



COWLITZ INDIAN TRIBE
TRIBAL GAMING COMMISSION
P.O. Box 489, Ridgefield, Wa (360) 727-3825

COWLITZ TRIBAL GAMING COMMISSION
10-25-17
RESOLUTION 2017-109

TO AMEND COWLITZ ENFORCEMENT REGULATION 2017-108 Dated 9-28-17

WHEREAS, the Cowlitz Tribal Gaming Commission (CTGC) is the regulating body for Gaming on the Cowlitz Indian Reservation acting under the authority of the Tribe pursuant to the Cowlitz Gaming Ordinance 15-03; and

WHEREAS, Section 14 of the Gaming Ordinance empowers the CTGC to issue such regulations and resolutions as it deems appropriate in order to implement the provisions of the Ordinance; and

WHEREAS, The Gaming Commission has identified a need to amend the regulation governing administrative and enforcement actions and processes for the Cowlitz Tribal Gaming Commission.

NOW THEREFORE BE IT RESOLVED, by the Cowlitz Gaming Commission the Enforcement Regulation 2017-108 dated September 28, 2017, is amended to include the following: *License suspensions and fines imposed by the TGA Director and Assistant Directors pursuant to Section 3 of this regulation may be appealed in writing to the Commission. Appeals must be submitted within 30 days of notification and must include any supporting evidence, documentation, or attestations of fact. Any fines collected pursuant to this regulation will be donated to bona fide nonprofit or charitable organizations.*

CERTIFICATION

As Secretary of the Cowlitz Gaming Commission, I hereby certify the above resolution was duly adopted at a regular meeting of the Gaming Commission on October 25, 2017, by a vote of Five (5) for, and zero (0) against, and zero (0) abstentions.



Kristen Hitchcock
Commission Secretary



Jerry Iyall
Commission Chairman



COWLITZ TRIBAL GAMING COMMISSION/TRIBAL GAMING AGENCY

ENFORCEMENT REGULATON 2017-109

10/25/17

Adopted by Commission Resolution 2017-109, dated 10-25-17

The Cowlitz Tribal Gaming Commission ("**Commission**") is an independent agency of the Cowlitz Indian Tribe ("Tribe") with comprehensive gaming regulatory responsibilities as provided in Section 14 of the Cowlitz Tribal Gaming Ordinance 15-03 as amended. Commissioners are appointed by the Cowlitz Tribal Council and charged with regulating all gaming on Cowlitz Indian lands, as defined in 25 U.S.C. 2703(4) ("**Cowlitz Indian Lands**"). Regulating the activities constitutes the documentation and processing of violations of the rules and regulations that outline how the gambling activity is to be conducted. Regulatory oversight is enforced through administrative control of the licenses issued and criminal prosecutions.

Commission staff include the Cowlitz Tribal Gaming Agency (TGA) which is responsible for carrying out all gaming oversight responsibility, including but not limited to twenty-four (24) hour coverage of the Cowlitz Tribal Casino(s).

To ensure compliance with applicable rules, laws, and controls, the TGA Director and Assistant Directors have authority under this regulation to impose limited sanctions upon gaming licensees. Such sanctions may include temporary suspension of gaming licenses, not to exceed 5 working days, and to levy fines, not to exceed the dollar equivalent of 5 days' pay. License suspensions and fines imposed by the TGA Director and Assistant Directors pursuant to Section 2 of this regulation may be appealed in writing to the Commission. Appeals must be submitted within 30 calendar days of notification and must include any supporting evidence, documentation, or attestations of fact. Any fines collected pursuant to this regulation will be donated to bona fide nonprofit or charitable organizations.

Purpose

The purpose of this Cowlitz Tribal Gaming Commission Enforcement Regulation is: **(1)** to establish policies and procedures unique to the operation of the Commission, and **(2)** to clarify Commission policy regarding administrative and criminal enforcement actions and processes.

