

**TITLE 2 – GOVERNMENT ADMINISTRATION  
PART II – DEPARTMENT; DIVISION  
CHAPTER 2-10 – TRIBAL GAMING OFFICE**

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**SUBCHAPTER A           TRIBAL GAMING OFFICE**

**Section 10           Establishment (2 PYTC § 2-10-10)**

The Pascua Yaqui Tribal Gaming Office is hereby established as an office in the Executive Branch of the Pascua Yaqui Tribe Government.

**Section 20           Executive Director (2 PYTC § 2-10-20)**

- (A)    Appointment. There shall be, at the head of the Office, an Executive Director who shall be appointed by the Chairperson with the approval of Tribal Council by majority vote.
- (B)    The Executive Director shall be a full-time employee and paid compensation commensurate with his or her skills, education, experience, and responsibilities within the standards of compensation established by Tribal Council.
- (C)    The Executive Director shall report to, and be directly supervised by the Chairperson.

**Section 30           General Duties of Executive Director (2 PYTC § 2-10-30)**

- (A)    The Executive Director shall have overall responsibility for the day-to-day administration of the Office and make all policy decisions.
- (B)    The Executive Director shall advise the Chair and Tribal Council regarding gaming regulatory issues, propose necessary legislation, and external changes in the gaming regulatory environment.

**Section 40           Supervisory Duties and Authorities of Executive Director (2 PYTC § 2-10-40)**

- (A)    The Executive Director shall:
  - (1)    Serve as the formal liaison to the person holding the similarly titled position with the State Gaming Agency;
  - (2)    Serve as the Tribe’s designated agent for service of any official determination, order or notice of the NIGC;
  - (3)    Propose, subject to the majority approval of the Tribal Council, an annual budget reflecting the anticipated expenses of running the Office for the succeeding year.
  - (4)    Perform all personnel responsibilities of the Office, including hiring staff as required to perform the responsibilities and obligations of the Office, and promulgating employment standards and regulations which may include a provision that an employee of the Office may not simultaneously be affiliated with or employed by the Gaming Enterprise Division in any capacity and may not gamble in any Gaming Facility run by the Pascua Yaqui Tribe or assume any personal or financial interest in any gambling by any patron of the Gaming Facility.

- (5) Establish the standard operating procedures by which the Office shall perform its functions, and do whatever else is necessary to see that the Office accomplishes its purposes and responsibilities.

**Section 50 General Powers and Duties of the Office (2 PYTC § 2-10-50)**

(A) Subject to all of the provisions of this Ordinance, the Office shall have the following powers and duties, which it may exercise directly or through such agents or employees as it deems appropriate:

- (1) To have and to exercise full responsibility for the regulation of Gaming Activities within Tribal Lands;
- (2) To issue, limit, condition, restrict, renew, suspend and/or revoke gaming licenses as provided herein;
- (3) To issue forms for license applications, to perform background investigations of license applicants, to withhold licenses pending investigation, to approve or deny applications, and to issue or require the issuance of employee identification cards;
- (4) To make licensing suitability determinations;
- (5) To enter any Gaming Facility at any time to inspect (1) the Gaming Facility, (2) its employees and operations, (3) its equipment and supplies, and (4) its business records, books of account, and any and all other financial records or documents pertaining to the business operations of the Gaming Enterprise Division (regardless of where those records or documents may be located) and to make summaries or copies of any and all such records or documents to ensure compliance;
- (6) To issue subpoenas and to compel the attendance of witnesses at any place within the Tribal Lands, to administer oaths and to require testimony under oath;
- (7) To summarily seize, remove or impound any equipment, supplies, or copies of documents or records of the Gaming Enterprise Division or found in any Gaming Facility, for the purpose of examination;
- (8) To investigate any aspect of Gaming Activities within the Tribal Lands in order
  - (1) To protect the public's interest regarding the integrity of such Gaming Activities, and
  - (2) To prevent improper or unlawful conduct in the course of such Gaming Activities;
- (9) To investigate any report of a failure by the Gaming Enterprise Division to comply with provisions of the Act, the Compact, the Ordinance, or any Office regulation, and to direct the Gaming Enterprise Division to take remedial actions pursuant to terms and conditions that the Office so specifies;
- (10) To require any Person or Enterprise, whom the Office determines has violated any provisions of the Act, the Compact, the Ordinance, or any Office regulation, to correct the violation upon such terms and conditions as the Office determines are necessary and proper under the provisions of this Ordinance;

