

COMMISSION GAMING REGULATIONS

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POWERS AND DUTIES

4.02.080.1-R Powers and Duties – Internal Control Standards; Inspection

- (a) The Tribal Gaming Commission shall develop and maintain the Internal Control

Standards in consultation with the Gaming Operation(s), Skokomish Indian Tribe, and responsible State and/or federal agencies; subject, however, to compliance with the requirements of: Skokomish and applicable State and federal laws, regulations, and rules; and the Skokomish Indian Tribe – State of Washington Gaming Compact and Appendices;

- (b) The Internal Control Standards are approved, adopted, and may be updated from time to time; and
- (c) The Tribal Gaming Agency shall maintain copies of the Internal Control Standards and make the Internal Control Standards available for inspection by the State Gaming Agency and National Indian Gaming Commission.

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4.02.080.2-R Powers and Duties – Calendaring and Verification of License Expiration or Renewal Dates

The Tribal Gaming Agency and Gaming Operation shall each:

- (a) Maintain a calendar which indicates the expiration or renewal date for licenses; and
- (b) Verify the status of every license to prevent the inadvertent lapsing of any license issued, on the first and third Monday of each calendar month (or on the next business day following a holiday).

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4.02.080.3-R Licensing Eligibility Determinations; Denials

- (a) The Tribal Gaming Commission shall obtain and review background information for each applicant, review applications for licensing and make eligibility determinations based on the respective requirements of each license type or class.
- (b) If an applicant for a license poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming, the Tribal Gaming Commission shall not license that applicant.
- (c) A denial of a license by the Tribal Gaming Commission is not subject to review or appeal. The denial is also not subject to an adjudicative proceeding under Section 4.02.080.4-R, below.
- (d) An applicant, however, may petition in writing the Tribal Gaming Commission to reconsider the denial within thirty-days of service of the denial notice. The Tribal Gaming Commission shall have sole discretion to determine if a petition is considered, granted, or denied. The decision on reconsideration is not subject to review or appeal.

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4.02.080.4-R Adjudicative Proceedings; Hearings; Appeals

(a) Licensee: A gaming operation, facility, vendor, financier, person or entity licensed by the Tribal Gaming Commission, and includes applicants for such licenses.

(b) Administrative Charges; Fines; Suspension or Revocation of Licenses:

(1) Administrative Charges. Administrative Charges may be brought against a Licensee:

- (A) for violations of the provisions of: Chapters 4.02, 4.02A and 4.02B STC; any Commission regulations and applicable federal or state gaming regulations; and any laws or provisions made applicable by the Skokomish Indian Tribe – State of Washington Gaming Compact and Appendices; and any decisions or orders of the Commission or Courts of the Skokomish Indian Tribe; and/or
- (B) upon the Licensee's failure to meet licensing requirements; and/or
- (C) upon notice from the National Indian Gaming Commission that the Licensee is not eligible for employment.

Administrative Charges are not criminal charges.

(2) Fines; Suspension or Revocation of Licenses.

The Tribal Gaming Commission has discretion to impose such fines and sanctions, including suspension and revocation of licenses, as it deems appropriate; subject to the following limitations:

- (A) Class III Gaming. The fines and sanctions to be imposed are defined in the Memorandum of Understanding between the Tribal Gaming Commission and the State Gaming Agency as provided pursuant to the terms of the Skokomish Indian Tribe – State of Washington Gaming Compact, or in the Compact itself. To the extent, however, not defined in the Memorandum of Understanding: the maximum fine is five thousand dollars (\$5,000.00) per occurrence; and any gaming license may be suspended or revoked at the discretion of the Commission, based on the Commission's determination as to the severity of the violation(s) and likelihood of reoffending.
- (B) Class II Gaming. The maximum fine is five thousand dollars (\$5,000.00) per occurrence. Any gaming license may be suspended or revoked at the discretion of the Tribal Gaming Commission, based on the Commission's determination as to the severity of the violation(s) and likelihood of reoffending.

(c) Notice of Administrative Charges:

The Notice of Administrative Charges shall include a statement of the charges
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brought against the Licensee, the proposed action (e.g., suspension or revocation) and fine, and provide notice of the: right to submit an application for an adjudicative proceeding; and right to appeal a decision or order of the Tribal Gaming Commission to the Courts of the Skokomish Indian Tribe. The Notice of Administrative Charges shall also include an application form for an adjudicative proceeding.

