



# Colville Tribal Gaming Commission

## Resolution 2019-004



**DATE:** February 8, 2019

**SUBJECT:** Individual Licensing Regulations Amendment – Version 9

**Whereas**, in accordance with Chapter 6-5, Section 6-5-57 of the Colville Tribal Law and Order Code (“Code”) and 25 U.S.C. 2710 of the Indian Gaming Regulatory Act, the Colville Tribal Gaming Commission (“Commission”) is the primary regulator of all gaming conducted on Colville Indian lands; and

**Whereas**, in accordance with Section 6-5-57 of the Code, the Commission has the power to “[e]stablish, adopt and enforce rules and regulations in furtherance of the regulatory purposes of this Chapter and the performance of its administrative, licensing, and regulatory functions, and to “[i]ssue, renew, suspend, condition, and/or revoke all licenses, registrations, and permits, as appropriate and in accordance with the provisions of this Chapter, in a manner that adheres to fundamental fairness and basic principles of due process of law; and

**Whereas**, on August 10, 2004, by Resolution 2004-042, the Commission adopted comprehensive set of Individual Licensing Regulations (ILRs) to establish uniform application and licensing requirements for all operational and regulatory personnel (Version 1) associated with gaming; and

**Whereas**, on September 14, 2004, by Resolution 2004-046, the Commission approved the first amendment to the ILRs by providing further clarification to established requirements (Version 2); and

**Whereas**, on May 18, 2007, by Resolution 2007-051, the Commission approved the second amendment to the ILRs by adding requirements for “Individuals Under the Age of 18” (Version 3); and

**Whereas**, on February 19, 2010, by Resolution 2010-005, the Commission approved the third amendment to the ILRs by removing references to “Backgrounds Department” throughout the regulatory system established by the Commission (Version 4); and

**Whereas**, on September 30, 2011, by Resolution 2011-092, the Commission approved the fourth amendment to the ILRs by delegating authority to the Gaming Director for specified conditional license transfers (Version 5); and

**Whereas**, on April 12, 2013, by Resolution 2013-032, the Commission approved the fifth amendment to the ILRs by removing the ten-year timeframe for reporting a felony (Version 6); and

**Whereas**, on November 7, 2014, by Resolution 2014-073, the Commission approved the sixth amendment to the ILRs by changing the gaming enterprise reference from the Colville Tribal Federal Corporation (“CTFC”) to Colville Gaming LLC and added another subsection for “an electronic set of fingerprints” (Version 7); and

**Whereas**, on March 17, 2017, by Resolution 2017-006, the Commission approved the seventh amendment to the ILRs by delegating its authority to the Gaming Director to renew annual conditional licensing agreements, but only when conditional licensees fully-satisfy the terms and conditions of their original conditional licenses established by the Commission; this revision also adds page numbers to the table of contents and includes some other minor formatting and wording changes (Version 8); and

**Whereas**, the Gaming Director proposes an eighth revision to the ILRs where the Commission delegates its authority to the Gaming Director to issue a license without conditions, but only when conditional licensees fully-satisfy the terms and conditions of their original conditional licenses established by the Commission, all of which are attached as "Exhibit A" to this Resolution (Version 9); and

**Whereas**, the Commission has reviewed Exhibit A in its entirety, discussed the recommended changes, and determined they are appropriate for Commission and Licensing operations.

**Now therefore be it resolved**, that the Colville Tribal Gaming Commission meeting in regular session on February 8, 2019, hereby approves the proposed amendments to the Individual Licensing Regulations (Version 9) attached as Exhibit A to this Resolution.

**Certification:**

I hereby certify that this resolution accurately reflects the decision in this action and was duly approved during this regular meeting of the Colville Tribal Gaming Commission.

  
\_\_\_\_\_  
Mel Tonasket, Commission Chair

FOR: 2                      AGAINST: 0                      ABSTAINED: 0



# COLVILLE TRIBAL GAMING COMMISSION



## INDIVIDUAL LICENSING REGULATIONS

## Table of Contents

SECTION 1 – INTRODUCTION	
1.010 Authority.....	3
1.020 Purpose.....	3
1.030 Individual Licenses.....	3
1.040 Confidentiality.....	6
1.050 Access Restrictions.....	6
1.060 License Fees.....	7
SECTION 2 – INDIVIDUAL APPLICATIONS	
2.010 General.....	7
2.020 Waiver of Privilege.....	9
2.030 Minimum Information.....	9
2.040 Financial Standards.....	10
2.050 Background Investigations and Eligibility Determinations.....	11
2.060 Incomplete Application.....	12
2.070 Withdrawal or Delay of Application.....	12
2.080 Temporary Permit.....	12
2.090 Conditional License.....	13
2.100 Inactive License.....	15
2.110 Continuing Duty to Provide Information.....	16
2.120 Renewals.....	16
2.130 Grounds for Denial.....	17
2.140 Reapplication.....	20
2.150 Individuals Under the Age of 18.....	20
SECTION 3 – SUSPENSIONS AND REVOCATIONS	
3.010 Grounds for Suspension or Revocation of License.....	21
3.020 Issuance of Notice.....	23
3.030 Contents of Notice.....	24
3.040 Effective Date of Notice.....	24
3.050 Service of Notice.....	24
APPLICANT ASSURANCES FORM.....	25

## SECTION 1 – INTRODUCTION

### 1.010 Authority

The Colville Tribal Gaming Commission (“Commission”) has the responsibility and authority to determine licensing eligibility for all employees of the Colville Gaming LLC (“Casinos”), including Primary Management Officials and Key Employees, as well as individuals on the Board of Managers for the Casinos and Vendors who do business with the Casinos. The Commission also determines licensing eligibility for all employees of the Commission and Commissioners. The Commission may approve, deny or place conditions or limitations on individual licenses. The Commission is charged with this critical and sensitive task, and may seek, obtain and consider any and all information that they deem relevant to the determinations made pursuant to this authority.

