

# **Santa Clara Pueblo Gaming Commission**



## **Definitions Regulations**

Revised 7/12/2022

## **CHAPTER I - DEFINITIONS, COMMISSION RULES, VIOLATIONS**

### **SECTION 1: DEFINITIONS**

**1.1 Applicant.** “Applicant” means any person or organization which has applied for or intends to apply for a license under the provisions of the Gaming Code, or employment with a tribal Gaming Facility or approval of any transaction required or permitted under the provisions of the IGRA, the Compact, or the Gaming Code.

**1.2 Application.** “Application” means a request for the issuance of a license to conduct gaming activity, at a Gaming Facility, or for approval of any act or transaction for which approval is required or permitted under the provisions of the IGRA, the Compact, or the Gaming Code.

**1.3 Associated Equipment.** “Associated Equipment” means any equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming, that would not otherwise be classified as a gaming device but that may affect or play a role in the determination of wins or the size of a prize or jackpot, including dice, playing cards, links that connect to progressive gaming devices, equipment that affects or assists the reporting of gross revenues, computerized systems for monitoring gaming devices and devices for weighing or counting money.

**1.4 Book.** “Book” means a Sports Book licensed and approved pursuant to the Gaming Code and these regulations.

**1.5 Career Offender.** “Career Offender” means a person whose behavior is pursued in an occupational manner or context for the purpose of economic gain utilizing such methods as are defined criminal violations of the federal or tribal laws or the public policy of any state.

**1.6 Career Offender Organization.** “Career Offender Organization” means any group of persons who operate together as career offenders.

**1.7 Cash.** “Cash” means coin and currency that circulates, and is customarily used and accepted as money, in the issuing nation or government.

**1.8 Class I Gaming.** “Class I Gaming” means all forms of gaming defined as Class I in Section 4(6) of the IGRA, 25 U.S.C. §2703(6).

**1.9 Class II Gaming.** “Class II Gaming” means all forms of gaming defined as Class II in Section 4(7) of the IGRA, 25 U.S.C. §2703(7).

**1.10 Class III Gaming.** “Class III Gaming” means all forms of gaming as defined in Section 4(8) of the IGRA, 25 U.S.C. § 2703(8).

**1.11 Commission.** “Commission” means the Santa Clara Pueblo Gaming Commission, the tribal gaming regulatory agency charged with overall civil and regulatory authority over gaming activities within the Santa Clara Lands as specifically provided for in the Gaming Code.

**1.12 Commission Board.** “Commission Board” means the Commission Board of the Santa Clara Pueblo Gaming Commission as established by the Gaming Code.

**1.13 Communication Technology.** “Communication Technology” means the methods used and the components employed to facilitate the transmission of information including, but not limited to, transmission and reception systems based on wire, cable, radio, microwave, light optics, or computer data networks.

**1.14 Compact.** “Compact” means the Tribal-State Gaming Compact entered into between the Pueblo of Santa Clara and the State of New Mexico pursuant to Section 11(d) of the IGRA, 25 U.S.C. §2710(d), for purposes of regulating Class III gaming activity conducted within tribal lands, and all

amendments, appendices, and modifications thereto.

**1.15 Council.** "Council" means the Tribal Council, the governing body of the Pueblo of Santa Clara.

**1.16 Distributor.** "Distributor" means any person or entity who sells, leases, markets, offers, or otherwise distributes any Class II or Class III gaming device, associated equipment, components, and/or software thereof as defined by the Gaming Code for use or play in a gaming facility.

**1.17 Entity.** "Entity" means any corporation, limited liability corporation, firm, partnership, limited partnership, trust, or other form of business organization other than a tribal enterprise wholly owned by the Pueblo, provided, however, that the term shall also include each corporation, firm, partnership, limited partnership, trust, or other form of business organization not a natural person which, directly or indirectly, owns, has the power or right to control or holds the power to vote all or any part of the outstanding equity securities, partnership interest, limited partnership interest, or beneficial interest in a trust which holds or applies for a license under the provisions of the Gaming Code or of these regulations.

**1.18 Environmental, Public Health and Safety Standard.** "EPHS Standard" means an order issued by the Pueblo of Santa Clara Governor, the Council or, in the absence of an order issued by the Governor or the Council, or the federal government, to take action to protect the public health, safety and environment that effects the gaming operation or gaming facility, and its employees, patrons, players and the general public.

**1.19 Executive Director.** "Executive Director" means the Executive Director of the Santa Clara Pueblo Gaming Commission.