(d) Presenting Officer:

A Presenting Officer shall be appointed to present the Administrative Charges to the Tribal Gaming Commission. It is the primary duty of the Presenting Officer to: prepare and serve the Notice of Administrative Charges; respond to and make discovery requests; present evidence to the Commission; examine witnesses at each hearing; and take such other actions as may be deemed necessary to establish the Administrative Charges.

(e) Adjudicative Proceedings and Hearings; Contested Cases:

(1) The Tribal Gaming Commission shall afford a Licensee subject to Administrative Charges the opportunity for an adjudicative proceeding before taking action against the Licensee including but not limited to suspending or revoking a license except in cases where the circumstances call for immediate action to protect the public safety, general welfare, or the integrity of the Gaming Operation, and observing the hearing requirements would be contrary to the public interest, in which case the Licensee shall be entitled to a prompt post-suspension hearing subject to meeting the timing requirements set forth in Sections 4.02.080.4-R(e) (2)-(3). The right to an adjudicative proceeding does not extend to licensing denials; see Section 4.02.080.3-R.

(2) No hearing will be conducted with respect to any adjudicative proceeding unless an application for an adjudicative proceeding is timely filed by the Licensee with the Tribal Gaming Commission within fifteen (15) days of the service of a Notice of Administrative Charges.

(3) If an application for an adjudicative proceeding is not timely filed, then the Licensee affected shall have waived the right to a hearing on the allegations set forth in the Notice of Administrative Charges. The Licensee shall be deemed to be in default and the Tribal Gaming Commission in a closed session default hearing may take action against the Licensee not to exceed the maximum penalty as stated in the Notice of Administrative Charges, which action shall be final.

(f) Parties; Appearance Before the Commission in an Adjudicative Proceeding—Who May Appear:

The parties to an adjudicative proceeding are the Tribe and Licensee.

No person may appear in a representative capacity before the Tribal Gaming Commission other than the following:

(1) The Presenting Officer, on behalf of the Tribe;

- (2) Persons duly admitted to practice before the Courts of the Skokomish Indian Tribe (hereinafter, "Counsel"), on behalf of the Licensee; and
- (3) A person, as Licensee, representing him or herself.

An incorporated business entity, as Licensee, may only appear through Counsel.

(g) Notice of Hearing—Requirements:

All parties that have filed a timely application for an adjudicative proceeding shall be served with a notice of hearing at least ten (10) days before the date set for the hearing unless all parties consent to a shorter period. The notice shall state the time, place, and purpose of the hearing.

(h) Service of Process:

- (1) Papers – Director or Commission. The Presenting Officer shall cause to be served all papers (e.g., orders, notices, and other documents) issued by the Director or the Tribal Gaming Commission upon all Counsel of records and parties not represented by Counsel.
- (2) Papers – Service on Parties. All papers (e.g., orders, notices, discovery papers, written motions, and written notices) must be served upon all parties including the Presenting Officer. If a party is represented by Counsel, service must be made on the Counsel. Service on the Tribe must be made upon the Presenting Officer.
- (3) Method of Service. Service of all papers shall be made: personally; by mail, first-class or certified; or by email. Any Counsel or party appearing in the action shall provide each party and the Tribal Gaming Commission an email address for service. Service by facsimile is prohibited.
- (4) When Service is Complete. Service of papers shall be regarded as complete as follows:
 - (A) by personal service, upon delivery to the party, Counsel representing the party, designated agent of the party, any person aged 18 or older residing at the residence of the party or corporate officer; or
 - (B) by mail (first-class or certified), upon deposit in the United States mail properly stamped and addressed; or
 - (C) by email, upon transmission to the provided email address(es).
- (5) Filing with the Tribal Gaming Commission. Documents shall be filed by email at the email address provided in the Notice of Administrative Charges. Any party may apply to the Commission for a waiver of the requirement to file by email. Upon a showing of good cause, the Commission may permit the requesting party to file documents by personal service on the Commission's designated agent in

lieu of service by email.

(i) Informal Proceedings—Discovery Limitations:

In adjudicative proceedings, discovery requests to the Presenting Officer shall be limited to requests for production of written reports and supporting documents relevant to the administrative charges. Interrogatories and depositions shall not be allowed.