Colville Tribal Gaming Code, Section 6.5 (“Gaming Code”), Tribal-State Gaming Compact (“Compact”), the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq. (“IGRA”), the Minimum Internal Control Standards, 25 C.F.R. Part 542 (“MICS”), and applicable tribal, federal, and state laws, rules and regulations.

### 1.020 Purpose

The purpose of these licensing regulations is to ensure the honesty, integrity, fairness and good character of the Colville Tribal Casinos and their employees, to protect the health, safety, good order and general welfare of the people of the Colville Reservation and the State of Washington, and to protect the public trust and the assets of the Casinos and the Confederated Tribes of the Colville Reservation (“Tribes”).

### 1.030 Individual Licenses

#### 1. General.

- a. **CCT Casino employees.** Every person employed by, through or at any casino operation within the jurisdiction of the Tribes shall be licensed by the Commission pursuant to these regulations.
- b. **Commission employees.** Every person employed by the Commission shall be licensed by the Commission in accordance with these regulations.
- c. **Appointees.** Every person appointed to the Commission or to the Board of Managers for the Casinos shall be licensed by the Commission pursuant to these regulations.
- d. **Vendor licensees.** Vendor representatives, including owners/principals, persons with a substantial interest in the business entity, and vendor employees who provide services in Secured/Restricted Areas of the Colville tribal casinos shall be licensed by the Commission in accordance with these regulations.

- e. **Licensee position.** Each license is issued for a specific position and casino operation. Persons licensed in one position may not transfer to another position or casino operation before receiving a new license.
  - f. **Licensee category.** Persons licensed in one category may not be transferred to a more restricted category before applying for and receiving a license for that category.
  - g. **Conditional licensee.** In the event that an applicant is denied a license, the Commission may determine that the applicant is eligible for a conditional license based on section 2.090 of this regulation.
  - h. **Annual license renewal.** All licenses must be renewed annually prior to expiration.
2. **“Gaming Employee”** means a person employed in the gaming operation or management of gaming in connection with the Casinos. Gaming Employees are people employed by or contracted to the Tribes or by or to any person or enterprise providing gaming operation and management services to the Tribes, including, but not limited to any person whose employment duties require or authorize access to areas of the Casinos related to gaming which are not otherwise open to the public, or to restricted areas designated by the Director.
3. **“Class III Gaming License”** is defined in IGRA, 25 U.S.C. Section 2703(8), and requires that the employee meet federal and tribal requirements as well as the requirements in Section V of the Compact. This license is required for all Primary Management Officials and Key Employees.

**a. “Primary Management Official” means:**

- (1) A person having management responsibility for a management contract;
- (2) Any person who has authority:
  - (a) To hire and fire employees; or
  - (b) To set up working policy for the gaming operation; or
- (3) The chief financial officer or other person who has financial management responsibility.

**b. “Key Employee” means:**

- (1) A person who performs one or more of the following functions:
  - (a) Counting room supervisor;
  - (b) Chief of security;
  - (c) Custodian of gaming supplies or cash;
  - (d) Floor manager;
  - (e) Pit boss;

- (f) Dealer;
  - (g) Croupier; or
  - (h) Custodian of gambling devices, including persons with access to cash and accounting records with in such devices.
- (2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or,
  - (3) If not otherwise included, the four most highly compensated persons in the gaming operation.
4. **“Class II Gaming License”** is defined in IGRA, 25 U.S.C. Section 2303(7) and requires that the employee meet federal and tribal requirements, but does not require State certification. All Bingo, non-house banked poker and pull tab positions require a Class II Gaming license.
  5. **“Non-Gaming Employee”** means a person employed in non-gaming operations whose duties do not include gaming operations of the Casinos. There are four categories of non-gaming licenses:
    - a. **Class A: Restricted Money handling**
    - b. **Class B: Restricted Access**
    - c. **Class C: Other Restrictions.** Employees in this category shall not have unaccompanied access to restricted areas. Persons employed in Class C non-gaming positions may not be transferred to any other position, including Class A or B, without applying for and receiving the appropriate license.
    - d. **Class D: Individuals under the age of 18** [see Section 2.150]
  6. **Tribal Gaming Badge** means an identification badge authorized by the Director which is issued after the licensing process has been completed. Badges must be worn on the left shoulder side by all licensees during work hours or while on casino premises. Each badge will state the individual’s name and position in large, bold print and will be color-coded in such a way as to identify the level of licensing and access to restricted areas. Such color-coding and print shall be visible from a distance of at least twenty (20) feet. Badges are the property of the Commission.
  7. **Dual Classification.** Employees may sometimes be assigned to other positions within their security classifications. In these cases, the employee will be issued a badge for the primary job as well as a badge for each secondary position. The appropriate badge must be worn while conducting duties for each respective position. Additional badges will only be issued after appropriate licensing has been completed.

### **1.040 Confidentiality**

Strict confidentiality is of the utmost importance. Except to the extent required by applicable law, no Commissioner or employee of the Commission may disseminate information obtained in the licensing process for any reason other than for use in eligibility determinations. Such information is sensitive, and the Commission may place restrictions on the release or disclosure of such information as it deems necessary. No person shall, directly or indirectly, procure or attempt to procure from the records of the Commission or other sources, information of any kind, which is not made available by proper authority. Licensing files are the property of the Commission.

### **1.050 Access Restrictions**

1. Access to licensing files is restricted to the following:
  - a. Members of the Commission;
  - b. The Gaming Commission Director (“Director”);
  - c. Commission licensing personnel performing daily licensing functions;
  - d. Commission personnel on a “need to know” basis; and
  - e. The Commission or Director legal counsel, including Attorneys for the Colville Tribes while acting on behalf of the Commission or Director.
2. Any person accessing a licensing file for any reason, with the exception of performing a normal licensing function, is required to document the action in the following manner:
  - a. A “File Request Form” must be completed and submitted to the Director. If the reason for the request is unclear or inadequate, it is the responsibility of the Director to obtain either a satisfactory reason or a written directive from the Commission, which will be noted on the “File Request Form.” This completed form will remain in the file.
  - b. The file must then be checked out with a notation on the “File Checkout Log,” indicating the date, time and person receiving the file, and person handing over the file. When the file is returned, the time and date must be noted as well as the name of the person accepting the returned file.
  - c. The following information must be completed on the “File Access Log” located inside the file: name, date and purpose.



