

BEFORE THE NEVADA GAMING COMMISSION  
AND THE STATE GAMING CONTROL BOARD

In the Matter of

AVI CASINO ENTERPRISE, INC.

(Licensure)

ORDER

THIS MATTER came on regularly for hearing before the State Gaming Control Board ("Board") on February 8, 1995, at Carson City, Nevada, and specially for hearing before the Nevada Gaming Commission ("Commission") on February 16, 1995, 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 STATE 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 following applications, as amended and supplemented, have been filed:

- a. The application of Avi Casino Enterprise, Inc. for a nonrestricted gaming license;
  - b. The applications of Patricia Madueno, Llewellyn Barrackman, Melba Lela Guerrero and Gary Lee Goforth for licensure as officers and/or directors of Avi Casino Enterprise, Inc.;
  - c. The applications of Robert Alan Cashell, Sr. and Larry Alan Tiller for licensure as key employees of Avi Casino Enterprise, Inc.;
  - d. The application of Leroy's Horse and Sports Place db at Avi Hotel & Casino-race book and sports pool for a nonrestricted gaming license (race book and sports pool only);
  - e. The application of the Fort Mojave Tribal Council for registration as a holding company.
  - f. The applications of Patricia Madueno, Llewellyn Barrackman, Melba Lela Guerrero and Gary Lee Goforth as officers or tribal administrator of the Fort Mojave Tribal Council; and
  - g. The applications of Fort Mojave Tribal Council for waiver of NRS 463.585(1)(a) and Avi Casino Enterprise, Inc. for waivers of NRS 463.490 and 463.500(1) and NGC Regulations 15.490.1b-1 and 15.500.1.
2. THAT the Intergovernmental Agreement is incorporated herein by this reference.
  3. THAT the Fort Mojave Tribal Council is registered as a holding company for Avi Casino Enterprise, Inc.
  4. THAT the following individuals are found suitable as officers of the Fort Mojave Tribal Council as follows:

Patricia Madueno	Chairperson
Llewellyn Barrackman	Vice Chairman
Melba Lela Guerrero	Secretary

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

6. THAT Leroy's Horse and Sports Place, db at Avi Hotel & Casino-race book and sports pool is licensed to conduct nonrestricted gaming operations (race book and sports pool only) at 10000 Aha Macav Parkway, Laughlin, subject to the Intergovernmental Agreement and such other conditions or limitations as may be imposed by the Commission.

7. THAT the following persons are licensed as officers and/or directors of Avi Casino Enterprise, Inc.:

Patricia Madueno	President/Chairman of the Board
Llewellyn Barrackman	Vice President/Vice Chairman of the Board/Director
Melba Lela Guerrero	Secretary/Treasurer/Director

8. THAT the following persons are licensed as key employees of Avi Casino Enterprise, Inc.:

Robert Alan Cashell, Sr.	General Manager
Larry Alan Tiller	On-Site General Manager

9. THAT the General Manager and On-Site General Manager of Avi Casino Enterprise, Inc. shall operate and manage the gaming operations in accordance with the Intergovernmental Agreement and their duties, responsibilities and functions shall include, but not necessarily limited to, the following: hiring and training employees in all facets of the operations; negotiating and executing all necessary agreements with suppliers and subcontractors; marketing and publicizing the gaming operations; opening the gaming operations when construction is completed and the building is ready for occupancy and use; managing and administering the gaming operations including the operations, security, personnel, concessions and promotions; training the necessary number of people who shall be selected by Avi Casino Enterprise, Inc. to assume full managerial and operational responsibilities upon completion of the General Manager's employment agreement; and the On-Site General Manager will be responsible for all the day-to-day operations, including hiring and firing authority over employees, of Avi Hotel & Casino, will report directly to the General Manager, will have complimentary authority for room, food and beverage, and will have authorization to extend credit to players.

10. THAT at all times the General Manager and On-Site General Manager shall be licensed by the Commission, but in the event of a change in the General Manager or On-Site General Manager, the new General Manager or On-Site General Manager may assume the respective duties, responsibilities and functions over the operations of Avi Hotel & Casino prior to licensure by the Commission if the individual has demonstrated past experience in gaming operations and if (a) the individual's application has been filed with the Board; (b) preliminary review of the individual has been conducted by the

Board's investigative staff; and (c) the individual comes before the Board and Commission for preliminary permission to assume the duties, responsibilities and functions of the position pending full licensure. If there is any change in the General Manager or On-Site General Manager of Avi Casino Enterprise, Inc. such change shall be promptly reported to the Chairman of the Board and the replacement shall file an application within thirty (30) calendar days after appointment to the position; however, such new General Manager or On-Site General Manager may not assume the duties, responsibilities and functions of the position unless permitted by the preceding sentence or until licensed by the Commission.