**1.20 FBI.** "FBI" means the Federal Bureau of Investigation.

**1.21 Financier.** "Financier" means any person or entity that extends financing, directly or indirectly, to the gaming operation or gaming facility, unless said person or entity is a federally regulated commercial lending institution, the Pueblo, or the federal government.

**1.22 GAAP.** "GAAP" means Generally Accepted Accounting Practices.

**1.23 Game.** "Game" means any Class II gaming or Class III gaming including but not limited to card games such as baccarat, blackjack, or casino games such as roulette, craps, and keno.

**1.24 Gaming Activity.** "Gaming Activity" means all forms of Class II and Class III gaming owned by the Pueblo, operated by the Gaming Enterprise or Management Contractor and conducted within the Santa Clara Lands.

**1.25 Gaming Area.** "Gaming Area" means any sensitive area where gaming activity is operated or conducted or areas used to store gaming devices, associated equipment, supplies or records and similar areas as designated by the Commission either temporarily or permanently.

**1.26 Gaming Code.** "Gaming Code" means the Santa Clara Pueblo Gaming Code, Title XIX, Chapter 109 Gaming Code.

**1.27 Gaming Device.** "Gaming Device" means a mechanical device, an electro-mechanical device, or a device controlled by an electronic microprocessor, or another manner, whether that device constitutes Class II gaming or Class III gaming, that allows a player or players to play games of chance, whether or not the outcome also is affected in some part by skill, and whether the device accepts coins, tokens, bills, cashless credits, coupons, ticket vouchers, pull tabs, smart cards, electronic in-house accounting system credits or other similar forms of consideration and, through the application of chance, allows a player to become entitled to a prize, which may be collected through the dispensing of coins,

tokens, bills, cashless credits, coupons, ticket vouchers, smart cards, electronic in-house accounting system credits or other similar forms of value.

**1.28 Gaming Employee.** "Gaming Employee" means any person employed by a Gaming Enterprise or Management Contractor, in any position that involves such person in any gaming activity or with any goods or materials utilized in any gaming activity, including, but not limited to, the following:

- (1) Any person who performs any function directly related to Gaming Devices, gaming supplies or gaming activities;
- (2) Any person whose duties require such person to have access to sensitive information or gaming are where gaming activities take place during operating hours;
- (3) Any person who handles or accounts for cash utilized in gaming activities;
- (4) Any person involved in security or surveillance activities involving gaming activities;
- (5) Any person who supervises any of the foregoing persons.

**1.29 Gaming Enterprise.** "Gaming Enterprise" means the Pueblo wholly-owned entity, created and designated by the Council having full authority and responsibility for the operation and management of Class II or Class III gaming activities in any gaming facility on Santa Clara Lands.

**1.30 Gaming Facility.** "Gaming Facility" means the building, or the portion of a larger complex, in which Class II or Class III gaming is conducted and licensed by the Commission.

**1.31 Gaming Floor.** "Gaming Floor" means the area occupied by Class II and Class III gaming devices or associated equipment available to the public.

**1.32 Gaming Manager.** "Gaming Manager" means the general manager, including a primary management official, or a management contractor.

**1.33 Gaming Operation.** "Gaming Operation" means each economic entity that is licensed by the Commission, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by the gaming enterprise; by a management contractor; or, under certain conditions, by another person or other entity.

**1.34 Gaming Premises.** "Gaming Premises" means any property accessible to the public which is used or intended to be used for players to participate in a gaming activity.

**1.35 Gaming Services.** "Gaming Services" means any supplies, services or concessions pertaining to any gaming activity that are provided by contract to the Pueblo, Gaming Enterprise, or Management Contractor in a gaming facility in an amount in excess of \$25,000.00 annually, except for professional legal or accounting services, and including two or more separate contracts for the same or related goods, services or concessions with the same vendor.

**1.36 Gaming Session.** "Gaming Session" means the period of time commencing when a player initiates a game or series of games by committing a wager and ending at the time of a final game outcome for that game or series of games.

**1.37 Gaming System.** "Gaming System" means computer hardware and software, including networking and communication components, used directly in the operation, monitoring, or surveillance of gaming activity, or the accounting or management of gaming revenues, except applications and data maintained by a government regulated financial institution.

**1.38 Gaming Vendor.** "Gaming Vendor" means any person providing gaming devices, associated equipment, or gaming services to or within a gaming facility.

**1.39 IGRA.** "IGRA" means the Indian Gaming Regulatory Act of 1988, Public Law No. 100-497, 25 U.S.C. §§ 2701-2721, and 18 U.S.C. §§ 1166-1188, and all regulations promulgated pursuant

thereto.

