

Santa Clara Pueblo Gaming Commission



Gaming Facility License Regulations

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CHAPTER II - LICENSING

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CHAPTER II – LICENSING

SECTION 10: LICENSING OF GAMING FACILITIES

10.1 Gaming Facility License Requirement. No person or entity may commence any gaming activities subject to regulation hereunder at any facility or location within the Pueblo Lands until such facility or location has received a gaming facility license under the provisions of this section, nor shall any person or entity offer any new or different gaming activities at any facility or location that is already licensed, without first obtaining an amended license for such new and different gaming activities from the Commission.

10.2 Gaming Facility License Standards of Issuance. The Commission shall not issue a gaming facility license for any facility or location at which gaming activities are to be offered within Pueblo Lands unless the gaming facility meets the following requirements:

- (1) The physical facility within which the gaming activities are to be conducted is constructed, maintained, and operated in a manner that adequately protects the environment and public health and safety.
- (2) The gaming activities to be conducted within the gaming facility will lawfully be operated in accordance with the IGRA, the Compact, and the Gaming Code, and that the gaming facilities are appropriate to be operating such activities.
- (3) The Gaming Operation will adequately staff and equip the gaming facility to ensure the safety, comfort and convenience of the patrons thereof, and that the Gaming Operation has taken adequate measures to provide for traffic, emergency service accessibility, food, drink and sanitary needs for patrons and employees, security, law enforcement and other concerns raised by the type of gaming activities proposed to be undertaken in compliance with the IGRA, the Compact and the Gaming Code.
- (4) Where applicable, the Gaming Operation shall notify surrounding communities regarding new or substantial modifications to gaming facilities and shall develop procedures for consultation with surrounding communities regarding new or substantial modifications to gaming facilities.
- (5) Where the Gaming Enterprise has agreed to a management contract or has made provision for management of the gaming facility under terms and conditions, such arrangements must ensure that the activities will be carried out in a manner consistent with the requirements of the Gaming Code, that the contracting party or parties have received appropriate licenses issued under the provisions of the Gaming Code, and that all employees hold gaming licenses.
- (6) In all other relevant respects, the gaming facility will be operated in a way that is fully consistent with the provisions of the Gaming Code and these regulations, and that its operation will further the interests of the Pueblo with respect to its operation of gaming activities.

10.3 Gaming Facility License Procedure/Inspection. At a minimum the gaming facility license shall be reviewed and renewed every three (3) years.

- (1) The Commission shall provide the Gaming Operation with reasonable notice prior to an inspection and shall permit the Gaming Operation to accompany the Commission on any and all inspections.
- (2) The Commission may require a complete walk through of the gaming facility, with qualified building and safety experts if necessary.
- (3) The inspection will be completed using standards set forth in Chapter III Section 19 of these regulations and using an appropriate checklist as approved by the Commission.
- (4) The Commission will ensure that all identified laws, resolutions, codes, policies, standards, or procedures that apply to the gaming facility are currently in place.
- (5) The Commission shall submit a report to the Gaming Operation for comment within ten (10) days after the completion of the report, but no later than thirty (30) days after completion of the inspection.
- (6) The Commission shall ensure that the report is maintained for three (3) years and made available upon request to the NIGC, NMGCB State Gaming Representative, the Gaming Enterprise, and such other persons or entities as the Commission Board may deem appropriate.

10.4 Notification to the NIGC. Notification of intent to issue a gaming facility license on a new gaming facility is required at least one-hundred and twenty (120) days before the opening of a new gaming facility. Gaming facility licenses issued or reissued on existing gaming facilities must be submitted to the NIGC within thirty (30) days after issuance or renewal.

- (1) The Commission must submit to the Chairman of the NIGC a notice of intent to issue a new gaming facility license that includes the legal description of the property and documentation of land records.
- (2) The Commission must submit to the Chairman of the NIGC a copy of each newly issued or renewed gaming facility license and the Environmental and Public Health and Safety (EPHS) attestation within thirty (30) days of issuance.
- (3) The gaming facility license shall contain the following information:
 - (a) Name of the Tribe,
 - (b) Name and address of the Gaming Operation which the license applies to if known,
 - (c) Type of gaming allowed (Class II/Class III)
 - (d) Issuance date and expiration date,
 - (e) Signature of the Commissioner Board member(s) responsible for issuing the license, and
 - (f) Name and phone number of the Commission responsible for the regulation of gaming.
- (4) Attestation shall certify that the issuance of the gaming facility license has determined that the construction and maintenance of the gaming facility, and the operation of that gaming, is conducted in a manner which adequately protects the environment and the public health and safety. This means that a tribe has identified and enforces laws, resolutions, codes, policies, standards or procedures applicable to each gaming place, facility or location that protect the environment and public health and safety, including standards set forth in the Compact.

10.5 Display of Gaming Facility License. Upon the issuance of the gaming facility license, the Gaming Operation will conspicuously display the license in a visible and public place as to be seen without difficulty.