- d. Original files shall not leave the Commission office. Certified copies may be issued if required for purposes authorized by the Colville Tribal Code (“CTC”), including Colville Tribal Court proceedings.
- e. File copies are subject to the same procedures as originals.

### **1.060 Licensing Fees**

- 1. The Commission may impose licensing fees to cover the costs of background and financial investigations required for licensing. Thirty-day notice of licensing fees and the effective date will be given in writing.
- 2. Should actual costs incurred by the Commission exceed the licensing fees, those costs will be assessed during the investigation process. Thirty-day notice of assessment and the effective date will be given in writing.
- 3. The Commission may modify any licensing fees by giving (thirty-day) notice of modification in writing.

## **SECTION 2 INDIVIDUAL APPLICATIONS**

### **2.010 General**

- 1. Any person seeking to conduct, operate, or manage any gaming activity within the jurisdiction of the Tribes, whether as an employer, employee, owner, operator, manager, or within the scope of a contractual agreement, shall apply for, and receive, all required licenses from the Commission prior to engaging in such gaming activities. Engaging in gaming activities without first obtaining a license is a violation of the Gaming Code, Section 6-5-95, and is punishable in accordance with Sections 6-5-240–246 and other applicable tribal or federal law.
- 2. A license is a revocable privilege and no licensee has any vested or property rights in a license. A license is personal to the licensee and cannot be assigned or transferred.
- 3. The applicant has the burden of proving his/her qualification to receive a license or license renewal. By filing an application, an applicant has consented to a comprehensive background and financial investigation and accepts any risk of adverse public notice, embarrassment, criticism, or other action or financial loss which may result and expressly waives any claim for damages as a result.
- 4. The Commission, acting through the Director, has broad authority to seek, obtain, and consider any information needed to make licensing

determinations. Except to the extent required by applicable law, the Director may obtain information on the condition that such information remain confidential and not be disclosed to the applicant or any other parties. The Director may also obtain information that is protected from disclosure to the applicant or any other parties by law. The Director may rely on such information in making his/her determination. By filing an application, the applicant acknowledges that the Director may obtain and rely on such information and that the applicant does not have any right to see or otherwise obtain or access such information.

5. The Commission, acting through the Director, is charged by law, regulation and policy with the duty of investigating the conduct and eligibility of all applicants and licensees so that licenses are not held by unqualified, disqualified, or ineligible persons. An application for a license is a request to the Director to determine the applicant's eligibility to hold a tribal gaming license. By filing an application, the applicant consents and submits to the Commission's jurisdiction and decision-making authority.
6. No license will be granted unless the applicant has satisfied the Director that the applicant:
  - a. Is a person of good character, honesty, and integrity;
  - b. Is a person whose background, reputation and associations will not result in adverse publicity for the Tribes and Casinos;
  - c. Is a person who is eligible for licensing;
  - d. Is a person whose background, reputation and associations will not result in adverse performance and/or misconduct and/or misbehavior, the result of which would be perceived as or result in adverse publicity for the Tribes and Casinos;
  - e. Is not associated with persons or businesses of known criminal background, or persons of disreputable character, that may adversely affect the general credibility, security, integrity, honesty, fairness or reputation of the Tribes; and
  - f. Has not acted in a way that would adversely affect the integrity, security, honesty or fairness of tribal gaming.
7. Acceptance of a license constitutes an agreement on the part of the licensee to be bound by all of the laws of the Tribes and the regulations of the Commission currently in effect or as may be amended. It is the responsibility of the licensee to be informed of all such laws and regulations. Ignorance will not excuse violations and will not prevent licensing sanctions, when

appropriate. Licensees will receive a copy of the Colville Tribal Gaming Commission Individual Licensing Regulations at the time of application.

## **2.020 Waiver of Privilege**

An applicant may claim any privilege afforded by the Colville Tribal Civil Rights Act, CTC 1-5-1 et seq., in refusing to answer questions by the Commission. However, a claim of privilege with respect to any testimony or evidence pertaining to an application constitutes sufficient grounds for denial of a license.

## **2.030 Minimum Information**

1. All applicants are required to provide the following information:
  - a. Full name, including any aliases or other names by which the applicant has been known;
  - b. Social Security number;
  - c. Date and place of birth;
  - d. Residential and business addresses for the past five years;
  - e. Employment history for the past five years;
  - f. Driver's license number;
  - g. All licenses issued and licensing actions taken by any State or Tribal gaming agency;
  - h. All criminal proceedings, whether juvenile or adult, to which the applicant has been a party;
  - i. A current photograph;
  - j. Citizenship, alien residency or alien work permit;
  - k. Gender;
  - l. All languages spoken or written;
  - m. Any ownership interests in businesses held for the previous ten (10) years;
  - n. Names, current addresses and telephone numbers of three personal references;
  - o. Current business and residence telephone numbers;
  - p. A description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses;
  - q. A description of any existing and previous business relationships with the gaming industry in general, including ownership interests in those businesses;
  - r. The name and address of any licensing or regulatory agency where the applicant has filed an application for a license or permit related to gaming, and whether a license or permit was granted or denied, suspended or revoked;
  - s. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or

- permit, and whether such license or permit was granted or denied, suspended or revoked;
- t. For each felony, where there is a conviction or any ongoing prosecution: charge, name and address of the court involved, and the date and disposition, if any;
  - u. For each misdemeanor or infraction conviction or ongoing prosecution within 10 years of date of application: the name and address of the court involved, date and disposition if any;
  - v. For each arrest or criminal complaint filed against applicant in any jurisdiction within 10 years of date of application, whether or not there was a conviction: the nature of the charge, and the date of the incident that led to the charge;
  - w. An electronic set of fingerprints; or 3 sets when electronic system is inoperable.
  - x. Financial information and records; and
  - y. Any other information the Director deems relevant.
2. In consideration of the factors in Section 2.010.4, the Director may seek and obtain information on the condition that such information remain confidential and not be disclosed to the applicant or any other parties by law. Such information will remain sealed in a file clearly marked “privileged or confidential” and shall be available only to the Commission, Commission staff involved, and the Commission’s/Director’s legal counsel, under procedures set out in Section 1.050.
3. Failure to disclose any required information is a basis for denial of a license.