(j) Official Notice:

(1) Matters of Law. The Tribal Gaming Commission, upon request made before or during a hearing, or upon its own motion will officially notice:

(A) Federal Law. The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register.

(B) Tribal Law. The Constitution of the Skokomish Indian Tribe; the Skokomish Indian Tribe – State of Washington Gaming Compact for Class III Gaming; all duly enacted ordinances, laws, regulations and resolutions of the Skokomish Tribal Council; resolutions of the Skokomish General Council; all regulations and guidelines promulgated and issued by the Commission.

(C) State Law. The Constitution of the State of Washington; acts, resolutions, records, journals, and committee reports of the legislature; decisions of the courts and administrative agencies of the State of Washington; executive orders and proclamations by the governor; and all rules, orders and notices filed with the Code reviser.

(D) Commission Organization. The Commission's organization administration, officers, personnel, and official publications.

(2) Material Facts. In the absence of controverting evidence, the Tribal Gaming Commission, upon request made before or during a hearing, or upon its own motion, may officially notice:

(A) Commission Proceedings. The pendency and disposition of any proceeding then pending before or concluded by the Commission; and the issues and position of the parties in any other proceeding.

(B) Business Customs. General customs and practices followed in the transaction of business;

(C) Notorious Facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts

stated in any publication authorized or permitted by law to be made by any federal, state, or tribal officer, commission or agency;

- (D) Request or Suggestion. Any party may request, or the Commission or the Director may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request to suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties at any time before a final decision;
- (E) Statement. Where an initial or final decision of the Commission rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of materials facts, the Commission may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;
- (F) Controversion. Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;
- (G) Evaluation of Evidence. Nothing herein shall be construed to preclude the Commission from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

(k) Presumptions:

Upon proof of the predicate facts specified in the following six subsections hereof without substantial dispute and by direct, clear, and convincing evidence, the Tribal Gaming Commission, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

- (1) Continuity. That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;
- (2) Identity. That persons and objects of the same name and description are identical;
- (3) Delivery. Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly

addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

- (4) Ordinary course. That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly co-exists with the fact presumed;
- (5) Acceptance of benefit. That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;
- (6) Interference with remedy. That evidence, with respect to a material fact which in bad faith is destroyed, eligned, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

(l) Stipulations and Admissions of Record:

The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

- (1) Upon whom binding. Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;
- (2) Withdrawal. Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the Commission that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

(m) Form and Content of Decisions and Orders:

Every decision and order, whether initial or final, shall:

- (1) Be correctly captioned as to the name of the Commission and name of proceeding;
- (2) Designate all parties and Counsel to the proceeding;
- (3) Include a concise statement of the nature and the background of the proceeding;

- (4) Be accompanied by appropriate numbered findings of fact and conclusions of law;
- (5) Whenever practical, include the reason or reasons for the particular order or remedy afforded;
- (6) Whenever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

(n) Rules of Evidence—Admissibility Criteria:

Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the Tribal Gaming Commission, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the Commission shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings before the Courts of the Skokomish Indian Tribe.

(o) Computation of time:

For the purposes of adjudicative proceedings, in computing any period of time prescribed or allowed by regulation, an order of the Tribal Gaming Commission, or by an applicable law, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a holiday. This section shall not apply to periods of License suspension.

(p) Appellate Review:

The Tribal Gaming Commission's decision and order may be appealed to the Courts of the Skokomish Indian Tribe within thirty (30) days of issuance of the decision or order. The Court's review should be based on and limited to a review of the Commission's record of decision. The Court may vacate a decision made by the Commission only if it is arbitrary and capricious or contrary to applicable law.

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4.02.080.5-R Non-Gaming Employees; Licenses

Employees of the Gaming Operation no longer require Non-Gaming Licenses issued by the Commission.

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4.02.080.6-R Financiers; Licenses

Subject to any applicable federal laws and regulations, the following shall apply:

(a) Class III Gaming:

- (1) Financiers shall be licensed annually by the Tribal Gaming Commission consistent with the requirements of the Skokomish Indian Tribe – State of Washington Gaming Compact.
- (2) If a financier is currently licensed and certified by the State Gaming Agency to extend financing to a Gaming Facility or Gaming Operation, it shall be deemed exempt from the standard licensing application and background investigations. The financier shall still be required to submit a short-form application for a financier's license.
- (3) The source of all funds including financing agreements will be fully disclosed to the State Gaming Agency and the Tribe shall make available such disclosures for review by the State Gaming Agency.
- (4) The source of all funds will be fully disclosed, as applicable to satellite wagering facility and activities, to the Washington Horse Racing Commission.
- (5) No financier licensing fee is required by the Commission.

