

BEFORE THE NEVADA GAMING COMMISSION  
AND THE STATE GAMING CONTROL BOARD

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In the Matter of

AVI CASINO ENTERPRISES, INC.

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

SECOND REVISED ORDER OF LICENSURE

THIS MATTER came on regularly for hearing before the State Gaming Control Board ("Board") on November 5, 1997, and before the Nevada Gaming Commission ("Commission") on November 20, 1997, 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 ("Tribe"), an application has been filed by the Tribe to amend the Commission's Revised Order of April 25, 1996.
2. THAT the Intergovernmental Agreement is incorporated herein by this reference.
3. THAT the Revised Order dated April 25, 1996, is hereby amended and restated in its entirety by this Second Revised Order of Licensure.
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 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 conducted 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 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 30 days of the change an application by such person for licensing as a key employee.

10. 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, 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 Hotel & 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 Board of Directors meeting reflecting such consideration and any personnel materials relied upon in reaching such determination. 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.

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 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.

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 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 person fulfilling the duties of the 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 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 Chairman of the State Gaming Control Board at his office and notifications to the Tribe shall mean notification to the Tribal Administrator of the Fort Mojave Tribal Council and the Tribe's gaming counsel, Alvin J. Hicks, 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(2) and NGC Regulation 15.489.2-1, the Commission hereby waives NRS 463.490 and NGC Regulation 15.490.1b-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 to 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 Enterprises, 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 third 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 and the foreign gaming activities of the Fort Mojave Indian Tribe as defined by NRS 463.680-463.720. 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 Enterprise, Inc., the Council, or the Fort Mojave Indian Tribe shall remit within twenty (20) calendar days after the end of each calendar quarter at the State Gaming Control Board, 1150 E William, 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 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 Hotel & Casino.

ENTERED at Las Vegas, Nevada, this 20<sup>th</sup> day of November 1997.