## **2.040 Financial Standards**

1. All applicants are subject to a financial background review. When reviewing an applicant’s financial background, the following information will be taken into consideration:
- a. Applicant’s current financial stability;
  - b. Number and amount of outstanding accounts, including accounts or aggregate accounts that have been referred to collection;
  - c. Whether applicant has consented to a payment agreement and is current with payments;
  - d. Whether applicant has filed for bankruptcy;
  - e. Whether applicant has demonstrated a pattern of willful disregard for valid financial obligations or an effort to defraud;
  - f. Whether applicant is a potential threat to the public trust and/or the assets of the Casinos and/or Tribes; and
  - g. Any other financial information the Director deems relevant.

2. Before reaching a conclusion on an applicant's financial review, the Director will consider conditions or extenuating circumstances out of the applicant's control. In such instances, the Director may recommend a conditional license, and may require an applicant to enter into a payment agreement designed to satisfy creditors.

## **2.050 Background Investigations and Eligibility Determinations**

1. **Phase I.** Background Investigators will conduct a preliminary background investigation and credit check. The Director will make an initial determination of eligibility and if the applicant has met the preliminary requirements, a temporary permit will be issued. Phase I may take up to ten (10) working days.
2. **Phase II.** A comprehensive background investigation will be conducted to determine eligibility for licensing. Phase II may take 6 to 8 weeks.
  - a. Phase II background reports will include the results of a Federal Bureau of Investigation (FBI) inquiry. Permitting decisions based on investigative reports prior to receipt of an FBI response are subject to re-determination. Upon receipt of the FBI Criminal History Report Information (CHRI), the Director will review the report and may reconsider the initial permitting decision.
  - b. After either the permitting determination, or the Director has received the results of the FBI inquiry, whichever comes later, the following will take place:
    - (1) Required application documents for Class III licensees, the Director's synopsis, and the results of the FBI inquiry are forwarded to the Washington State Gambling Commission (State), for review; and
    - (2) The Director's synopsis is forwarded to the National Indian Gaming Commission (NIGC).
  - c. Upon receipt of an objection to licensing from NIGC and/or the State, the Director will review the response(s) and may reconsider the initial permitting decision. The Director may suspend the permit effective at the beginning of the employee's next regularly scheduled shift. The Director has discretion to issue a stay on the suspension pending an appeal to the Commission in cases where there is no appreciable risk to the public or the lawful operation of the Casinos.
3. All permit or license approvals become inactive after thirty (30) days from issuance if the individual is not employed by the gaming facility or Commission.

4. A finding of eligibility relates only to the specific license for which it was made. Licensees may be required to submit to a determination of eligibility in the new position prior to assuming any new responsibilities.
5. The Commission will retain applications and reports (if any) of background investigations for no less than three (3) years from the date of termination of employment or end of appointment/contract.

### **2.060 Incomplete Application**

Should the application or supporting documentation be incomplete, the applicant will be notified in writing that his or her application is incomplete with a description of the missing information. The applicant will have ten (10) working days to complete the application and/or bring in required documentation. If the applicant does not respond within ten (10) days, the application will be closed.

### **2.070 Withdrawal or Delay of Application**

1. Except as otherwise provided in (2) below, an applicant may file a written request for withdrawal or delay of application, provided the Director has not taken final action on the application. No application may be withdrawn or delayed, however, unless the applicant has first established to the satisfaction of the Director that withdrawal or delay of the application would be consistent with the public trust, Colville Tribal interest and applicable law and regulation. The Director may, in his/her discretion, deny or grant the request. An applicant may appeal the denial of a request to withdraw or delay an application to the Commission.
2. The Director may determine that an applicant permitted to withdraw his or her application may not reapply for a specified time period from the date of withdrawal. No fee or other payment relating to any application shall be refundable by reason of withdrawal of the application unless the Commission directs that a refund be made.
3. Where a hearing on an application has been requested by an applicant, the Director shall not permit withdrawal or delay of the application until after the Commission has made a determination on the application.
4. When extraordinary circumstances warrant, the Director may accept a written notice of withdrawal.

### **2.080 Temporary Permit**

1. The Director may issue a temporary permit to an applicant after completion of a preliminary background investigation and credit check. The temporary permit will be valid until a license is either issued or denied. The Director may grant or deny a permit based on the criteria in Section 2.010.6. The Director

may issue a temporary permit to an applicant where there is no appreciable risk to the public or the lawful operation of the Casinos, subject to a licensing decision by the Commission at the next available meeting. The Casinos may hire a prospective employee only after receipt of written notification that the applicant has been granted a temporary permit.

2. A temporary permit is subject to immediate revocation for failure to successfully complete a background and financial investigation, and obtain a license.
3. A temporary permit will be issued within ten (10) working days if the applicant appears to meet all licensing criteria, and no disqualifying criteria are found.

### **2.090 Conditional License**

1. The Commission may condition any initial license, transfer or license renewal for any reason(s) deemed to be in the Tribal or public interest. In determining whether to issue a conditional license, the Commission may also evaluate and take into consideration the applicant's past personal, employment and criminal history. In evaluating whether to grant or deny a tribal license, the Commission may, at a minimum, consider the following factors:
  - a. The nature and severity of the conduct that constituted the offense or crime;
  - b. The time that has passed since satisfactory completion of the sentence, restitution, probation, or payment of the fines;
  - c. The number of offenses or crimes;
  - d. Any extenuating circumstances that enhance or reduce the impact of the offense or crime on the security, integrity, honesty, and fairness of the tribal gaming enterprise;
  - e. Whether applicant has a good employment record during the previous 5-year period;
  - f. Whether there have been additional or repeat offenses during the previous 5-year period;
  - g. Whether applicant has demonstrated rehabilitation efforts, including treatment or training related to alcohol, drugs, anger-management, which may require verification in writing by an appropriate third party;
  - h. The amount and type of debts and whether applicant has provided documentation of payment of debts, where appropriate;
  - i. Any other information the Commission deems relevant; and
  - j. Based on the totality of the circumstances, whether the issuance of a conditional license does not pose a threat to the economic and social welfare or the integrity of tribal gaming operations, patrons or personnel and is in the best interests of the public and the Tribes.