(b) Class II Gaming: Financiers shall be licensed annually by the Tribal Gaming Commission subject to a background investigation and determination of eligibility. No financier licensing fee is required by the Commission.

(c) These licensing and certification requirements do not apply to financing provided by a federal or state regulated commercial lending institution, the Tribe, or the federal government.

Promulgated and Issued by Commission (February 3, 2021)

4.02.080.7-R Gambling information, transmitting or receiving; STC 4.02B.020(t)

- (a) Each gaming operation, facility, vendor, person and entity licensed by the Commission is expressly authorized to use, install and maintain gaming equipment that is approved and/or meets the minimum technical standards adopted by the Commission or National Indian Gaming Commission or State of Washington.
- (b) Any patron may also use such gaming equipment in the normal course of play.
- (c) The authorized use includes the transmission and receiving of gambling information.

Promulgated and Issued by Commission (February 3, 2021)

4.02.080.8-R Exclusion; Problem Gambling

- (a) Temporary Exclusion. Any Tribal Gaming Agent shall have the power and authority to cause the removal and exclusion of any person from any Gaming Facility, and surrounding parking lots thereto, for a period of twenty-four (24) hours, when such person, as determined by the sole discretion of the Tribal Gaming Agent, is causing

a disturbance, acting inappropriately, or is, in any other way, interfering with the orderly conduct of ordinary business within the Gaming Facility and the surrounding parking lots.

(b) Permanent Exclusion. The Tribal Gaming Commission shall have the power and authority to permanently exclude any person from any Gaming Facility who has caused a serious or repeated disturbance, engages in inappropriate actions, or in any other way has interfered with the orderly conduct of ordinary business within the Gaming Facility through the following procedures:

(1) The request for permanent exclusion of a person may be brought by the Director of the Tribal Gaming Agency either at a properly convened meeting of the Tribal Gaming Commission or through an electronic polling of the Commission. If done at a meeting, the Commission may consider the Director's request in an open or closed meeting, and may or may not, at its complete discretion, allow the person subject to the request, to attend the meeting of the Commission. Except as herein otherwise provided, the decision of the Commission is final, and not subject to review.

(2) When the Tribal Gaming Commission has determined a person is to be permanently excluded from the Gaming Facilities, the Tribal Gaming Agency shall report that person's name to the Gaming Operation and the Washington State Gambling Agency.

(3) The Tribal Gaming Commission, or any of the Tribal Gaming Agents, shall notify the person permanently excluded of the Commission's decision in writing, either by personally delivering the notice, by handing it to the person, or by mailing it by certified mail to the person's last known address.

(4) Should the person who has been permanently excluded from any facility be a member of the Skokomish Indian Tribe, that person may request that the Skokomish Tribal Council review the decision of the Tribal Gaming Commission, which will make its own independent determination. The determination of the Skokomish Tribal Council shall be final, and not subject to review.

(c) Problem Gambling. The Gaming Operation shall:

(1) Provide complimentary, on-site space for responsible gambling education and counseling services;

(2) Create and maintain a responsible gambling policy that addresses at least the following areas: annual training and education for all Gaming Employees, with a separate training for management, to cover such topics as how to identify problem gamblers, how to provide assistance when asked, underage prevention, and unattended children; self-exclusion, to cover such topics as the receipt of marketing materials and access into each Gaming Facility; self-restriction, to cover such topics as setting limits on spending, time, and check cashing limits; resources, to include such topics as posting hot line numbers, signage and material availability on how to seek treatment; and

- (3) Upon request, provide information to players on how install or use free cell phone or tablet or computer applications to monitor play time (e.g., stopwatch or timer); and/or address problem gambling.

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TRIBAL GAMING COMMISSION AND TRIBAL GAMING AGENCY

4.02.100-R Environment and Public Health and Safety

The Tribal Gaming Commission finds that the existing gaming facility was constructed and is maintained and operated in a manner that adequately protects the environment and the health and safety of the public as it relates to the gaming facility.

