

Santa Clara Pueblo Gaming Commission



Rules of Procedure Regulations

Revised 3/1/2022

CHAPTER I: DEFINITIONS, COMMISSION RULES, FEES

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CHAPTER I: DEFINITIONS, COMMISSION RULES, FINES

SECTION 2: RULES OF PROCEDURE

2.1 Organization of Commission.

- (1) Creation. The Santa Clara Pueblo Gaming Commission ("the Commission") was established by the Tribal Gaming Code, passed by the Tribal Council as Resolution No. 98-2 on January 29, 1998.
- (2) Members, Terms. The Commission shall consist of no less than three (3) commissioners appointed by the Governor with the consent of the Tribal Council, for terms of three (3) years each; provided, that in order to stagger the terms of Commission members, of the first Commissioners appointed one shall be appointed to a three-year term, one shall be appointed to a two-year term, and the third shall be appointed to a one-year term. A Commissioner may serve beyond the expiration of his or her term of office until a successor has been appointed, unless such Commissioner has been removed for cause. Any vacancy on the Commission, however, caused, shall be filled by a qualified person appointed by the Governor with the consent of the Tribal Council. A member may be removed in accordance with the provisions of the Gaming Code.
- (3) Officers. At its first meeting of each calendar year, the Commission Board shall select by majority vote from among its members a Chairman and a Vice-Chairman. The Chairman shall schedule and notify members of meetings, preside at meetings, and, with the authority of the Commission Board, act on behalf of the Commission on day-to-day matters and in communications pertaining to official Commission business, but the Chairman may not otherwise exercise any powers of the Commission without express authority of the full Commission Board. The Vice Chairman shall assume the role of the Chairman in the Chairman's absence, and shall have such other duties as the Commission Board may confer. The Commission Board shall also appoint a Secretary, who shall be the official custodian of all files and records of the Commission, and shall see to it that accurate minutes are kept of each meeting of the Commission.

2.2 Meetings.

- (1) Regular Meetings. The Commission Board shall meet at the call of the Chairman or a majority of its members but shall meet no less often than monthly, at such times and places as it determines. Commission Board members shall be given written notice of meetings when practicable, but the Chairman may call a meeting by giving oral notice thereof to each member, no less than four (4) hours prior to the commencement of such meeting. Unless any member objects, regular meetings may be held by teleconference.
- (2) Special Meetings. The Commission Board shall meet at the call of the Chairman or any two Commissioners. The Chairman or Vice-Chairman shall fix the time and place of the special meetings and provide written notice of the meetings to all Commission Board members. Unless any member objects, special meetings may be held by teleconference.

(3) **Quorum.** At any meeting of the Commission, three (3) members of the Commission Board shall constitute a quorum for the transaction of business. At least one of whom is the Chairman or Vice-Chairman, shall constitute a quorum. The vote of a majority of the members present at a meeting in which a quorum is present shall be the act of the Commission.

(4) **Conduct of Meetings.** The Chairman shall preside at all meetings of the Commission unless the Chairman designates another member to preside, or unless the Chairman is absent, in which case the Vice Chairman shall preside. All official actions of the Commission shall be by motion or resolution approved by the affirmative vote of a majority of the Commission. Meetings shall be conducted generally in accordance with Robert's Rules of Order, but no action of the Commission, otherwise valid under the Gaming Code and these Rules of Procedure, shall be deemed invalid on the ground of any asserted failure to follow particular procedures in the adoption of such action.

(5) **Minutes.** The Commission shall see that accurate minutes are kept of each meeting, which minutes shall be transcribed and approved by the Commission at the next meeting after they are made available to Commission members. The Secretary shall maintain official copies of all approved minutes of Commission meetings.

(6) **Public Meetings.** All Commission meetings shall be open to members of the Pueblo of Santa Clara who wish to attend, unless the Commission expressly declares any such meeting or any portion thereof to be closed, in which case only the Commission and the Commission's attorney (and other designated persons who are employed by or under contract to the Commission) shall be present; provided, however, that the Commission may by rule duly adopted determine that certain types or categories of business coming before the Commission shall only be considered in closed session.

2.3 Adoption of Seal. The Commission Board shall adopt a distinctive insignia or seal, which shall be affixed to all documents evidencing official action of the Commission. The Commission shall be the custodian of the Commission's seal.

2.4 Issuance of Regulations.

(1) **Draft Regulations; Comment Period.** In issuing any regulations or standards required by the Santa Clara Pueblo Gaming Code or otherwise deemed appropriate by the Commission Board, the Commission Board shall first publish within the Pueblo a proposed draft of such regulations or standards, and shall give notice of a comment period, within thirty (30) days. Interested persons may submit written comments on the draft to an address specified in the Notice.

(2) **Adoption of Final Regulations.** Final regulations or standards may be adopted by the Commission Board at any time following the close of the comment period. In the Commission Board's discretion, such final regulations may be revised in light of comments received on the draft regulations, or for other reasons deemed appropriate by the Commission Board. Final regulations shall be published in the same manner as draft regulations.

(3) **Publication.** Publication, for purposes of this section, shall consist of posting in a prominent place at the Tribal office and at any licensed gaming facility within the Pueblo and submission in draft form to the Governor of the Pueblo, the Tribal Council, the Gaming Enterprise, the Pueblo's general counsel and such other persons or entities as the Commission Board may deem appropriate. The Secretary shall be responsible for assuring that all notices and draft and final regulations are published in accordance with this section.

(4) **Effective Date.** Unless otherwise specified in the action adopting final regulations, any and all such regulations shall take effect on the day after their adoption by the Commission Board.