2. The applicant has the burden of establishing qualifications for a conditional tribal gaming license and demonstrating that the requirements for the conditional license are met throughout the provisional term. Failure of the licensee to comply with any or all of their licensing conditions may result in the immediate suspension for a period of time fixed by the Director, or revocation of the conditional license.
3. Applicants who receive a conditional license remain under a continuing obligation to provide updated documentation and/or testimony to the Commission as required by these regulations.
4. The Commission may limit a license to a specified period. A conditional licensee shall be responsible for appearing before the Commission prior to the expiration of a conditional license and providing testimony and/or documentation to address issues of concern to the Commission, unless a conditional renewal is approved by the Director. [See Section 2.120] If a renewal is not approved by the Director, the failure of a conditional licensee to appear before the Commission prior to expiration of a conditional gaming license will result in the license expiring and becoming invalid.
5. The Commission, or Director for eligible conditional renewals, will issue a written conditional licensing agreement, stipulating appropriate terms and conditions to which the conditional licensee must agree before a conditional license or renewal becomes active. These conditions may include, but are not limited to the following:
  - a. Supervision/monitoring requirements;
  - b. Limitation to a Class II or non-gaming license, where appropriate;
  - c. Periodic update and review, with any costs to be paid by applicant;
  - d. Money handling restrictions, where appropriate;
  - e. Demonstration of effective rehabilitation, including appropriate treatment/training during the provisional period. Written third party verification may be required;
  - f. No additional offenses committed during the provisional period, including DUIs;
  - g. Documentation of continuing payment of debts;
  - h. Limitations on access to restricted areas of the casino;
  - i. Compliance with parole, probation or other court ordered requirements;
  - j. Restrictions on supervision of other employees; and
  - k. Any other conditions deemed relevant by the Commission.
6. For Class III conditional licenses, the procedures and grounds for any licensing actions shall not be less stringent than those of Section V of the Compact.



7. For enrolled members of the Tribes who are applicants for a Class III tribal gaming license, Section V(D)(7) of the Compact authorizes the Commission and the State Gaming Agency to waive licensing requirements by mutual agreement, through a provisional or conditional certification. The procedure in this Section 2.090, adopted in accordance with the Compact, will be applicable. The Director shall periodically provide information to the Commission, identifying changes in the status of all conditional licenses issued in accordance with this regulation.
8. For conditional licenses, the applicant must receive prior written approval by the Commission to transfer to a different job position and must be issued a license for that specific job position. The Commission has delegated to the Director the authority to permit or deny a transfer on some conditional licenses. The following conditional license transfers are instances of this authority:
  - a. from a Class III Gaming License to a Class II Gaming License
  - b. from a Class III Gaming License to a Non-Gaming Employee
  - c. from a Class II Gaming License to a Class II Gaming License
  - d. from a Class II Gaming License to a Non-Gaming Employee
  - e. from a Non-Gaming Employee to a Class II Gaming license
  - f. from a Non-Gaming Employee to a Non-Gaming Employee
9. The Commission has delegated to the Director the authority to issue an applicant a license without conditions when the applicant becomes eligible for a license without conditions prior to or on the conditional license renewal expiration date, if applicant successfully completed the renewal background review and fully complied with all the terms and conditions of their agreement. The Director may choose to bring any applicant's request for a license without conditions to the Commission for review.
10. The applicant must comply with the terms and conditions outlined in the conditional license that remain in effect. Section 2.090.2
11. The applicant has the right to appeal the Director's denial on transfer of a conditional license. The Director may choose to bring any applicant's request for a conditional license transfer to the Commission for review.
12. The Director has discretion to issue a stay on the denial of transfer on a conditional license pending an appeal to the Commission in cases where there is no appreciable risk to the public or the lawful operation of the Casinos.

## **2.100 Inactive License**

1. **“Inactive License”** means a license that has not expired, but the licensee is not currently employed by the Casinos/Commission or appointed by the Colville Business Council.
2. To reactivate an inactive license, the individual must submit a written request to reactive their license, accompanied by an updated application.
3. Upon receipt of a request to reactivate a license accompanied by an updated application, a Background Investigator will conduct a cursory background investigation. Based on the results of this investigation, the Director has sixty (60) days to either reactivate the individual’s license or deny the application. Should the Director determine that the applicant is no longer eligible in accordance with the criteria in Section 2.130, the applicant has the right to appeal the Director’s denial to reactive their license.
4. This procedure also applies to employees who are voluntarily or involuntarily terminated for a period greater than sixty (60) days.
5. A license may be reactivated after a cursory check has been performed and the Director has determined that the licensee is eligible for licensing in accordance with the criteria in Sections 2.030 and 2.040.

## **2.110 Continuing Duty to Provide Information**

1. Each permittee and licensee has a continuing duty to promptly report any of the following changes or events to the Director or Background Investigator who conducted the background investigation:
  - a. Change of name, address, phone number, or other licensing information;
  - b. Any occurrences which may reflect on the licensee’s eligibility/ suitability to be licensed under the criteria in this regulation; and
  - c. Any act or failure to act which the permittee or licensee believes would constitute a violation of these regulations and/or Colville law.
2. The Director may conduct additional background investigations of any licensee at any time during the term of licensure. If after investigation the Director determines there is cause to suspend or revoke any license under the criteria contained in this regulation, the Director will take appropriate action in accordance with these regulations.
3. The Director may revoke or suspend the license of a person who is arrested for a criminal offense, even though the person’s rights and remedies have not

been exhausted, if that charge is a felony that discredits or tends to discredit the Tribes or gaming enterprise.

