

DRY CREEK GAMING COMMISSION REGULATIONS

For

REGULATION OF ALL GAMING ACTIVITIES ON THE
DRY CREEK TRIBAL LANDS

AUTHORITY

The Dry Creek Band of Pomo Indians, a federally recognized Indian Tribe ("Tribe"), with a federally approved gaming ordinance has, consistent with that ordinance, established a three member Gaming Commission charged with the regulation of all gaming activities on the Tribal Lands. Under the authority of and consistent with the Dry Creek Gaming Ordinance of 1996 ("Gaming Ordinance"), the Tribal-State Gaming Compact with the State of California ("Compact"), and the Dry Creek Gaming Commission Minimum Internal Control Standards ("MICS"), the Dry Creek Gaming Commission ("Gaming Commission") hereby promulgates the following regulations which shall hereinafter be referred to as Dry Creek Gaming Commission Regulation 22 ("DCGC Regulations").

DEFINITIONS

Unless otherwise specified, the terms used herein shall have the same meaning as in the Compact, except that references to "Commissioners," "Commission," "Gaming Commission," "Tribal Gaming Agency" (as referenced in the Compact), shall mean the Dry Creek Gaming Commission or its Commissioners. "Tribal Lands" shall mean all lands under the jurisdiction and control of the Tribe.

REGULATIONS FOR THE OPERATION AND MANAGEMENT OF GAMING
ACTIVITIES ON TRIBAL LANDS

The Gaming Commission adopts and shall enforce the following regulations as part of its responsibility to enforce all relevant laws and rules with respect to all Gaming Activities on Tribal Lands.

Regulation 22: PATRON DISPUTES – CLASS III GAMING

1. Purpose. In accordance with Section 10.0 of the Compact, any patron may make a complaint regarding the play or operation of any Class III game, including any refusal to pay the patron any alleged winnings from any Class III game, and such complaint shall be handled fairly and in accordance with this Patron Disputes Regulation.
2. Initial Complaint. Any patron who has a dispute over the play or operation of any Class III game must make a written complaint to casino management within seven (7) days of the play or operation at issue. Such written complaint must be made on the "Patron Dispute Notice of Claim" form, which must be completed in its

entirety, and will be deemed an "Initial Complaint." Casino management shall ensure that a copy of any Initial Complaint/Patron Dispute Notice of Claim form received will be promptly forwarded to the Gaming Commission.

- a. Upon receiving an Initial Complaint, casino management shall make an effort to resolve the dispute to the patron's satisfaction. Casino management may exercise its discretion in making business decisions regarding cost/benefit considerations in the best interest of the Tribe, however, any settlement in excess of \$1,000.00 must first be authorized by the Gaming Commission. If casino management is able to resolve the dispute to the patron's satisfaction, the settlement shall be documented, including signature of the patron stipulating satisfaction with the settlement. Such documentation shall be forwarded to the Regulatory Department and the Gaming Commission.
- b. If casino management is unable to resolve the patron's Initial Complaint to the patron's satisfaction, the patron shall be given written notice (hereinafter "Patron Dispute Decision & Right to Appeal") within twenty-one (21) days of receiving the Initial Complaint of the following:
 - i. Casino management's decision concerning the patron's Initial Complaint;
 - ii. Notice that the patron has the right to file a written appeal of casino management's decision to the Gaming Commission;
 - iii. Notice that an appeal to the Gaming Commission must be filed within fifteen (15) days of receiving the Patron Dispute Decision & Right to Appeal; and
 - iv. Notice that if the dispute is not resolved to the patron's satisfaction by the Gaming Commission, the patron may seek resolution by the Tribal Court.
 - v. The patron must acknowledge receipt of the Patron Dispute Decision & Right to Appeal notice by signature.
 - vi. The Patron Dispute Decision & Right to Appeal shall be accompanied by a copy of the Gaming Commission's Patron Disputes Regulation.
 - vii. In the event the patron is not provided with a copy of the Patron Dispute Decision & Right to Appeal notice within thirty (30) days of the patron's submission of the Initial Complaint, then the patron may seek resolution of the dispute by the Gaming Commission for

up to one hundred eighty (180) days after submission of the Initial Complaint.