Promulgated and Issued by Commission (February 3, 2021)

PATRON DISPUTES

4.02.110-R Patron Dispute Resolution

[RESERVED]

Promulgated and Issued by Commission (February 3, 2021)

FACILITY LICENSES

4.02.120-R Facility Licenses

- (a) The Tribal Gaming Commission is responsible for issuing new or renewed facility licenses to each place, facility or location.
- (b) The Tribal Gaming Commission shall require that a facility license application be completed by the chief management official of the gaming facility for each gaming place, facility or location.
- (c) The Tribal Gaming Commission shall identify the environmental, health and public safety standards with which the place, facility or location must comply, and specify the form, conditions and content of a facility license application.
- (d) The application shall include: a legal description of the lands upon which the facility is located, and a certification that the site constitutes "Indian lands," as defined in IGRA, the NIGC's regulations, the NIGC Office of General Counsel and DOI Solicitor Offices' Indian lands legal opinions, judicial decisions and any other applicable law.
- (e) The Tribal Gaming Commission shall only issue a facility license if the application includes the required information and documentation, and sufficiently satisfies any additional conditions deemed necessary by the Tribal Gaming Commission.
- (f) The Tribal Gaming Commission shall submit to the NIGC Chair a notice that

issuance of a facility license is under consideration by the Tribal Gaming Commission. This notice must be submitted at least 120 days before the opening of any new place, facility or location on Indian lands where class II and/or class III gaming will occur.

- (g) The Tribal Gaming Commission shall submit a copy of each newly issued or renewed facility license to the NIGC Chair within 30 days of issuance, along with any other required documentation.
- (h) The Tribal Gaming Commission shall notify the NIGC Chair within 30 days if a facility license is terminated or expires, or if a gaming place, facility, or location closes or reopens.
- (a) Class III Gaming: The Commission shall enforce the verification requirements of the Skokomish Indian Tribe – State of Washington Gaming Compact with respect to new gaming facilities or expansion of an existing gaming facility.

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BACKGROUND INVESTIGATIONS – PRIMARY MANAGEMENT OFFICIALS, KEY EMPLOYEES, AND GAMING EMPLOYEES

4.02.160-R License Fees

The Tribal Gaming Commission does not require a license fee to cover its expenses in investigating and licensing key employees, primary management officials, and gaming employees of the gaming operation. The Gaming Operation, however, shall pay all State licensing fees for its key employees, primary management officials, and gaming employees as may be required by the Skokomish Indian Tribe – State of Washington Gaming Compact for Class III Gaming.

Promulgated and Issued by Commission (February 3, 2021)

4.02.170-R Background Investigations

The Tribal Gaming Commission on behalf of the Tribe designates the Tribal Gaming Agency and/or the Skokomish Public Safety Department to take fingerprints.

Promulgated and Issued by Commission (February 3, 2021)

4.02.180-R Procedures for Conducting Background Investigations

The Tribal Gaming Commission shall employ or engage an investigator to conduct a background investigation of each applicant for a primary management official, key employee, or gaming employee position. The investigator shall:

- (a) Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
- (b) Contact each personal and business reference provided in the license application, when possible;

- (c) Conduct a personal credit check;
- (d) Conduct a civil history check;
- (e) Conduct a criminal history records check;
- (f) Based on the results of the criminal history records check, as well as information acquired from an applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past 10 years;
- (g) Inquire into any previous or existing business relationships with the gaming industry, including with any tribes with gaming operations, by contacting the entities or tribes;
- (h) Verify the applicant's history and current status with any licensing agency by contacting the agency; and
- (i) Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.

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VENDOR LICENSES

4.02.260.1-R Licenses for Vendors

- (a) Vendors of gaming services or supplies must have a vendor license from the Tribal Gaming Commission in order to transact business with the Tribal gaming operation; except as provided in STC 4.02.260.1-R(b)-(c).
- (b) For vendors of gaming services or supplies that provide or intend to provide less than \$25,000 worth of gaming services annually, the licensing requirements may be waived upon the mutual agreement of the Tribal Gaming Commission and State Gaming Agency.
- (c) Firms or representatives providing professional legal and accounting services, when licensed by the Washington State Bar Association or the Washington State Supreme Court, the Washington State Board of Accountancy, or an equivalent State or Provincial licensing body that has a reciprocity agreement with Washington State are excluded from the vendor licensing requirements.

