

BEFORE THE NEVADA GAMING COMMISSION  
AND THE NEVADA GAMING CONTROL BOARD

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In the Matter of

AVI CASINO ENTERPRISE, INC.

(Licensure) \_\_\_\_\_

THIRD REVISED ORDER

THIS MATTER came on regularly for hearing before the Nevada Gaming Control Board ("Board") on August 7, 2024, and before the Nevada Gaming Commission ("Commission") on August 22, 2024, at Las Vegas, Nevada; and

THE BOARD AND COMMISSION having considered all information pertinent hereto;

IT IS HEREBY ORDERED BY THE NEVADA GAMING COMMISSION UPON THE RECOMMENDATION OF THE NEVADA GAMING CONTROL BOARD:

1. THAT, pursuant to the Intergovernmental Agreement dated October 15, 1987 ("Intergovernmental Agreement"), by and between the State of Nevada, acting by and through the Commission and the Board, and the Fort Mojave Indian Tribe (the "Tribe"), an application has been filed by the Tribe to amend the Commission's Second Revised Order of November 20, 1997.
2. THAT the Intergovernmental Agreement is incorporated herein by this reference.
3. THAT the Second Revised Order dated November 20, 1997, is hereby amended and restated in its entirety by this Third Revised Order.
4. THAT the Fort Mojave Tribal Council (the "Council") is registered as a holding company for Avi Casino Enterprise, Inc.

5. THAT Avi Casino Enterprise, Inc., dba Avi Resort & Casino, is licensed to conduct nonrestricted gaming operations at 10000 Aha Macav Parkway, Laughlin, Nevada, subject to the Intergovernmental Agreement and such other conditions or limitations as may be imposed by the Commission.

6. THAT William Hill Nevada I db as William Hill Race & Sports Book, db at Avi Resort & Casino Race Book and Sports Pool, is licensed to conducted nonrestricted gaming operations (race book and sports pool only) at 10000 Aha Macav Parkway, Laughlin, Nevada, subject to the Intergovernmental Agreement and such other conditions or limitations as may be imposed by the Commission.

7. THAT the following members of the Council or employees of the Fort Mojave Tribe shall be required to apply for finding of suitability or licensing:

a. Any Council member or employee who the Commission finds to be actively and directly engaged in the administration or supervision of, or any other significant involvement with, the activities of Avi Casino Enterprise, Inc.; and

b. Any Council member or employee who serves as an officer or director of Avi Casino Enterprise, Inc.; or

c. Any Council member or employee whose application is not otherwise required pursuant to the forgoing provisions if the Commission determines that the policies of the State regarding gaming would be served by such action.

8. THAT all persons serving as officers or directors of Avi Casino Enterprise, Inc. shall be required to apply for a finding of suitability or licensing within 30 days of assuming such position.

9. THAT Avi Casino Enterprise, Inc. shall, at all times, have a licensed key employee, or in the event of a change in the key employee, have filed with the Board within thirty (30) days of the change an application by such person for licensing as a key employee.

10. THAT the conduct and operation of Avi Resort & Casino, Avi Casino Enterprise, Inc. and its directors, officers, key employees, employees, agents and representatives shall be governed by the Intergovernmental Agreement, the terms of this Order, and any other conditions, limitations, or terms as may be imposed by the Commission.

11. THAT the conduct and operation of Avi Resort & Casino and Avi Casino Enterprise, Inc., including, but not limited to, the selection and employment of gaming employees and the direction of key employees, shall be the responsibility of, and subject to supervision by, the General Manager and the officers and directors of Avi Casino Enterprise, Inc. In the event of a change in the General Manager or persons fulfilling the duties of overall responsibility for gaming, or the management of the property, or both, as appropriate, Avi Casino Enterprise, Inc. shall promptly notify the Board. Such notification shall include the minutes from the Avi Casino Enterprise, Inc.'s Board of Directors meeting reflecting such consideration and any personnel materials relied upon in reaching such determination. The officers and Tribal Administrator of the Council and the directors, officers and key employees of Avi Casino Enterprise, Inc. shall promptly report to the Board's Chair, or the Chair's designee, if any individual who is not licensed or found suitable for Avi Casino Enterprise, Inc. or found suitable as officers or Tribal Administrator of the Council attempts to, or does, exert any direct or indirect influence or control over the operations of Avi Resort & Casino or Avi Casino Enterprise, Inc.

12. THAT Avi Casino Enterprise, Inc., shall keep the Board continuously and promptly informed of any changes to the composition of the Council and shall provide such information regarding the members as may be requested by the Board.

13. THAT if the Tribal Administrator of the Council changes or is not licensed or found suitable and the Tribal Administrator has duties and responsibilities for the operations of Avi Resort & Casino or Avi Casino Enterprise, Inc., the Tribal Administrator shall not exercise such

duties and responsibilities or exercise any influence or control over the gaming operations until licensed or found suitable by the Commission.