10.6 Revocation of a Gaming Facility License. The Commission shall have the authority to revoke a gaming facility license in the event it determines, after having given notice to the Gaming Enterprise and an opportunity for a hearing, that the gaming facility itself is not in compliance in some material respect with the IGRA, the Compact and the Gaming Code, and the non-compliance has not been corrected within sixty (60) days after notice thereof, describing the condition of non-compliance in detail, was served on the Gaming Enterprise.

EPHS INSPECTION CHECKLIST

EMERGENCY PREPAREDNESS			
Evacuation Plans	Yes	No	Comments
Does the gaming facility have a written emergency evacuation plan which address procedures in the event of a fire, adverse weather, or other emergencies?			
Is the emergency action plan kept at the gaming facility and made available to employees to review?			
Is the gaming facility equipped with emergency generators capable of resorting temporary power in the event of a power outage?			
Does the gaming facility designate and train employees to assist in the safe and orderly evacuation of patrons and other employees?			
Is there documentation of fire drills and other emergency evacuation training?			
Are emergency exit signs posted above doors of the gaming facility?			
Is the gaming facility equipped with battery-operated emergency lighting system capable of providing one hour of lighting in the event of an emergency power outage?			
Are evacuation route maps posted within restrooms and/or near each gaming facility entrance/exit?			
Are occupancy signs posted at the main entrances of the gaming facility?			
Does the gaming facility have an emergency plan for natural and man-made disasters?			
Are employees trained on the emergency plan for natural and man-made disasters?			
Fire Suppression and Safety	Yes	No	Comments
Does the gaming facility have a written fire prevention plan which address major fire hazards, proper handling, and storage for hazardous materials?			
Is the fire prevention plan kept at the gaming facility and made available to employees to review?			
Does the gaming facility have a fire alarm system to alert employees and patrons in the event of a fire or other emergency? Identify who is notified when the alarm is triggered.			
Is the fire alarm system inspected and/or tested bi-annually by employees or contracted vendor? (Identify vendor) What is the date of the last inspection?			
Is the alarm system integrated with smoke or heat detectors?			
Does the facility have an appropriate number			

of emergency exits?			
Are all gaming facility exits clearly marked and unobstructed?			
Are the exit signs properly illuminated during normal operations?			
Does the facility have fire lanes that are clearly marked and are they clear of obstacles?			
Do the exit signs have a backup power source?			
Is there a backdrop power source (battery or emergency generator) for emergency lighting for egress routes?			
Are all emergency exit doors clearly marked with signs that state: "THIS DOOR MUST REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED" or words to that effect?			
Can emergency exit doors be operated from the inside without the use of a key or other device?			
Are the fire extinguishers readily available and access unobstructed?			
Are fire extinguishers visible from all areas of the facility?			
Are the fire extinguishers the appropriate type, services and tagged appropriately?			
Are inspections on fire extinguishers conducted annually by a contracted vendor to ensure that the equipment is safe and working properly? (Identify vendor)			
Is employee training completed regarding the proper use of fire extinguishers?			
Is there documentation of fire extinguisher training? (Request an example copy of training documentation)			
Is the gaming facility equipped with functional smoke detectors which are located in strategic locations?			
Are the smoke detectors inspected and/or tested bi-annually by employees or contracted vendor? (Identify vendor) What is the date of the last inspection?			
Is the gaming facility equipped with a sprinkler system?			
Does the Gaming Operation have an agreement with any agency for fire and rescue services? (Identify fire and rescue agency)			
Law Enforcement and Security	Yes	No	Comments
Does the gaming facility have the contact information posted for any law enforcement agency designated to provide immediate emergency response to potential issues which may affect the public health and safety of employees and/or its patrons?			

Is law enforcement contact information posted in strategic locations within the gaming facility and made available for employee review?			
Does the gaming facility have employees trained to recognize issues and capable of handling situations until law enforcement personnel arrive?			
Does the Gaming Operation have an agreement with any agency for law enforcement services? (Identify law enforcement agency)			
First Aid and Emergency Medical Services	Yes	No	Comments
Does the gaming facility have the contact information posted for any emergency medical services designated to provide immediate emergency response to potential issues which may affect the public health and safety of employees and/or its patrons?			
Is emergency medical response contact information posted in strategic locations within the gaming facility and made available for employee review?			
Does the gaming facility have employees trained to recognize issues and capable of handling situations until emergency medical response personnel arrive?			
Is employee training completed regarding the use of first aid/CPR and AED(s)?			
Is there documentation of first aid/CPR and AED(s) training? (Request an example copy of training documentation)			
Does the facility have a First Aid kits(s) and AED(s) placed in strategic locations readily available to personnel that are first aid/CPR/AED trained?			
Does the gaming facility have an agreement with any agency for emergency medical response? (Identify emergency medical responder)			
POTABLE WATER AND FOOD SERVICE			
Potable Water	Yes	No	Comments
Is potable water supplied to the facility from an on-site source (identify well or water treatment plant)? (If not, it is usually provided by a local water authority.)			
If so, are there records of water testing and/or periodic reports to EPA or State?			
Does the gaming facility keep a record of complaints made about the drinking water in the facility?			
Is there a system or procedures in place to ensure the facility is notified if water quality does not meet appropriate standards?			