Promulgated and Issued by Commission (February 3, 2021)

4.02.260.2-R Submission of a Vendor License Application

In order to obtain a gaming vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include those officers, directors, managers, owners, partners, and non-institutional stockholders that either own 10% or more of the business' stock or are the 10 largest stockholders, as well as the

on-site supervisors or managers designated in an agreement with the Tribe or the Tribe's gaming operation, if applicable.

Promulgated and Issued by Commission (February 3, 2021)

4.02.260.3-R Contents of the Vendor License Application

- (a) Applications for gaming vendor licenses must include the following:
- (1) Name of business, business address, business telephone number(s), federal tax identification number (or social security number, if a sole proprietorship), main office address (if different from business address), any other names used by the applicant in business, and type of service(s) applicant will provide;
 - (2) Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship or other entity;
 - (3) If the applicant is a corporation, the state of incorporation and the qualification to do business in the State of Washington, if the gaming operation is in a different state then the state of incorporation;
 - (4) Trade name, other names ever used and names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;
 - (5) General description of the business and its activities;
 - (6) Whether the applicant will be investing in, or loaning money to, the gaming operation, and if so, how much;
 - (7) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - (8) A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial or management interests in any non-gaming activity;
 - (9) Names, addresses and telephone numbers of three (3) business references with whom the company has regularly done business for the last five (5) years;
 - (10) The name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 - (11) If the business has ever had a license revoked for any reason, the circumstances involved;
 - (12) A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition, if any;
 - (13) A list of the business' funding sources and any liabilities of \$50,000 or more;

- (14) A list of the principals of the business, their social security numbers, addresses, telephone numbers, titles and percentage of ownership in the company; and
 - (15) Any further information the Tribal Gaming Commission deems relevant.
- (b) The following notice shall be placed on the application form for a vendor and its principals:

Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the vendor license.

- (c) A vendor may submit to the Tribal Gaming Commission a copy of a recent license application to another jurisdiction if it contains the information listed above. The vendor will be required to submit, in writing, any changes in the information since the other license application was filed, and any information requested by the Tribal Gaming Commission not contained in the other application.

Promulgated and Issued by Commission (February 3, 2021)

4.02.260.4-R Vendor Background Investigations

The Tribal Gaming Commission shall employ or otherwise engage an investigator to complete an investigation of a gaming vendor. This investigation shall include, at a minimum, the following steps:

- (a) Verification of the vendor's business' incorporation status and qualifications to do business in the state where the gaming operation is located;
- (b) Obtaining a business credit report, if available, and conducting a Better Business Bureau check on the vendor;
- (c) Conducting a check of the vendor's business' credit history;
- (d) Calling and questioning each of the references listed in the vendor application; and
- (e) Conducting an investigation of the principals of the vendor's business, including facilitating a criminal history check, obtaining criminal history check results, obtaining a credit report, and interviewing the personal references listed.

Promulgated and Issued by Commission (February 3, 2021)

4.02.260.5-R Vendor License Fees

No vendor licensing fee is required by the Commission.

Promulgated and Issued by Commission (February 3, 2021)

4.02.260.6-R Vendor Background Investigation Reports

The investigator shall complete an investigative report covering each of the steps taken in the background investigation of the gaming vendor and its principals, and present it to the Tribal Gaming Commission.

Promulgated and Issued by Commission (February 3, 2021)

4.02.260.7-R Vendors Licensed by Recognized Regulatory Authorities

If a vendor is currently licensed and certified by the State Gaming Agency to provide gaming services or supplies, it shall be deemed exempt from the standard licensing application and background investigations. The vendor shall still be required to submit a short-form application for a vendor's license.

Promulgated and Issued by Commission (February 3, 2021)

ENACTMENT

4.02.900-R Repeal

To the extent that they are inconsistent with these Regulations, all prior Regulations are hereby repealed.

Promulgated and Issued by Commission (February 3, 2021)

4.02.910-R Effective Date

These Regulations shall take effect immediately upon approval by the National Indian Gaming Commission Chair of the Revised Skokomish Gaming Ordinance, Chapter 4.02 STC.

Promulgated and Issued by Commission (February 3, 2021)