribal Gaming Agency (“TGA”), and any person licensed by the Torres Martinez Tribal Gaming Agency in a licensed casino operation (hereafter “Casino”) operating under the jurisdiction of the Torres Martinez Desert Cahuilla Indians.

This regulation is intended to solely address disputes involving regulatory compliance, regulatory decisions, or actions that may affect the integrity, fairness, or administration of tribal gaming. This regulation does not create or replace any employee grievance, disciplinary, or human resources process and shall not apply to personnel or employment-related complaints. This regulation excludes formal regulatory or enforcement actions and shall not be used as a substitute for, or parallel to, the licensing appeal and hearing procedures established under applicable Commission regulations.

1.2 This regulation is promulgated under the authority granted to the Commission by the Torres Martinez Gaming Ordinance and any applicable Tribal-State Compact, and is intended to ensure fair regulatory oversight, protect the integrity of tribal gaming, and preserve the autonomy of the Commission and the Casino.

Section 2: Definitions

- *Commission* means the Torres Martinez Tribal Gaming Commission, the independent regulatory body overseeing gaming activities.
- *Casino* means the licensed gaming enterprise authorized to conduct gaming on tribal lands.
- *Formal Action* means any official action taken in the exercise of regulatory authority that impacts the rights, obligations, or status of a licensee or regulated party.
- *Grievance* means a formal complaint by either the Commission, the TGA, or the Casino asserting that an act, decision, omission, or policy of the other party violates applicable tribal law, regulation, compact, or undermines regulatory fairness or operational integrity. This term applies solely to regulatory matters affecting licensees and does not include employment or human resources complaints.
- *Notice* means a formal, written communication delivered in accordance with the procedures set forth in this regulation.

Section 3: Scope of Grievances Covered

This regulation covers grievances involving:

- Alleged noncompliance with gaming laws or regulations;
- Allegations of Gaming Agency action that is inconsistent with established policy or procedure;

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- Disagreements regarding the interpretation or application of gaming regulations;
- Any other significant regulatory or operational conflict between the Commission, TGA, and/or the Casino operations that is neither a Formal Action nor related to a human resources function. This determination is at the sole discretion of the Commission.

This regulation does not cover grievances involving:

- Formal Actions taken by the TGA including but not limited to Notices to Cure, Notice of Violation, Etc.
- Formal Actions taken by the TGA on individual licensees.

Section 4: Initial Grievance Process

4.1 Submission of Grievance

A party initiating a grievance must submit a written grievance to the Chairperson of the Torres Martinez Gaming Commission. A grievance may only be filed by a party directly impacted by the matter at issue and may not be filed to challenge or comment on general regulatory policies or practices.

4.2 Content of Grievance

Each grievance must include:

- The identity of the party submitting the grievance;
- A concise statement of facts;
- The specific act and/or incident being alleged;
- A description of how the filing party has been directly affected or aggrieved by the decision, directive, or regulatory interpretation that forms the basis of the grievance;
- The tribal law, regulation, or procedure alleged to have been violated, or a description of the regulatory requirement or action believed to be inconsistent with applicable law or regulation.
- Copies of all documents, records, or other evidence (including names of individuals with relevant knowledge or information) relied upon to support the grievance;
- The requested remedy or resolution;
- The contact information for follow-up.

4.3 Filing Deadline

All grievances must be submitted within ten (10) business days from the date of the action giving rise to the grievance.

Section 5: Informal Dispute Resolution Conference

5.1 Upon receipt of a grievance, the parties must schedule an Informal Dispute Resolution Conference within ten (10) business days.

5.2 The Conference will be attended by the licensee filing a grievance, the TGA staff member the grievance is against, Chairperson of the Commission (or designee), and a senior manager of the Casino.

5.3 The purpose of this conference is to reach a mutually agreeable resolution without formal review and resolution. Any agreement must be reduced to writing and signed by both parties to be binding.

Approved: 3/19/2026

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5.4 The final step of an Informal Dispute Conference is the signed form, “Informal Grievance Resolution”. This form must be signed, by both parties, the same day of the Informal Dispute Resolution Conference.

Section 6: Formal Hearing Procedure

6.1 If informal resolution fails, either party may request a Formal Grievance Hearing by submitting a written request to the Secretary of the Commission within ten (10) business days of the conclusion of the informal conference.

6.1 (a) If the Informal Grievance Resolution is not signed by both parties and more than ten (10) business days from the conclusion of the informal conference have elapsed without the Commission receiving a written request for a Formal Grievance Hearing, then the matter shall be deemed closed and will not be readdressed at a later time.

6.2 Appointment of Formal Conference Panel

The Formal Conference Panel shall be the Torres Martinez Gaming Commission.

6.3 Hearing Procedures

- The hearing will occur within twenty (20) business days of receipt of request.
- Each party may present evidence, call witnesses, and submit arguments.
- Hearings shall be closed to the public and Tribe.
- All testimony will be recorded, and a transcript shall be made.

Section 7: Decision and Enforcement

7.1 The Commission shall issue a written decision within fifteen (15) business days of the hearing, which shall include:

- Recommended action or remedy.

7.2 The decision of the Commission shall be final and binding, enforceable under tribal regulatory authority.

Section 8: Exclusive Jurisdiction

The Commission has exclusive authority to interpret and enforce tribal gaming laws, regulations, and regulatory policies applicable to licensed gaming operations. Any grievance arising under this regulation shall be submitted to the Commission. Such matters are regulatory in nature and are not subject to review or resolution by the Tribal Council, Human Resources, or other tribal administrative departments.

Section 9: Confidentiality

9.1 All documents, proceedings, and communications in the grievance process shall be confidential unless otherwise required by law.

Section 10: Recordkeeping

10.1 The Commission shall maintain an official record of all grievances and related documents for not less than five (5) years.

10.2 Upon request, parties shall be provided with copies of their own filings and official hearing records.

Section 11: Sovereign Immunity and Severability

Approved: 3/19/2026

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11.1 Nothing in this regulation shall be construed as a waiver of the sovereign immunity of the Torres Martinez Desert Cahuilla Indians, the Commission, the Casino, or any of their officers, directors, employees, or agents acting in an official capacity. The processes outlined herein are purely procedural and do not create any enforceable rights under the law.

11.2 If any part of this regulation is determined to be invalid or unenforceable, the remainder shall remain in full force and effect.