## 2.120 Renewals

1. License Duration:
  - a. Tribal gaming licenses, including licenses for Primary Management Officials and Key Employees, are not permanent and are extended for one (1) year.
  - b. The Director may establish procedures staggering the renewal of employee licenses to conform to a one (1) year licensing cycle.
  - c. All licensees are required to provide updated personal history information. An updated investigation will be conducted in accordance with the individual level of licensing.
  
2. Conditional Licensing Renewals:
  - a. Gaming and non-gaming conditional licensees who do not fully-satisfy the stipulated terms and conditions of their conditional licensing agreements from one annual renewal period to the next must appear before the Commission for their annual renewals.
  - b. Gaming and non-gaming conditional licensees who fully-satisfy the stipulated terms and conditions of their conditional licensing agreements from one annual renewal period to the next may have their annual renewals approved by the Director. The Director will apprise the Commission of any annual conditional renewals approved at his/her level.
  - c. When a Gaming or non-gaming conditional licensee becomes eligible for a license *without* conditions, the licensee may have their annual renewal approved by the Director in accordance with the criteria in Section 2.090.9
  - d. Whether approved by the Commission or Director, the conditional licensee must sign a new conditional licensing agreement agreeing to stipulated terms and conditions before their annual renewals become active.

## 2.130 Grounds for Denial

1. An initial Tribal license application or license renewal may be denied for any reason(s) deemed by the Commission or the Director to be in the Tribal or public interest, and for any other reason authorized by the Gaming Code, the

Compact, these regulations, IGRA, or other law or regulation applicable to the Tribal gaming operation. However, the automatic disqualification provisions of this subsection will not apply with regard to any conviction which did not occur within the ten (10) year period immediately preceding the application.

2. Without limiting the authority of the Commission or the Director to determine additional reasons, the following are some reasons to deny a license:
  - a. Failure to prove by clear and convincing evidence that the applicant is qualified to receive a license;
  - b. Failure to provide complete and accurate information, documentation or assurances required by the Commission;
  - c. Failure to reveal any fact material to qualification;
  - d. Supplying information which is untrue or misleading as to any material fact;
  - e. Conviction, forfeiture of bond, guilty plea, plea bargain, current prosecution or pending charges, conviction on appeal, or commission of acts which constitute any of the following offenses in any jurisdiction:
    - (1) Aggravated murder;
    - (2) Murder in the first or second degree;
    - (3) Vehicular homicide;
    - (4) Assault in the first or second degree;
    - (5) Any crime of kidnapping;
    - (6) Any crime of rape;
    - (7) Any crime of sodomy;
    - (8) Any crime of unlawful sexual conduct;
    - (9) Any crime of sexual abuse;
    - (10) Any crime related to child pornography;
    - (11) Any crime of forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to any tribal, state or federal agency, or of filing false reports with any tribal, state or federal agency, or of any similar offense or offenses;
    - (12) Possession of a forgery device;
    - (13) Unlawful factoring of a credit card transaction;
    - (14) Falsifying business records;
    - (15) Any crime of bribery or receiving a bribe, or otherwise unlawfully influencing a public official or employee of the Tribes, any state or the United States;
    - (16) Obtaining execution of a document by deception;
    - (17) Any crime of theft, including theft by extortion;
    - (18) Any crime of arson;
    - (19) Any crime of robbery;
    - (20) Any computer crime;

- (21) Perjury;
- (22) Any theft accomplished by manipulation of records, including embezzlement;
- (23) Promotion of unlawful gambling;
- (24) Conviction of any crime if the original charge was promotion of unlawful gambling, and a lesser charge was plea-bargained;
- (25) Tax evasion;
- (26) Any crime, whether a felony or misdemeanor, involving any gambling activity, assault, physical harm to individuals, physical violence, moral turpitude, or dishonesty; provided, however, crimes other than gambling by a Tribal member relating to the exercise or defense of Tribal treaty rights shall not be grounds for conditioning or denial of a license;
- (27) Conspiracies or attempts in conjunction with any offense listed above shall also be grounds for denial of a license;
- (28) Any other offenses under the law of the Tribes, the United States, or any other jurisdiction, including Tribal gaming agencies, which indicates that licensure would be adverse to the policies of the Gaming Code, Commission regulations and to casino operations;
- (29) Current supervised probation, parole or work release for any criminal offense;
- (30) More than two [OR Two or more] DUI convictions;
- (31) Current prosecution or pending charges in any jurisdiction for any of the offenses enumerated above; provided, however, that at the request of the applicant, the Commission may defer final disposition upon such application pending a favorable outcome;
- (32) Identification of the applicant as a career offender or a member or associate of a career offender cartel in such a manner which creates a reasonable belief that the association is adverse to the policies of the Gaming Code, Commission regulations, and casino operations. **“Career Offender”** means any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing methods deemed criminal and/or offensive to public policy. **“Career Offender Cartel”** means any group of persons who operate together as career offenders;
- (33) Applicant has had a tribal or state gaming license revoked or denied during the twelve (12) months prior to the submitting an application; is currently on supervised probation imposed by any jurisdiction; has

demonstrated a willful disregard or failed to comply with the requirements of any gaming regulatory authority in any jurisdiction, including offenses that could subject the applicant or entity to suspension, revocation or forfeiture of any gaming license; and

(34) Applicant has demonstrated a pattern of behavior which reflects disregard for law and justice.

3. In accordance with Section V (D) (6) of the Compact, if there are no other violations, it shall not automatically be grounds for license denial, suspension or revocation for an enrolled member of a federally recognized tribe to have been charged or convicted under state law of the following non-gambling related offenses if the charge or conviction occurred prior to United States Supreme Court rulings upholding state jurisdiction over Indians for such offenses as, but not limited to:

- a. fishing or hunting offenses;
- b. cigarette, fireworks or alcohol sales offenses; or
- c. cases involving the exercise of trust or treaty rights.

### **2.140 Reapplication**

Any person whose license is conditional, denied, suspended or revoked may, unless otherwise restricted by applicable law and/or regulation, reapply for licensing when the applicant can demonstrate that he or she has addressed the criteria which were the basis for conditional, denial, suspension or revocation.