(5) **Hearings.** The Commission may, in the event of special public interest in any proposed regulations or standards, hold one or more public hearings within the Pueblo of Santa Clara to receive oral statements pertaining to such proposed regulations or standards. Notice of any such hearing shall be published at least 10 days before the date of the hearing.

2.5 Adjudicative Hearings.

(1) **Hearings.** When any provision of the Santa Clara Pueblo Gaming Code or any regulation issued by the Commission Board pursuant to that Code provides the opportunity for a hearing on any proposed action of the Commission Board, and a hearing is requested in accordance with such provision of the Ordinance or regulations, the Commission Board shall promptly schedule such hearing, giving appropriate written notice of the time and place thereof, and of the particular matter to be heard, to all interested parties. Except in extraordinary situations, no hearing shall be held less than 10 days after written notice thereof is issued.

(2) **Commission Attendance.** The full Commission Board shall attend any such hearing, unless any member is unable to attend due to health reasons or prior commitments, but no hearing shall be held with fewer than three (3) members of the Commission Board present. The Chairman shall preside, or the Vice Chairman in his absence. All such hearings shall be open to the public.

(3) **Hearing Procedures.** Hearings shall be conducted in a formal manner.

(a) Any party may be represented by counsel, and any party shall be entitled, on written request at least five (5) days before the hearing, to have subpoenas issued by the Commission to compel the attendance of witnesses.

(b) The appellant or party requesting the hearing shall be entitled to go first with the presentation of sworn testimony, documentary evidence or such other competent evidence as such party wishes to submit in support of its position.

(c) The Commission Board shall not apply strict evidentiary standards to its receipt of evidence, but shall use its discretion to assure that the evidence submitted at any such hearing is competent, material to the matters at issue, and reasonably trustworthy; provided, that any and all testimony shall be given under oath, and no person shall be allowed to

provide testimony without being available for cross-examination by other parties or the Commission Board.

- (d) Following the presentation of the case of the appellant or the party requesting the hearing, any other party, including the Pueblo, may be heard in opposition. At the close of evidence, the Commission Board may receive arguments by the parties or their counsel on the issues before the Commission Board, after which the Commission Board may recess the hearing.

(4) **Decisions.** The Commission Board shall meet in executive session within one week following the close of any such hearing to render a decision thereon. The Commission Board may, if it determines it appropriate, require the receipt of further testimony or other evidence prior to rendering a decision on the merits. In any event, any decision of the Commission Board following a hearing shall be rendered in writing, with copies provided to all parties and their counsel, and such other persons or entities as the Commission deems appropriate.

(5) **Appeals.** Any party aggrieved by a decision of the Commission Board following a hearing may appeal that decision to the Tribal Court of the Pueblo, by filing a written Notice of Appeal with the Clerk of the Tribal Court, and serving a copy thereof on the Commission and all other interested parties, by no later than twenty (20) days from the date of the Commission Board decision being appealed. Within thirty (30) days after receiving the Notice of Appeal, the Commission shall transmit a certified copy of the complete file of the matter to the Tribal Court, which shall decide the appeal on the basis of the evidence presented to the Commission. No additional evidence shall be presented to the Tribal Court, unless the party offering such evidence demonstrates that such evidence is relevant and material to the issue on appeal, and was unavailable to the party during the proceedings before the Commission. The standard of review shall be whether the Commission abused its discretion, in adopting the action complained of. The decision of the Tribal Court shall be final, and no further appeals will be allowed.

2.6 Commission Investigations.

(1) **Power to Investigate.** The Commission may on its own initiative commence an investigation into any aspect of any gaming activity within its jurisdiction, or of any person or entity involved or proposing to become involved in any such activity, in order to protect the public interest and the integrity of the gaming activity and to prevent improper or unlawful conduct in the course of any gaming activity.

(2) **Notice.** In the event it initiates any such investigation, the Commission shall issue a notice of investigation, specifying the particular matters to be looked into, and shall provide copies of such notice to any and all interested parties. Such notice shall also specify the manner in which the investigation will proceed, including the time and place of any hearings scheduled for the receipt of testimony or other evidence pertaining to the investigation.

(3) **Subpoenas.** In aid of its investigatory powers, the Commission may issue subpoenas to any person or entity within the jurisdiction of the Pueblo, commanding the production of documents or the appearance and testimony under oath of any person. Subpoenas shall issue only upon approval of two (2) members of

the Commission Board. The Commission may resort to the Tribal Court of the Pueblo of Santa Clara to enforce any such subpoena in the event the person or entity to which the subpoena is directed fails to comply therewith.

2.7 Conflict of Interest.

- (1) Conflict of Interest Defined. The Commission recognizes that it shall be a conflict of interest for any member of the Commission, or member of his or her immediate family (i.e., wife or children) to accept employment by, contractual relations with, or any loan or gift from, any Gaming Enterprise (including officers and directors thereof), any Primary Management Official or Key Employee, any Management Contractor or officer, director or principal shareholder thereof, or any Gaming Vendor, that is licensed by or seeking a license from the Commission. For purposes of this section, a "gift" shall be defined to include any favor or gratuity or thing of value but shall not include purchase of a meal in connection with a business meeting.
- (2) Prohibition as to Commission Members. No member of the Commission shall engage in any conduct amounting to a conflict of interest as identified in subsection (1) above, and violation of this section may be grounds for removal of such member.
- (3) Prohibition as to Licensees. No person or entity licensed by or seeking a license from the Commission shall make any offer to or solicitation of a Commission member that, if accepted, would constitute a conflict of interest under these regulations, and any violation of this section may be grounds for revocation of an existing license or rejection of a pending license application.