1. Definitions

- i. Compact
Tribal-State agreement for Class III gaming activities permitted on Tribal lands
- ii. CTGC
Cowlitz Tribal Gaming Commission
- iii. Gaming Operation
Ilani casino facility, managers, and oversight board
- iv. Imminent risk
Risks which imperil the health and safety of patrons and employees or which threaten the security and integrity of the gaming operation
- v. NIGC
National Indian Gaming Commission
- vi. NOVAC - Notice of Violation and Correction. Written notification to a licensee of a violation of applicable regulations or statutes which has been observed or identified by TGA staff.
- vii. NOV – Notice of Violation. Official notice of a regulatory violation of Compact and/or Minimum Internal Control Standards (MICS) provided by National Indian Gaming Commission (NIGC), Washington State Gambling Commission (WSGC), or the Cowlitz Tribal Gaming Commission (CTGC).
- viii. Ordinance
Cowlitz Tribal Gaming Ordinance
- ix. Regulations
Administrative controls, agreements, and rules governing gaming and related activities occurring on Cowlitz tribal land. Regulations include but are not limited to: Cowlitz tribal ordinances, resolutions, Tribal/State compact, tribal and federal internal control standards, internal controls, policies, and procedures
- x. Statutes
Cowlitz Tribal Laws or Washington State Criminal Laws (RCW)
- xi. TGA
Cowlitz Tribal Gaming Agency
- xii. WSGC
Washington State Gaming Commission

2. Regulatory Violations by Licensees – Notice of Violation and Correction (NOVAC)

The Cowlitz Tribal Gaming Agency (TGA) will document violations of applicable regulations and statutes committed by licensees in the form of a NOVAC. At a minimum, the NOVAC will document details of the violation, the regulation or statutes that were violated, the number of times the violation has occurred, and the violation level (*Refer to Appendix 1 for details on violation levels*). The NOVAC may also mandate specific corrective actions designed to prevent further violations. If the licensee is an employee of the gaming operation, a copy of the NOVAC will also be provided to the responsible supervisor and/or manager.

Repeat violations of the same type will also result in a NOVAC. TGA will follow the progressive sanction process established in *Appendix 2 NOVAC Repeat Violation Matrix*.

Repeat offenders: Licensees who habitually violate a variety of regulations and statutes may be subject to additional regulatory action at the discretion of CTGC.

3. Regulatory Violations by the Gaming Operation - Notice of Violation (NOV)

In some cases, regulatory violations may be committed by departments or divisions of the gaming operation. In such cases a NOV may be issued by a regulatory agency such as the CTGC, NIGC, or WSGC.

- i. 1st notice - If the gaming operation receives a NOV, TGA will give written notice that the operation must come into compliance within a specific time frame or pay a fine as determined and approved by CTGC. The gaming operation must provide TGA with a written explanation of the violation and a detailed plan and time frame for correcting the issue.
- ii. 2nd notice - If after the specified time frame the gaming operation is still out of compliance, TGA will levy a fine in the amount determined in step (i). TGA will provide notice that continued failure to come into compliance after a specified time frame will result in additional fines as determined and approved by CTGC.
- iii. 3rd notice – If after the specified time frame the gaming operation has still not come into compliance, TGA will levy the additional fine determined in step (ii). TGA will provide additional notice that continued failure to come into compliance after a specified time frame will result in recommendations for license suspension/revocation of gaming operation managers in the affected departments.
- iv. 4th notice – If after the specified time frame, TGA will begin instituting the steps for gaming license suspension or revocation of applicable gaming operations managers as outlined in the Cowlitz Tribal Licensing Regulation.

4. Imminent Risk

In rare cases a violation or other situation may present an imminent risk which endangers the health, safety, and security of patrons and employees or which significantly imperils the security and assets of the Cowlitz Tribe.

- i. 1st notice - TGA will notify the gaming operation in writing of an imminent risk. The notification will mandate a specified period of time to correct the risk.
- ii. Final notice - If after the specified period of time, the gaming operation has not sufficiently addressed the risk, TGA may request an emergency meeting of CTGC to consider licensing actions, fines, or other steps to compel immediate compliance.