**1.40 Internal Audit.** “Internal Audit” means individuals who perform an audit function of a gaming operation that are independent of the department subject to audit.

**1.41 Internet Gaming.** “Internet Gaming” means any form of wagering where the player bets on the outcome of a game or live event using the internet exclusively. Such activity uses wagering communication to enable a player to access or control wagers made in person and allowing the player to place bets using authorized communication technology. The term internet gaming applies to internet gaming conducted through either an internet sports betting platform or an internet gaming platform. For the purposes of these regulations, internet gaming will only apply in the event that it is authorized within the State.

**1.42 ITL.** “ITL” means an accredited independent testing laboratory providing third-party testing and certification of gaming devices and associated equipment as required in these regulations.

**1.43 Key Employee.** “Key Employee” mean a gaming employee in any Class II or Class III gaming facility including, but not limited to, those who perform one or more of the following functions are considered to be key gaming employees, and must qualify for and be licensed as a class KEY gaming license: Bingo personnel; Cage personnel; Public Safety personnel; Finance personnel; Table Games personnel; Slots personnel; Marketing personnel; IT personnel; Surveillance personnel; or custodian of gambling devices, including persons with access to cash and accounting records within such devices; and Executive Administrative assistants or other assistants with access to proprietary information. If not otherwise included, all persons whose total cash compensation exceeds \$50,000 per year and the four (4) most highly compensated persons in the gaming operation must qualify for and obtain a class KEY gaming license.

**1.44 License.** “License” means an approval, evidenced in writing, issued by the Commission to any person or organization to be involved in the conduct of gaming activity, management of a gaming facility, providing gaming services to a gaming facility, or extending financing to any gaming facility.

**1.45 Licensee.** “Licensee” means any person or entity approved, licensed, or otherwise found eligible by the Commission to be involved in the conduct of gaming activity, management of a gaming facility, to provide gaming services to a gaming facility, or to extend financing to any gaming facility.

**1.46 Management Contract.** “Management Contract” means a management contract within the meaning of 25 U.S.C. §§ 2710(d)(9) and 2711.

**1.47 Management Contractor.** “Management Contractor” means a person or entity that has entered into a management contract with the Pueblo or a gaming operation that has been approved pursuant to 25 U.S.C. §§ 2710(d)(9) and 2711.

**1.48 Manufacturer.** “Manufacturer” means a person or entity that manufactures, produces, or assembles any Class II or Class III gaming device, associated equipment, components, and/or software thereof as defined by the Gaming Code for use or play in a gaming facility.

**1.49 MICS.** “MICS” means Minimum Internal Control Standards.

**1.50 Modification.** “Modification” means a change or alteration to a gaming device that affects the manner or mode of play of the device. The term includes a change to graphic components or game peripherals. The term does not include:

- (1) A ram clear or conversion;
- (2) Replacement of one component with another, pre-approved component;
- (3) The rebuilding of a previously approved gaming device with pre-approved components;

(4) A change in the theoretical hold percentage of an electronic game of chance, provided that the device as changed meets the standards of section 17.1;

(5) A change in the theoretical hold percentage of an electronic game of chance which is the result of a top award jackpot or bonus jackpot payment which is paid directly by an attendant and which is not accounted for by the device.

**1.51 Net Revenue.** “Net Revenue” means the gross revenues of any gaming activity less amounts paid out as, or paid for, prizes and total gaming related operating expenses, excluding management fees.

**1.52 New Games.** “New Games” means games that require new rules and regulations.

**1.53 New Gaming Device.** “New Gaming Device” means gaming devices that require new rules and regulations.

**1.54 NIGC.** “NIGC” means the National Indian Gaming Commission established pursuant to 25 U.S.C. § 2704.

**1.55 Non-Gaming Activity.** “Non-Gaming Activity” means any activity not related to the operation or conduct of Class II or Class III gaming that is authorized by the Council that may occur at the gaming facility.

**1.56 Non-Gaming Employee.** “Non-Gaming Employee” means any person employed by a Gaming Enterprise or Management Contractor whose duties are solely related to strictly non-gaming functions, and whose work is unrelated to Gaming Devices and does not require such person to be in any gaming area during operating hours.

**1.57 Non-Key Employee.** “Non-Key Employee” means a gaming employee in any Class II or Class III gaming facility including, but not limited to, a position unrelated to any gaming activity, unless specifically exempted by the Commission, must qualify for and hold a class NON-KEY gaming license.

**1.58 Office of Attorney General.** “Office of Attorney General” means the Office of the Attorney General of the State of New Mexico.