(Applies to water provided from on-site and municipal sources)			
Food Service	Yes	No	Comments
Are employees responsible for handling food trained and certified in food handling and appropriate hygiene practices? If so, is documentation available?			
Is there documentation which certifies that that they have completed a food handler's course or food safety training? (Request an example copy of training documentation)			
Is there an inspection and testing program for food safety?			
Are the food establishments inspected and/or annually by employees or contracted vendor? (Identify vendor) What is the date of the last inspection?			
CONSTRUCTION AND MAINTENANCE			
Existing Gaming Facility Structure	Yes	No	Comments
Was the gaming facility constructed in accordance with the building, electrical, mechanical, plumbing and fire codes specified in the gaming facility standards?			
Does the Gaming Operation conduct an inspection to identify potential issues that pose a threat to the environment or public health and safety? What is the date of the last inspection?			
Are areas in the gaming facility where construction is taking place properly identified and is there a system to keep the public out?			
Are additions or alterations to existing gaming facility structures constructed in accordance with the building, electrical, mechanical, plumbing and fire codes specified in the gaming facility standards?			
New Gaming Facility Construction	Yes	No	Comments
Is the gaming facility constructed in accordance with the building, electrical, mechanical, plumbing and fire codes specified in the gaming facility standards?			
Does the Gaming Operation conduct an inspection to identify potential issues that pose a threat to the environment or public health and safety? What is the date of the last inspection?			
Are areas in the gaming facility where construction is taking place properly identified and is there a system to keep the public out?			
Are additions or alterations to existing gaming facility structures constructed in accordance with the building, electrical, mechanical,			

Heating, Ventilation and Air Conditioning	Yes	No	Comments
Does the gaming facility have a maintenance schedule to inspect the heating and air conditioning systems or a contract with a licensed vendor to inspect and maintain heating and air conditioning systems upon expiration of heating and air conditioning equipment warranties? (Identify vendor) What is the date of the last inspection?			
Is the facility free of excess tobacco smoke (Excess smoke means enough smoke to give one the impression that the ventilation system is not working properly.)?			
Does the gaming facility record complaints about the air quality in the facility?			
Does the gaming facility have a plan to address air quality complaints?			
Storm Water Management	Yes	No	Comments
Does the gaming facility install drainage accessories and equipment to the gaming facility and its gaming premises to capture and redirect storm water to a suitable area to prevent flooding?			
Does the gaming facility have a maintenance schedule inspect and clean its drainage accessories and equipment?			
HAZARDOUS MATERIALS AND WASTE			
Hazardous Materials	Yes	No	Comments
Does the gaming facility use or store hazardous materials (paints, solvents, pesticides, cleaning solutions, bleach, diesel fuel, etc.)?			
Does the gaming facility identify hazards and communicate to employees and individuals who might come into contact with them by container labeling and other forms of warning, material safety data sheets and employee training?			
Does the gaming facility provide hazard training to employees who may be occupationally exposed to a hazard at work or who need to know the proper methods for storage prior to working with such materials?			
Are Material Safety Data Sheets (MSDS) for all materials current and accessible for the gaming facility available to employees for review?			
Does the Gaming Operation perform audits by designated employees of each gaming facility to search for new chemicals that may have been not previously recorded in the MSDS?			
Does the Gaming Operation perform audits by designated employees of each gaming			

facility to search for chemicals which may have been eliminated and no longer need to be included in the MSDS?			
Hazardous Waste	Yes	No	Comments
Are personnel responsible for handling hazardous waste trained? (Request an example copy of training documentation)			
Does the facility produce or generate hazardous waste (spent/used solvents, waste fuel, waste paint, used oil, vehicle batteries)?			
Does the gaming facility have an EPA ID #?			
Is/are there area(s) designated and marked as a hazard waste storage areas? Different from hazardous materials storage areas.			
Are hazardous waste storage containers labeled "Hazardous Waste" or otherwise labeled with their contents?			
Is there evidence that hazardous waste is transported to a hazardous waste facility via a licensed hazardous waste transporter?			
Does the gaming facility have documentation showing the disposition of hazardous waste?			
SANITATION			
Biohazard Disposal	Yes	No	Comments
Does the gaming facility have written policies and procedures for the removal and disposal of biohazard materials?			
Are the appropriate employees (public safety, maintenance, housekeeping, trained in biohazard response?			
Solid Waste Disposal	Yes	No	Comments
Does the gaming facility designate a private company or local government to dispose of its solid waste in a manner which meets applicable tribal and federal laws?			
Wastewater Treatment	Yes	No	Comments
Does the gaming facility designate a private company, or local government to treat and dispose of its wastewater in a manner which meets applicable tribal and federal laws?			
Other Sanitation	Yes	No	Comments
Is there any recycling program in place?			
Does the gaming facility have a plan to deal with communicable disease outbreaks?			