11. THAT if the Tribal Administrator of the Fort Mojave Tribal Council changes or is not licensed or found suitable and the Tribal Administrator has duties and responsibilities for the operations of Avi Hotel & Casino or Avi Casino Enterprises, 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.

12. THAT notwithstanding paragraph 11 of this Order, the Tribal Administrator may communicate with the General Manager or the On-Site General Manager on the operations, policies and/or ordinances of the Fort Mojave Indian Tribe and/or the Fort Mojave Tribal Council (collectively, "Tribal Policies") that may effect the gaming operations of Avi Hotel & Casino. The implementation of the Tribal Policies on the gaming operations of Avi Hotel & Casino shall be the sole responsibility of the General Manager and/or On-Site General Manager. Additionally, the Tribal Administrator may receive information on the operations of the Avi Hotel & Casino and may relay such

information to the directors of Avi Casino Enterprise, Inc. and/or the Fort Mojave Tribal Council and may consult with the Fort Mojave Tribal Council on such information as may be requested by the Fort Mojave Tribal 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 or On-Site General Manager, including, but not limited to, those enumerated in paragraph 9 of this Order.

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

14. THAT the conduct and operation of Avi Hotel & Casino and Avi Casino Enterprise, Inc., including, but not limited to, the selection and employment of gaming employees and direction of key employees, shall be the sole responsibility of, and subject to supervision by, the licensed officers and directors of Avi Casino Enterprise, Inc. No person shall assume the office and duties of an officer of Avi Casino Enterprise, Inc. or a member of the board of directors of Avi Casino Enterprise, Inc. without first being licensed by the Commission. No individual, other than those licensed or found suitable for Avi Casino Enterprise, Inc. or the Fort Mojave Tribal Council, shall have any direct or indirect influence or control over the operations of Avi Hotel & Casino or Avi Casino Enterprise, Inc. The officers and Tribal Administrator of the Fort Mojave Tribal Council and the directors, officers and key employees of Avi Casino Enterprise, Inc. shall promptly report to the Chairman of the Board 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 Fort Mojave Tribal Council attempts to, or does, exert any direct or indirect influence or control over the operations of Avi Hotel & Casino or Avi Casino Enterprise, Inc.

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

16. THAT for the Fort Mojave Tribal 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(2) and NGC Regulation 15.489.2-1, the Commission hereby waives NRS 463.490 and 463.500(1) and NGC Regulations 15.490.1b-1 and 15.500.1.

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 Sections 6 and 7 of the Intergovernmental Agreement for the computation of the compensation to be paid to the State Gaming Control Board, Avi Casino Enterprise, Inc. shall provide to the Chairman of the Board 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 Hotel & Casino were generated; except for the 3rd month of each calendar quarter, then for such month, the Reports are due to the Chairman within five (5) business days of the end of that month. The Board shall establish a revolving investigative 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 Hotel & Casino. At the end of each calendar quarter, the Chairman of the Board, or his 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 Hotel & 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 Enterprises, Inc., the Fort Mojave Tribal Council or the Fort Mojave Indian Tribe shall remit within twenty (20) calendar days after the end of each calendar quarter to the State Gaming Control Board, 1150 E. William Street, Carson City, Nevada 89710, 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.

20. THAT the Fort Mojave Indian Tribe and the Fort Mojave Tribal 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

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and life safety protection for the patrons and employees of Avi Hotel & Casino.

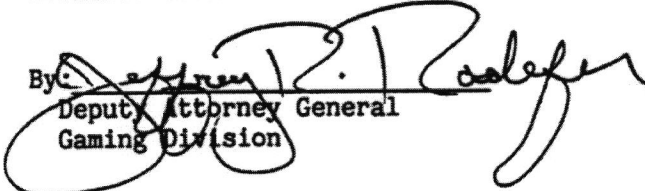
ENTERED at Las Vegas, Nevada, this 16th day of February, 1995.

FOR THE COMMISSION:



Bill Curran, Chairman

APPROVED AS TO FORM:  
FRANKIE SUE DEL PAPA  
ATTORNEY GENERAL

By:   
Deputy Attorney General  
Gaming Division