### **2.150 Individual Under the Age of 18**

Individual under the age of 18 means a person under the age of 18 who is requesting licensing to be employed in the Colville Tribal Casinos Gaming operation. Preliminary tribal gaming licenses for individuals under 18 may be issued by the Director, but such licenses shall also require Commission approval. A Commission resolution is required if an applicant is denied a license. The following requirements shall apply to all applicants under eighteen (18) years of age:

- 1. Individuals under 18 years of age shall only be allowed to work in non-gaming positions which are limited to non-gaming areas and/or where Class II gaming is conducted.
- 2. Individuals under the age of 18 shall not be allowed to handle alcoholic beverages.

3. The employment of individuals under 18 years of age in a casino which serves alcoholic beverages shall comply with all state requirements concerning the employment of minors.
4. A parent or guardian must sign the authorization forms required for licensing.
5. The employment of individuals under 18 shall not interfere with school requirements.
6. Before licensing under this section may be considered, Colville Gaming LLC shall provide the Commission with a comprehensive plan for the employment and supervision of individuals under the age of 18 in each casino where such employment is planned. Each casino plan shall include the steps that will be taken to insure that a licensee under the age of 18 shall only be employed under the conditions set out in subsections 1 - 5 above.

### **SECTION 3 – SUSPENSIONS AND REVOCATIONS**

#### **3.010 Grounds for Suspension or Revocation of License**

1. A license or license renewal may be suspended or revoked for any reason(s) deemed by the Commission or the Director to be in the Tribal or public interest, and for any other reason authorized by Colville law, the Gaming Code, the Compact, these regulations, IGRA, or other law or regulation applicable to the Tribal gaming operation.
2. Without limiting the authority of the Commission or the Director to determine additional reasons, the following are some reasons to suspend or revoke a Tribal license:
  - a. Licensee has made a material misrepresentation or omission of fact on the application for license or renewal, or has otherwise made a misrepresentation of, or failed to disclose, a material fact to the Commission, the Director, the State Gaming Agency or any agent of the State Gaming Agency.
  - b. Licensee obtained a Tribal license, state certification, or state license, by fraud, misrepresentation or concealment or through inadvertence or mistake.
  - c. Licensee is not of suitable character, honesty and integrity, and/or has engaged in any conduct involving deceit, dishonesty, theft, assault or other physical violence, or moral turpitude.
  - d. Licensee is a person whose background, reputation and associations will result in adverse publicity for the Tribes or the State and its gaming industry, and/or who has engaged in conduct detrimental to the public image of, or the public perception of the integrity of, the Casinos or the Tribes.

- e. Licensee's employment at the tribally-licensed gaming operation has been terminated or suspended.
- f. A tribal license or state certification of the licensee required by the Compact has been suspended, revoked or denied during the preceding twelve months.
- g. Reason(s) exists which would justify suspension or revocation of a state certification by the State Gaming Agency.
- h. Licensee has violated, failed or refused to comply with any applicable provision, requirements, conditions, or limitations of, or duties imposed by the Gaming Code, Commission regulations, the Compact, IGRA, NIGC regulations, and any other law, regulation, procedure or policy applicable to the tribal gaming operation.
- i. Licensee has violated, failed or refused to comply with any tribal conditional license or related agreement, or any state conditional certification or related agreement.
- j. Licensee has knowingly caused, aided, abetted, or conspired with another to cause any person to violate the laws and regulations of the Tribes, applicable laws and regulations of the United States and/or the State, or the provisions of the Compact.
- k. Licensee has been convicted of, forfeited bond upon a charge of, pleaded guilty to, is subject to current prosecution or pending charges or a conviction which is under appeal for, or has committed acts which constitute, any of the following offenses:
  - (1) Forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to any tribal, state or federal agency, or filing false reports with any tribal, state or federal agency or of any similar offense or offenses.
  - (2) Bribing or otherwise unlawfully influencing a public official or employee of the Tribes, any state or the United States.
  - (3) Any crime, whether a felony or misdemeanor, involving any gambling activity, assault, physical harm to individuals, physical violence, moral turpitude, dishonesty, or theft; provided, however, crimes, other than gambling, of a Tribal member relating to the exercise or defense of Tribal treaty rights shall not be grounds for conditioning or denial of a tribal gaming license.
- l. Licensee has been convicted of any felony.
- m. Licensee has committed a pattern of traffic offenses or misdemeanor crimes that indicates disregard for the law, including more than two [OR two or more] DUIs.
- n. Licensee is on the list of persons excluded from tribally-licensed gaming operation, or qualifies to be on such list.
- o. There is probable cause to believe the licensee is involved in the sale, distribution or use of illegal substances and/or prescription medications.



- p. Licensee has abstracted, purloined, willfully misapplied, taken or carried away with intent to steal, any money, funds, or other property of any tribal gaming operation, of any other licensed gaming operation, or of any person, business or entity.
- q. Licensee has engaged in conduct to defraud or to otherwise wrongfully deprive any tribal gaming operation, any other licensed gaming operation, or any person, business or entity, of money, property or other thing of value.
- r. Licensee has engaged in cheating as a gaming employee or patron.
- s. Licensee has demonstrated a willful or negligent disregard for compliance with gaming regulatory authority of any jurisdiction and/or has had a gaming license suspended, revoked or forfeited by any jurisdiction.
- t. Licensee has pursued, or is pursuing, economic gain in an occupational manner or context which is in violation of the criminal laws of the Tribes, the State or the United States, if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For purposes of this section, “occupational manner or context” means systematic planning, administration, management or execution of an activity for financial gain.
- u. Licensee is a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates probable cause to believe that the association is of such a nature as to be inimical to the proper operation of the authorized gambling or related activities in this State.
- v. Licensee is a Key Employee or Primary Management Official, but is ineligible for such employment under 25 C.F.R.558.2 and these Commission regulations.
- w. Licensee has failed to appear and testify fully and truthfully and produce any records at the time and place designated in an investigation under these regulations.
- x. Licensee has knowingly hindered, delayed or obstructed any Commission member, the Director or Commission personnel in the conduct of any investigation authorized by these regulations or otherwise in the discharge of his or her official duties.
- y. Licensee has failed to immediately notify the Commission of any criminal charge filed against Licensee and any criminal conviction, whether such charge or conviction arises under tribal, federal or state law.
- z. Licensee has knowingly caused, aided, abetted, or conspired with another to engage in conduct that constitutes grounds for suspension, revocation, sanctions, conditions and/or denial of a tribal gaming license under any provisions of these regulations.

