

Title 16 - Gaming
Chapter 6 – Authorized and Prohibited Activities

Sec.

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Legislative History

Enacted:

Gaming Ordinance, Ord. 171 (6/30/03), BIA (7/3/03), NIGC (10/3/03).

Amended:

Ordinance Amending STC Title 16, Chapter 6 of Ordinance No. 171, Ord. 272 (5/11/10), BIA (6/10/10).

Repealed or Superseded:

Ord. 151 (4/9/02), BIA (6/7/02), NIGC (7/17/02) (amending Ord. 103).
Ord. 104 (11/3/93), BIA (11/8/93), NIGC (11/10/93) (amending Ord. 103).
Gaming Ordinance, Ord. 50 (3/5/85), Enacting Res. 85-3-13, BIA (3/25/85).
Authorization of Certain Gambling Activities, Res. 80-6-730 (6/24/80).
Gaming Ordinance, Ord. 103 (10/5/93), BIA (10/14/93), NIGC (11/10/93) (repealing Ord. 50).

16-06.010 Tribe; Authorized Activities.

- (A) The Swinomish Indian Tribal Community may conduct any Class II gaming activity authorized by the Commission consistent with the provisions of this Title and the Act.
- (B) The Swinomish Indian Tribal Community may conduct any Class III gaming activity authorized by the Commission consistent with the provisions of this Title, the Act and the Compact.

[History] Ord. 171 (6/30/03); Ord. 104 (11/3/93); Ord. 103 (10/5/93).

16-06.020 Organizations.

The Senate may authorize tribal departments, political subdivisions or subordinate charitable organizations of the Tribe to operate raffles. Such operation shall be consistent with this Title,

and any special conditions imposed by the Senate. The Senate shall determine by resolution which tribal agencies, departments or political subdivisions qualify under this Section.

[History] Ord. 171 (6/30/03); Ord. 103 (10/5/93).

16-06.030 Washington State Lottery Sales.

The Senate may authorize entities of the Tribe to be Washington State Lottery vendors. Washington State Lottery sales on the Swinomish Indian Reservation shall be conducted in conformance with the Compact and such rules and regulations as the Swinomish Gaming Commission may prescribe.

[History] Ord. 171 (6/30/03); Ord. 151 (4/9/02).

16-06.040 Prohibited Activities.

Except as stated herein, no person is authorized by this Title to operate any gaming activity within the Swinomish Indian Reservation.

[History] Ord. 171 (6/30/03); Ord. 103 (10/5/93).

16-06.050 Traditional Games.

Traditional Indian games played by tribal members and their guests shall not constitute gaming within the meaning of this Title.

[History] Ord. 171 (6/30/03); Ord. 103 (10/5/93).

16-06.060 Whistleblower Protection.

- (A) A casino/bingo employee or official shall not directly or indirectly use or attempt to use the employee or official's official authority or influence to take, fail to take, or threaten to take or fail to take, a personnel action with respect to any casino employee because that employee disclosed, or is believed to have disclosed, any information to the Swinomish Gaming Commission, its agents or employees, where:
- (1) the information was requested by an agent or employee of the Commission in the course of performing Commission duties; or
 - (2) the employee disclosing the information reasonably believes that the information relates to a violation of law, rule or regulation; gross mismanagement; gross waste of funds or assets; abuse of authority; or a threat to the integrity of casino operations.

- (B) The Commission shall have jurisdiction to enforce the provisions of this section. The Commission may take or order the casino to take corrective action to prevent or redress a violation of this Section. Such redress may include reversing the action taken, taking an action the violating official failed to take, taking any action against the violating employee or official authorized under this Title, and awarding back pay or other compensation or benefit to which the aggrieved employee would have been entitled but for the violation.
- (C) A violation of this Section may be established by circumstantial evidence. It is sufficient to show that the violation was a contributing factor to the action taken. A violation is established when there is evidence that:
 - (1) the casino employee or official knew or believed that a disclosure occurred; and
 - (2) the personnel action in question occurred within a period of time such that a reasonable person could conclude that the disclosure was a contributing factor to the personnel action.
- (D) An employee must make a reasonable attempt to ascertain the correctness of the information furnished to the Commission and may be subject to Commission action, including suspension or revocation of any license, for knowingly furnishing false information.

[History] Ord. 272 (5/11/10).