- (11) To establish a list of persons who, because of their criminal history or association with career offenders or career offender organizations, pose a threat to the integrity of the Tribe's Gaming Operations and are accordingly barred from any Gaming Operation, Gaming Facility or Gaming Activity within the Tribal Lands, and to maintain and provide such list to the appropriate State Gaming Agency;
- (12) To require that all Class II gaming-related contracts or agreements for supplies, services or concessions in an amount in excess of \$25,000 annually (except contracts for, legal or accounting services) be subject to annual audits by an independent certified public accountant licensed in the appropriate State and having in-depth knowledge about and experience with gaming;
- (13) To issue Notices of Concern, Notices of Violation to, upon, any Person or Enterprise for violation(s) of any provision(s) of the Act, the Compact, the Ordinance, or any Office regulation;
- (14) To impose civil or administrative penalties upon, any Person or Enterprise for violation(s) of any provision(s) of the Act, the Compact, the Ordinance, or any Office regulation;
- (15) To issue regulations reasonable necessary for the proper and efficient exercise of the other powers and responsibilities placed upon the Office;
- (16) To detain any person who may be involved in illegal acts for the purpose of notifying appropriate law enforcement authorities;
- (17) To require the filing of any records, forms, and reports and all other information desired as required by law;
- (18) To establish internal control standards and to approve the system of internal controls prior to implementation by the Gaming Enterprise Division, and to issue regulations addressing compliance with the approved system of internal controls;
- (19) To enact and adhere to its own internal controls including a Conflict of Interest Policy, Duty of Confidentiality, and Ethical Duties, governing the Executive Director and Office staff;
- (20) To participate in the negotiations for amendments to Appendices and additional Appendices, in cooperation with the Office of the Attorney General and the Gaming Enterprise Division;
- (21) To require notice of installation and approval of Gaming Equipment and Gaming Devices;
- (22) To inspect and test, if applicable, Gaming Equipment and Gaming Devices prior to use for play.

**Section 60 Reporting (2 PYTC § 2-10-60)**

- (A) The Executive Director shall provide reports and meet with the Chairperson on its operations and significant activities on a regular basis.
- (B) On a monthly basis, the Executive Director shall report to the Chairperson on:
  - (1) Current fiscal year budget, including month and year to date results, and budget revisions;

- (2) Employment, recruitment, and training;
  - (3) Grants obtained and contracts let, including number, dollar, and purpose;
  - (4) Major projects, activities, and significant issues for the Office; and
  - (5) Major internal and external audit findings, with action plans to address negative findings.
- (C) On a quarterly basis, the Executive Director shall report to the Tribal Council on:
- (1) Number and types of licenses issued during the previous quarter;
  - (2) Information regarding license denials, summary suspensions, suspensions or revocations and any other adverse licensing action;
  - (3) Any significant or repeated events of noncompliance, breach or violations of the Act, the Compact, the Ordinance, or any Office regulation, provided, however, that these reports are not the subject of or relating to a pending investigation being conducted by the Office, the Office of the Attorney General, or the Tribal Prosecutor's Office;
  - (4) All other information which the Office deems relevant in order to keep the Chairperson informed and current on all gaming regulatory matters.
- (D) On a quarterly basis, the Executive Director shall provide the reports in subsection (B) to Tribal Council.

**Section 70 Issuance of Regulations (2 PYTC § 2-10-70)**

- (A) The Office may from time-to-time promulgate and issue regulations governing any aspect of its authorities and responsibilities, subject to final approval by the Tribal Council. Regulations shall be adopted, amended, or repealed in accordance with the following procedures.
- (B) Notice.
- (1) Notice of any proposed regulation to be adopted, amended, or repealed must be published in such locations as the Office prescribes.
  - (2) The Office shall afford any interested person or his authorized representative, or both, the opportunity to submit written statements about the proposed regulation(s) and shall also conduct a hearing to afford any interested person to opportunity to present issues with the proposed regulation orally.
- (C) The notice of proposed adoption, amendment or repeal must include:
- (1) A statement of the time and place of the hearing to be held to discuss the adoption, amendment or repeal;
  - (2) Reference to the authority under which the action is proposed; and
  - (3) Either the express terms or an informative summary of the proposed action.
- (D) The hearing shall take place no later than 30 days after the initial notice. The Office may schedule additional hearings, as deemed necessary by the Office.
- (1) The Office shall adopt regulations for the procedures for the hearings.

- (E) Any interested member of the Tribe, and/or licensee may file a petition with the Office requesting the adoption, amendment or repeal of a regulation. The petition must state, clearly and concisely:
- (1) The substance or nature of the regulation, amendment or repeal requested;
  - (2) The reasons for the request; and
  - (3) Reference to the authority of the Office to take the action requested.
  - (4) Upon receipt of the petition, the Office shall within 30 days deny the request in writing or schedule the matter for action pursuant to this subsection.
- (F) In the event the Office determines that immediate administrative action is necessary to avoid serious jeopardy to the integrity of any Gaming Activity under its jurisdiction, the Office may, upon making an express written finding as to the urgency of the situation, issue an interim regulation or amend or repeal an existing regulation which shall take immediate effect as if final, and shall remain in effect until the procedures for public comment as set forth in this section can be concluded.
- (G) In any hearing under this section, the Office may administer oaths or affirmations, and may continue or postpone the hearing from time to time and at such places as it prescribes.
- (H) Once the Office has conducted the hearing(s) regarding the proposed regulation to be adopted, amended, or repealed, they shall forward the regulation to the Tribal Council for approval.
- (I) Upon approval, the Office shall file final versions of such regulations with the Tribal Council and with the Tribe's Office of the Attorney General, and will include such final regulations in a volume of Office Regulations to be maintained at the Office, and to be furnished in true copies to any requesting person or entity for a reasonable fee to be established by the Office."