14. THAT notwithstanding paragraph 13 of this Order, the Tribal Administrator may communicate with the person fulfilling the duties of the General Manager on the operations, policies and/or ordinances of the Tribe and/or the Council (collectively, "Tribal Policies") that may affect the gaming operations of Avi Resort & Casino. The implementation of the Tribal Policies on the gaming operations of Avi Resort & Casino shall be the sole responsibility of person fulfilling the duties of the General Manager. Additionally, the Tribal Administrator may receive information on the operations of the Avi Resort & Casino and may relay such information to the directors of Avi Casino Enterprise, Inc. and/or the Council and may consult with the Council on such information as may be requested by the Council. However, until licensed or found suitable, the Tribal Administrator may not perform, directly or indirectly, any duties, responsibilities or functions of the General Manager including, but not limited to, those enumerated in paragraph 11 of this Order.

15. THAT for purposes of this Order, notification to the Board shall mean notification to the Board's Chair, or the Chair's designee, at the Board's office and notifications to the Tribe shall mean notification to the Tribal Administrator of the and the Tribe's gaming counsel, McDonald Carano LLP, Attn: Kelci S. Binau, Esq.

16. THAT for the Council, pursuant to NRS 463.489(2), the Commission hereby waives NRS 463.585(1)(a).

17. THAT for Avi Casino Enterprise, Inc., pursuant to NRS 463.489, the Commission hereby waives NRS 463.490.

18. THAT the Commission hereby finds that the waivers herein granted are consistent with the State policy set forth in NRS 463.0129 and 463.489.

19. THAT, pursuant to Sections 6 and 7 of the Intergovernmental Agreement for the computation of the compensation to be paid to the Board, Avi Casino Enterprise, Inc., shall

provide to the Board's Chair, or the Chair's designee, the "Monthly Gross Revenue Report" on Form NGC-1 and the "Monthly Gross Revenue Statistical Report" on Form NGC-31 within twenty-four (24) calendar days after the end of the month in which the gross gaming revenues from all gaming activities of Avi Resort & Casino were generated; except for the third month of each calendar quarter, then for such month, the Reports are due to the Board's Chair, or the Chair's designee, within five (5) business days of the end of that month. The Board shall establish a revolving account to charge, at the Board's normal and customary amounts, the costs incurred for investigating, licensing, and regulating the gaming activities at the Avi Resort & Casino and the foreign gaming activities of the Tribe as defined by NRS 463.680-463.720. At the end of each calendar quarter, the Board's Chair, or the Chair's designee, will prepare and forward to Avi Casino Enterprise, Inc., within ten (10) calendar days of the end of the calendar quarter an accounting which details: (a) 1% of the gross gaming revenues from all gaming activities of Avi Resort & Casino, as reported, for the calendar quarter; and (b) the costs, at the Board's normal and customary amounts, incurred by the Board for the calendar quarter for the investigation, licensure, and regulation of gaming activities at Avi Hotel & Casino. Then Avi Casino Enterprise, Inc., the Council, or the Tribe shall remit within twenty (20) calendar days after the end of each calendar quarter to the Nevada Gaming Control Board, at 1919 College Parkway, Carson City, Nevada, 89706, in lawful money of the United States of America and in immediately available funds, the greater of the two amounts detailed in the preceding sentence. If any payment required to be made becomes due and payable on a Saturday, Sunday, or Nevada state holiday, the due date thereof shall be extended to the next succeeding business day.

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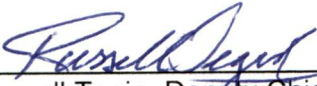
20. THAT the Tribe and the Council shall make all the necessary arrangements with the counties, cities, or municipalities of the states of Arizona, California, or Nevada, or in any other manner permitted by federal law, to provide police protection, fire protection, and life safety protection for the patrons and employees of Avi Resort & Casino.

ENTERED at Las Vegas, Nevada, this 22<sup>nd</sup> day of August 2024.

FOR THE COMMISSION:

  
Hon. Jennifer P. Togliatti (Ret), Chair

Submitted by:

  
Russell Tegio, Deputy Chief  
Investigations Division  
Corporate Securities Section

APPROVED AS TO FORM:

AARON FORD  
ATTORNEY GENERAL

By   
Deputy Attorney General

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**CERTIFICATE OF MAILING**

I hereby certify that I am employed by the Nevada Gaming Control Board as an Administrative Assistant to the Executive Secretary of the Nevada Gaming Commission and the Nevada Gaming Control Board, and that on the date shown below I deposited for mailing at Carson City, Nevada, a true copy of the attached **THIRD REVISED ORDER** addressed to:

AVI CASINO ENTERPRISE, INC.  
C/O KELCI BINAU ESQ  
100 W LIBERTY ST 10<sup>TH</sup> FLOOR  
RENO NV 89501

I further certify that I forwarded a copy to the Investigations Division and the Records & Research Services department.

DATED: August 23, 2024.



Dawn Michel, Administrative Assistant