

GAMING COMMISSION

REGULATIONS

AUTHORIZING THE GRANTING OF

VARIANCES

**Coyote Valley Gaming Commission
Coyote Valley Band of Pomo Indians**

Chapter 20

VARIANCES

Sections:

- 20.010 Definitions.
- 20.020 Application - Procedure.
- 20.030 Hearing - Notice.
- 20.040 Hearing - Time limits.
- 20.050 Approval - Criteria.
- 20.060 Granting.
- 20.070 Revocation.

20.010 Definitions. As used in this Chapter, the following terms shall have the following meanings:

1. **"Variance"** shall mean a written resolution issued by the Coyote Valley Gaming Commission in accordance with the provisions of this Chapter, relieving the licensee from strictly complying with a gaming regulation(s) under such terms and conditions as the Gaming Commission shall prescribe.

20.020 Application - Procedure. An

application for a variance from the terms of a gaming regulation shall be filed with the Secretary of the Gaming Commission upon a form provided by the Commission for that purpose and shall be accompanied by a filing fee as determined from time to time by Resolution of the Commission.

20.030 Hearing - Notice. Upon receipt of such application, the Secretary of the Commission shall set the matter for a public hearing. Notice of the time, date, and place of the hearing shall be given to the applicant, the Coyote Valley Tribal Council, and the public at least ten calendar days before the hearing, provide however, if an emergency situation exists, the Commission may hold a hearing upon the giving of twenty-four hours notice. The notice shall include a general description of the matter to be considered. As used herein the term “emergency situation” means a situation where, if the variance is not granted, the Coyote Valley Casino will lose \$5,000 or more in revenue of a person will be physically harmed or personal property will be destroyed.

20.040 Hearing - Time lines. Any such hearing may be continued from time to time, except that the Gaming Commission shall act on the matter within sixty (60) days from the date of receipt of a completed application. Failure to act within that time period shall constitute disapproval of the request.

20.050 Approval - Criteria.

A. At the hearing, the burden shall be on the applicant licensee to prove to the Gaming Commission that a variance is

necessary and should be granted. The Gaming Commission may grant a variance from the terms of a regulation(s) only upon a showing by the applicant licensee that because of special circumstances beyond the control of the applicant, strict compliance with the regulation(s) is not possible; that deviation from the regulation(s) will not be contrary to the public health and safety and that there is not an alternative procedure available that the Gaming Commission can approve that will accomplish the purpose(s) that the regulation(s) for which a variance is being granted was designed to accomplish.

B. No variance shall be granted except upon written findings by the Gaming Commission that the criteria set forth in subsection A above have been met based upon substantial evidence in the record supporting each finding.

20.060 Granting. Unless otherwise expressly provided for by the Gaming Commission, a variance shall be granted for no longer than one year.

20.070 Revocation. In any case where the terms and conditions to the granting of a variance are not complied with, the Gaming Commission shall give notice to the licensee of its intention to revoke the same. Proceedings for the revocation of a variance shall be conducted in the same manner as proceedings for action on the application therefor.

CERTIFICATION

The foregoing Regulations were adopted at a _____ meeting of the Coyote Valley Gaming Commission held on

December __, 2010, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Chairman of the Coyote
Valley
Gaming Commission

ATTESTED:

Secretary of the Coyote Valley Gaming
Commission