3. Appeal to the Gaming Commission. If the patron's Initial Complaint is not resolved to the patron's satisfaction by casino management, the patron may request resolution of the dispute by the Gaming Commission. Such request must be in writing and must be received by the Gaming Commission within fifteen (15) days of the patron receiving the Patron Dispute Decision & Right to Appeal notice.
 - a. Patron Disputes Procedures. The Patron Dispute Decision & Right to Appeal notice provided to the patron shall be accompanied by a copy of the Gaming Commission's Patron Disputes Regulation.
 - b. Gaming Commission Investigation. Upon receipt of the patron's written appeal, the Gaming Commission shall investigate the dispute. At a minimum, the agent called upon to investigate a patron dispute shall:
 - i. Fully identify the patron;
 - ii. Review surveillance footage (if available);
 - iii. Identify and interview witnesses (if available);
 - iv. If the dispute concerns a gaming device's alleged winnings, with the assistance of the Slot Department, conduct a full operational check, including the following if applicable:
 - A. A photo of the machine screen;
 - B. Recording machine number, location number, denomination, and machine type;
 - C. Recording combination displayed, coins/lines played, jackpot or win amount;
 - D. Recording machine paid amount and/or balance due;
 - E. Recording tilt or malfunction code;
 - F. Recording condition of the reels, to include pay table and reel test;
 - G. Verifying tape on EPROMS with Gaming Commission Agents; and
 - H. Recording machine play coin in, coin out, coin drop, number of games played, condition of coin comparator/bill validator (BV) canister.
 - v. When possible, attempt a compromise between patron and casino management. If practical to do so and no agreement is reached at the time, the agent shall seize and hold disputed winnings at the

Cage. If it is not practical to seize disputed winnings, the agent shall allow payment as casino management deems appropriate.

- vi. If it is determined that any alleged winnings are found to be a result of a mechanical, electronic or electromechanical failure and not due to the intentional acts or gross negligence of the Tribe or its agents, the patron's claim for the winnings shall be denied but the patron shall be awarded reimbursement of the amounts wagered by the patron that were lost as a result of any mechanical, electronic or electromechanical failure.
 - vii. All investigative efforts, opinions, observations, etc., must be recorded on an incident report form or within the Computerized Report System.
 - viii. Forward the report and any supporting evidence to the Gaming Commission in a timely manner.
- c. Gaming Commission Decision. Upon completion of the investigation, and not later than sixty (60) days from the date of the appeal, the Gaming Commission shall make written notification to the patron and casino management of the Gaming Commission's ruling and of the patron's right to appeal. The Gaming Commission's decision shall be consistent with industry practice and shall set forth the reasons for the decision. In reaching its decision, the Gaming Commission reserves the right to conduct a hearing in accordance with the Gaming Commission's hearing procedures or to request additional information at any time as deemed necessary to evaluate or settle the dispute.
4. Appeal to Tribal Court. If the patron is dissatisfied with the Gaming Commission's resolution of the dispute, or if no decision is issued within sixty (60) days of the date of the appeal, the patron may seek resolution in the Tribe's Tribal Court in accordance with the rules of the Court. The rules of the Tribal Court must afford the patron with a dispute resolution process that incorporates the essential elements of fairness and due process.
- a. If the award is issued against the Gaming Operation, every effort shall be made to satisfy the award within sixty (60) days after the date the award is issued.
5. Appeal to Tribal Appellate Court. Any party dissatisfied with the award of the Tribal Court may invoke the jurisdiction of the Tribal Appellate Court in accordance with the rules of the Appellate Court.

- a. If there is a conflict in the evidence and a reasonable fact-finder could have resolved the conflict either way, the decision of the Tribal Court will not be overturned on appeal.
6. Exhaustion of Tribal Remedies. A patron must exhaust the tribal remedies set forth in the Patron Disputes Regulation. A patron's failure to exhaust or to strictly comply with any aspect of the patron disputes resolution process shall result in the forfeiture of the patron's opportunity to pursue a dispute against the Gaming Operation.
7. Availability of Patron Disputes Resolution Process. An explanation of the patron disputes resolution process shall be posted or otherwise made available in the Casino.
8. Cost to Patron. Resolution of a dispute before the Tribal Court system shall be at no cost to the patron (excluding patron's attorney's fees).

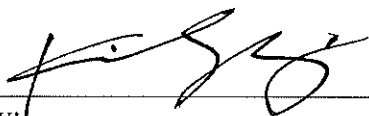
(see Compact Section 10.0)

AMENDMENTS

All Gaming Commissions Regulations set forth herein are subject to revision, repeal, or amendment by the Gaming Commission at any time.

CERTIFICATION

The foregoing regulations were adopted by the Gaming Commission this 17 day of October, 2018, and shall remain in effect until revised.

By:  _____