

# SANTA YSABEL TRIBAL GAMING COMMISSION

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SYGC 14-I005

## Commission Regulation

### Voluntary Withdrawal of I-Gaming License

Pursuant to Santa Ysabel Gaming Ordinance Section 8 Licensing, the Santa Ysabel Gaming Commission hereby adopts the following regulations:

#### **1.0 Purpose of Regulation**

- (a) The Iipay Nation of Santa Ysabel (“Nation”) has adopted the Iipay Nation of Santa Ysabel Gaming Ordinance (“Gaming Ordinance”), and, effective as of April 30, 2010, the Gaming Ordinance has been approved by the Chairman of the National Indian Gaming Commission (“NIGC”) pursuant to the federal Indian Gaming Regulatory Act of 1988 (“IGRA”), P.L. 100-497, 25 U.S.C. § 2701, *et seq.*, as it may be amended from time to time, and the regulations of the NIGC promulgated thereunder.
- (b) The Santa Ysabel Gaming Commission (“Gaming Commission”) was established under Section XI, Paragraph A of the Gaming Ordinance to exercise regulatory authority over all gaming activities conducted within the jurisdiction of the Nation and, pursuant to Section XI, Paragraph G, is empowered, subject to Executive Branch and Legislative Branch review and comment, to promulgate regulations to implement the provisions of the Gaming Ordinance, including those necessary to the interpretation and application of the Gaming Ordinance by the Gaming Commission in connection with exercising its regulatory powers
- (c) Under Sections VIII and X of the Gaming Ordinance, certain persons and Gaming Vendors are required to apply for and maintain a valid license issued by the Gaming Commission in order to aid or participate in gaming activities conducted under the Gaming Ordinance.
- (d) In order to eliminate unnecessary expense and staff time likely to be spent in addressing issues arising during the review of a gaming license applicant or the status of a current gaming license, the Gaming Commission finds it necessary in connection with exercising its regulatory powers to promulgate a regulation related to the voluntary withdrawal of a gaming license application or surrender of a current gaming license without prejudice.

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## **2.0 Procedure for Voluntary Withdrawal of Gaming License Application Without Prejudice**

- (a) Any person or Gaming Vendor who has submitted an application for a gaming license to the Gaming Commission under Sections VIII or X of the Gaming Ordinance may voluntarily withdraw such license application at any time before any determination of suitability has been made on the application by the Gaming Commission; provided that all fees and costs have been paid by the person or Gaming Vendor seeking to withdraw the gaming license application.
- (b) Any person or Gaming Vendor who is voluntarily withdrawing such license application before any determination of suitability has been made on the application by the Gaming Commission must provide written notice to the Gaming Commission of such withdrawal.
- (c) The withdrawal shall be effective upon the date the Gaming Commission actually receives written notice for voluntary withdrawal from any person or gaming Vendor who has submitted an application for a gaming license under Sections VIII or X of the Gaming Ordinance, and the Gaming Commission shall immediately: (1) cease any further review of the license application; and (2) place the application on inactive status.
- (d) Upon the date that the Gaming Commission receives written notice for voluntary withdrawal from any person or Gaming Vendor who has submitted an application for a gaming license under Sections VIII or X of the Gaming Ordinance, such person or Gaming Vendor shall no longer constitute a license applicant under the Gaming Ordinance and the Gaming Commission shall not make any further licensing determinations with respect to such person or Gaming Vendor.
- (e) Any person or Gaming Vendor who has withdrawn a license application under these procedures may, no earlier than twelve (12) months after said withdrawal, submit a license application to the Gaming Commission and such application shall be considered without any negative connotation associated with the person's or Gaming Vendor's prior voluntary withdrawal.

## **3.0 Procedure for Surrender of Gaming License Without Prejudice**

- (a) Any person or Gaming Vendor who holds a gaming license issued by the Gaming Commission under Sections VIII or X of the Gaming Ordinance may voluntarily surrender such license without prejudice at any time.
- (b) Any person or Gaming Vendor who holds a gaming license issued by the Gaming Commission under Sections VIII or X of the Gaming Ordinance and is voluntarily

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surrendering such license must provide written notice to the Gaming Commission of such surrender.

- (c) The surrender shall be effective upon the date the Gaming Commission actually receives written notice for voluntary surrender from any person or Gaming Vendor who holds a gaming license issued under Sections VIII or X of the Gaming Ordinance, and the Gaming Commission shall immediately: (1) cease any further review or regulatory action in connection with the gaming license; and (2) place the person's or Gaming Vendor's gaming license on inactive status.
- (d) Upon the date that the Gaming Commission receives written notice for voluntary surrender from any person or gaming Vendor who holds a gaming license under Section VIII or X of the Gaming Ordinance, such person or Gaming Vendor is no longer a licensee under the Gaming Ordinance and the Gaming Commission shall not make any further licensing determinations with respect to such person or Gaming Vendor or take any further action with respect to such license.
- (f) Any person or Gaming Vendor who has surrendered a gaming license under these procedures may, no earlier than twelve (12) months after said surrender, submit a license application to the Gaming Commission at a later date and such application shall be considered without any negative connotation associated with the person's or Gaming Vendor's prior voluntary surrender.

#### **4.0 Effective Date**

This Regulation shall become effective immediately upon the date a written resolution approving the Regulation have been duly adopted by the Gaming Commission consistent with legislative due process in accordance with the Gaming Ordinance and the Nation's Constitution.

Approved by:

May 30, 2014

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Dave Vialpando, Chairman

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Date

Rev: 9-4-2014

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