



Colville Tribal Gaming Commission

MEMORANDUM

TO: Individuals who have been denied a tribal gaming license

SUBJECT: Conditional licenses

This information is provided to help you decide whether to appeal the Director's decision to deny your tribal gaming license or to request a conditional license. The sections in this memo refer to the Colville Tribal Gaming Commission Individual Licensing Regulations.

As you are now aware, a tribal gaming license is not a right, but a privilege. *Section 2.010.2*. Based on legal requirements, the Gaming Commission Director has found that you are not eligible to obtain a regular tribal gaming license. *Sections 2.010.5-6, 2.040 and 2.130*. However, in some cases the Commission has authority to overturn the Director's decision and issue a conditional license. When the basis for the denial of a license is of a highly serious nature, the law will not allow the Commission to overturn the Director's decision. In some cases, there may be adequate evidence to support the issuance of a conditional license. *Section 2.090*.

If you decide to petition the Commission to authorize a conditional license in your case, you will be responsible for providing evidence for your hearing, including testimony. You must be prepared (1) to demonstrate that you understand that you do not qualify for a regular tribal gaming license without limitations and (2) to provide compelling reasons why you should be given an opportunity to hold a conditional license.

In order to assist you in making a decision about whether to request a conditional license, this memo provides a brief description of the conditional licensing process. It also describes the difference between a simple appeal of the Director's denial of a license and a petition for a conditional license.

1. Appeals.

- If you choose to appeal the Director's denial of a license (based on the results of your background investigation or because of other legal requirements including factors involving eligibility), you are contesting the reasons for denying your license and asking the Commission to (1) overturn the denial, and (2) issue or restore a regular tribal gaming license without any special conditions or limitations.
- In this case, you must be prepared to present evidence to the Commission, explaining why you believe that the Director's decision was incorrect, and why you qualify for a regular tribal gaming license.

2. Petitions for a conditional license.

- If you ask the Commission to authorize a conditional license, you are admitting that your past/present record does not qualify you to hold a license without conditions.
- You are asking the Commission to overturn the Director's decision but you are not seeking a regular tribal gaming license. Instead, you are asking for an

opportunity to prove to the Commission that you have learned from the experience which caused the denial of your license, provide evidence that you have taken positive steps to improve your life (e.g., counseling, treatment, anger management classes, etc.), and explain why the Commission should consider making an exception to the licensing requirements by issuing you a license with limitations/conditions. *Section 2.090.2.*

- If the Commission grants your petition, you will be issued a tribal gaming license with conditions. Failure to comply with licensing conditions may result in an immediate suspension of your gaming license. *Section 2.090.2.*

3. Conditional license.

- A conditional license is tailored to the specific facts of each case. A person with a conditional license is usually limited to work in non-gaming departments, such as maintenance or food and beverage. *Section 2.090.2.* This type of license may include restrictions on money handling, access to restricted areas, or any other limitations deemed appropriate by the Commission. *Section 2.090.5.*
- Some of the conditions which have been required by the Commission are:
 - a. Conditional licenses may be limited to a six-month period.
 - b. During the provisional period, a written monthly report may be required, including a note from the employee's supervisor (on work performance).
 - c. The individual must not commit any additional acts that could adversely reflect upon the Tribes or that would constitute additional grounds for the denial of a license.
 - d. The individual must comply with all legal, regulatory, and court-related conditions or requirements.
 - e. The individual is responsible for scheduling a review hearing before the expiration of the conditional license. *Section 2.090.4.*
 - f. The individual is not allowed to move to a different job position without written approval from the Commission.
- A conditional gaming license provides an opportunity for individuals to obtain/continue employment while addressing the issues which resulted in the denial of their tribal gaming license application. It allows individuals to demonstrate that they are committed to improving their life.

If you ask the Commission for a conditional license, you must be prepared to offer evidence prior to or during the hearing to support your request. You may bring individuals to testify on your behalf, or you may present affidavits. Hearsay evidence/testimony is not allowed. You may also bring documents or other evidence which indicates that you should be given an opportunity to show that you are trustworthy. Prior to the hearing, you should be familiar with the Commission's Individual Licensing Regulations and Hearing Procedures.

In evaluating whether to grant or deny a conditional tribal license, the Commission may, at a minimum review any documentation(s), proof and/or testimony, take into consideration the following examples that may require verification in writing by an appropriate third party that may be presented by you prior to or during the hearing on your behalf:

- Statement/memo that shows you are no longer on community supervision.
- Receipts for paid court fines.
- Completed or plan to complete out-patient and/or in-patient treatment.
- Attended Anger Management Treatment.
- Entered into a payment program; statement of agreement with licensing.
- Subject to drug and/or alcohol testing.
- Completed stress management class.
- Completed victim awareness class.
- Other examples:
 - Apologized to the Gaming Commission for undisclosed criminal history.
 - A good support system within the Tribe to deter any relapse.
 - Been working in a Class II position for several years.
 - Ended the bad relationship.
 - Care for dependent family members; a single parent trying to better themselves for their child; wants to provide for family.
 - Takes full responsibility for crimes.
 - No new criminal charges have been filed against you since crime in question.
 - In compliance with court obligations.
 - Case will be dismissed once deferral has been completed.
 - Been clean and sober for _____ months/years.

Please note that there is no guarantee that the Commission will authorize a conditional license. If you have additional questions, please discuss these concerns with the Gaming Director or your Backgrounds Investigator.