5. Administrative Investigation Fees

Inspections and investigations may be charged to gaming licenses to support the continued regulatory oversight required by the Tribal Gaming Agency. Such expense may include travel, lodging and meals that the Commission rules to be acceptable and reasonable expenses for the investigation or inspection. Expenses must be approved by the Commission before they are incurred.

6. Criminal Enforcement

TGA will work with gaming operation security department, Cowlitz Public Safety, and other law enforcement agencies to detect, investigate, and stop criminal activity within areas of its jurisdiction. Patrons and Employees are subject to arrest at the request of the Cowlitz Tribal Gaming Agency when crimes are committed on Cowlitz Tribal gaming properties. Criminal actions taken by subjects victimizes the Cowlitz Indian Tribe. Operations will be the primary victim of crimes conducted on property, however, the TGA may be the secondary victim on record to ensure criminal actions are processed in accordance to Agency policies and procedures.

7. Barring

TGA has the authority to bar patrons and employees from Cowlitz gaming facilities in accordance with the provisions of the Cowlitz Tribal Gaming Commission Barring Regulation

Appendix 1

VIOLATION LEVELS

Level 1 – 6-month observation period from date of first incident

- Internal Controls or;
- Policies, Procedures

THAT HAVE NO FINANCIAL IMPACT ON OPERATIONS AND APPEAR TO BE UNINTENTIONAL IN NATURE

Level 2 – 12-month observation period from date of first incident

- Internal Controls or;
- Policies and Procedures or;
- Compact or Rule

THAT MAY HAVE A FINANCIAL IMPACT ON OPERATIONS BUT APPEAR TO BE UNINTENTIONAL IN NATURE

Level 3 – 12-month observation period from date of first incident

- Internal Controls or:
- Policies and Procedures or
- Compact or Rule
- Conditions for Gaming License
- Misdemeanor criminal actions

THAT MAY HAVE A FINANCIAL IMPACT ON OPERATIONS; OR INTERFERENCE OR FAILURE TO COOPERATE WITH TGA. APPEAR TO BE INTENTIONAL IN NATURE. CERTAIN CRIMINAL ACTIONS

Level 4 – 12-month observation period from date of first incident

- Falsification of Documents
- Felony and/or serious criminal actions
- Altering the outcome of any casino game
- Intentional disregarding policies or procedures that may impact the health, safety, or welfare of employees or patrons.

Appendix 2

NOVAC REPEAT VIOLATION MATRIX

Violation Level	Follow-up Period	Violation #1 Actions	Violation #2 Actions	Violation #3 Actions	Violation #4 Actions	Violation #5 Actions
1	6 months	A	B	C	D	E
2	12 months	A	B	C	D	E
3	12 months	B	C	D	E	
4	12 months	C	D	E		

NOVAC and Violation Actions:

A – Within the NOVAC, TGA may provide corrective action measures to the licensee and supervisor/manager. Corrective action items must be completed within 7 days

B - Within 7 days from the date of the NOVAC, the gaming operation must provide to TGA a written statement explaining the reason for the repeat violation and to provide a detailed plan and time frame for correcting and/or preventing future occurrences.

C – In addition to the NOVAC, TGA will provide a separate written warning to the licensee and copied to the responsible supervisor/manager stating that further violations will result in licensing suspension and/or fines. The gaming operation must provide to TGA a written statement explaining the reason for the repeat violation and to provide an update to the earlier plan and new time frame for correcting and/or preventing future occurrences.

D – TGA will suspend the licensee’s gaming license for a period of 1-5 working days or may fine the licensee up to an amount not to exceed 5 days’ pay. TGA will provide a separate written warning to the licensee that additional violations will result in license revocation. TGA will also provide a separate written warning to the responsible supervisor/manager stating that additional violations of this nature from the employee may result in licensing action and/or fines against the supervisor/manager

E – TGA will initiate steps for license revocation as outlined in the Cowlitz Tribal Licensing Regulation. TGA may also suspend the license or fine the supervisor/manager.