3. The Director may revoke or suspend the gaming license or finding of eligibility of a person who is arrested for a criminal offense, even though the person's rights and remedies have not been exhausted, if the charge is a felony or discredits or tends to discredit the Tribes or gaming enterprise.
4. The Director will have physical control of the licensee's badge upon the suspension or revocation of any licensee.

### **3.020 Issuance of Notice**

1. When the Director has reasonable grounds to believe that on-site activity on the part of any licensee is counter to the public health, safety, morals, good order and general welfare of the people of the Colville Reservation or the State of Washington and would reflect or tend to reflect discredit upon the Tribes, the Director has authority to immediately suspend or revoke the license by impounding the licensee's badge.
2. The Director will issue a notice to the licensee that either:
  - a. Summarily suspends the tribal license or license renewal for a designated period of time, not to exceed ninety (90) days; or
  - b. Summarily revokes the tribal license or license renewal.

### **3.030 Contents of Notice**

A notice under Section 3.020 will:

1. Describe the grounds for the suspension, revocation of a tribal gaming license or license renewal, and/or the imposition of fine(s);
2. Summarize the conduct or omission(s) of the licensee on which the action(s) is/are based; and
3. Provide the recipient with written notice of the right to appeal and the time within which such appeal must be filed with the Commission.

### **3.040 Effective Date of Notice**

A notice issued under Section 3.020 shall be effective when it is signed by the Director.

### **3.050 Service of Notice**

A notice issued under Section 3.020 shall either be served personally upon the licensee or mailed to the licensee by certified mail, return receipt requested, at the last address provided by the licensee in writing. A notice served by mail shall state the date that it was mailed.



# COLVILLE CONFEDERATED TRIBES COLVILLE TRIBAL GAMING COMMISSION



## APPLICANT ASSURANCES

I, \_\_\_\_\_ (print applicant name), have received a copy of the Colville Tribal Gaming Commission Individual Licensing Regulations (“Regulations”).

### **I acknowledge, accept, and understand the following:**

1. The purpose of these regulations is to ensure the honesty, integrity, fairness and good character of the Colville Tribal Casinos and their employees, to protect the health, safety, good order and general welfare of the people of the Colville Reservation and the State of Washington, and to protect the public trust and the assets of the Casinos and the Confederated Tribes of the Colville Reservation. 1.020
2. It is my responsibility to prove that I am qualified under these regulations. 2.010.3
3. I may be responsible for payment of licensing fees. 1.060
4. A license is a privilege and not a right. 2.010.2
5. I have no vested property rights in a license and I cannot assign or transfer a license issued to me. 2.010.2
6. A license is issued for no longer than 12 months and is subject to renewal requirements. 1.030.1; 2.120
7. A license is issued for a specific position and may not be transferred to another position. 1.030.1
8. I have the right to claim any privilege afforded by Colville law in refusing to answer questions. However, if I choose to exercise this right, my refusal to answer questions constitutes sufficient grounds for denial of a license. 2.020
9. It is my responsibility to be informed of Colville law and these regulations, currently in effect or as they may be amended. My ignorance of these laws and regulations will not excuse any violations and will not prevent appropriate prosecution, licensing action or licensing sanctions, including revocation of my license. 2.010.7

### **By applying for a license:**

1. I authorize the Commission to obtain and to rely on information pertaining to my suitability for licensing. I understand that I do not have a right to see or otherwise obtain or access such information. 2.010.4; 2.030.2
2. I consent to the jurisdiction and decision-making authority of the Colville Tribal Gaming Commission. 2.010.5
3. I accept any risk of adverse publicity, embarrassment, criticism, or other action or financial loss and I expressly waive any claim for damages as a result. 2.010.3

4. I agree to be bound by the laws of the Confederated Tribes of the Colville Reservation in addition to the Colville Tribal Gaming Commission regulations and I specifically consent to the jurisdiction of the Colville Tribal court system. 2.010.7
5. I agree to be bound by applicable laws and regulations of the United States and the State of Washington. 1.010
6. I understand that the licensing process may also require approval by federal and/or state agencies. 2.050

**Temporary permit**

If I am issued a temporary permit, I understand that the permit is subject to immediate revocation for failure to successfully complete a background and financial investigation and obtain a license. 2.080.2

**Conditional license**

If I am issued a conditional license, I understand the following:

1. I am responsible for complying with conditions placed on my license. 2.090.2
2. I am responsible for providing information required to address ongoing issues of concern. 2.090.3
3. I am responsible for appearing before the Colville Tribal Gaming Commission before the expiration of my conditional license and providing any information required to address conditional issues. If I fail to do so, my conditional license will expire and will no longer be valid. 2.090.4
4. If I fail to comply with my license conditions, my license may be suspended or revoked. 2.090.5

**Continuous duty to provide information**

If I am issued a license or a permit, I have a continuing duty to provide the following information to the Colville Tribal Gaming Commission: 2.110

1. Change of name, address, phone number or other licensing information.
2. Any occurrences which may reflect on my eligibility and suitability to be licensed under these regulations.
3. Any act or failure to act which I believe would constitute a violation of these regulations and/or Colville law.

**Suspensions/Revocations**

I understand that a license may be revoked or suspended for reasons deemed to be in the Tribal or public interest and for any other reason authorize by applicable tribal, federal or state law and regulation. 3.010

**Appeals**

I understand that I may have the right to appeal licensing decisions to the Colville Tribal Gaming Commission.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Print Name

cc: File