**1.59 Payout.** “Payout” means the total payment due on a winning wager whether or not:

- (1) The player collects the total payment due at one time;
- (2) All or a portion of the payment due is made in the form of cash, chips, or other form of payment; or
- (3) All or a portion of the payment due is used by the player to place another wager.

**1.60 Person.** “Person” means any natural person and includes a corporation, limited liability corporation, any partnership, firm, association or society. When “Person” is used to designate the violator or offender of any law, it includes a corporation, company, partnership, firm, association, or society, as well as a natural person.

**1.61 Primary Management Official.** “Primary Management Official” means a gaming employee in any Class II or Class III gaming facility including, but not limited to, those who perform one or more of the following functions are considered to be primary management officials, and must qualify for and be licensed as class PMO gaming license: any person having management responsibility for a management contract; any person who has authority to hire and fire employees or to set up working policy for the gaming operation; or the chief financial officer or other person who has financial management responsibility.

**1.62 Principal.** “Principal” means with respect to any entity:

- (1) Each of its officers and directors;

- (2) Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, or general manager;
- (3) Each of its owners or partners, if an unincorporated business;
- (4) Each of its shareholders who own more than ten percent (10%) of the shares of the corporation, if a corporation;
- (5) Each person other than a banking institution who has provided financing for the entity constituting more than ten percent (10%) of the entity; and
- (6) Each of the beneficiaries or trustees of a trust.

**1.63 Privacy Act.** "Privacy Act" means the Privacy Act of 1974, as amended (P.L. 93-579, as amended; 5 U.S.C. § 552(a), and the obligations and responsibilities placed on the United States government under the Privacy Act as applied to the Gaming Office pursuant to the Indian Gaming Regulatory Act.

**1.64 Publicly Traded Corporation.** "Publicly traded corporation" means any corporation or any other legal entity other than a natural person which has one or more classes of securities registered pursuant to Section 12 of the Securities Exchange Act of 1934, as amended (15 U.S.C. § 781), or is an issuer subject to Section 15(d) of the Securities Exchange Act of 1934, as amended (15 U.S.C. § 780).

**1.65 Pueblo.** "Pueblo" means the Pueblo of Santa Clara, a federally recognized Indian tribe, its authorized officials, agents, and representatives.

**1.66 Risk Assessment Services.** "Risk Assessment Services" means providing recommendations concerning:

- (1) The determination of where lines, point spreads, odds, or other activity relating to betting or wagering are initially set and the determination of whether to change such lines, point spreads, odds, or other activity relating to betting or wagering;
- (2) Whether or not to accept or reject bets or wagers, to pool bets or wagers, or to lay off bets or wagers;
- (3) The use, transmittal, and accumulation of information and data for the purpose of risk assessment; and
- (4) Any other activity associated with a Sports Book if approved in writing by the Executive Director.

**1.67 Regulation.** "Regulation" means a rule, standard, directive, or statement mandated to be uniformly applied which effectuates the provisions and policies of any Compact, the Gaming Code, or a policy of the Pueblo of Santa Clara, including these regulations.

**1.68 Santa Clara Lands.** "Santa Clara Lands" means land as defined in 25 U.S.C. § 2703(4)(A) and (B), subject to the provisions of 25 U.S.C. § 2719. All lands within the exterior boundaries of the Pueblo of Santa Clara Reservation and any lands title to which is either held in trust by the United States for the benefit of the Pueblo or a Pueblo member or held by the Pueblo or a Pueblo member in fee, subject to restriction by the United States against alienation, or which is otherwise within Santa Clara Lands over which the Pueblo exercises governmental power.

**1.69 SICS.** "SICS" means System of Internal Control Standards.

**1.70 Sports Book.** "Sports Book" means a business that accepts wagers on sporting events or other events, other than horse or other animal races. The term includes, but is not limited to, a business that accepts sports parlay card wagers as defined in the regulations. The term "other events" includes, but is not limited to, virtual events that are not prohibited by the regulations.

**1.71 State.** "State" means the State of New Mexico, or any of its authorized officials, agents, or representatives.

**1.72 State Gaming Representative.** "State Gaming Representative" means the representative designated by the New Mexico Gaming Control Board primarily responsible for oversight of Class III Gaming as authorized by the applicable Compact.

**1.73 TICS.** "TICS" means Tribal Internal Control Standards.

**1.74 Transfer Agreement.** "Transfer agreement" means a written agreement authorizing the transfer of gaming device operating rights between the Pueblo and another Indian tribe.

**1.75 Wagering Communication.** "Wagering Communication" means the transmission of a wager between a point of origin and a point of reception by aid of a Communications Technology.