

Regulation 17: Patron Disputes

Purpose

In accordance with the Tribal-State Compact dealing with patron disputes the Sycuan Gaming Commission, hereafter "SGC," adopts this regulation to govern patron disputes over the play or operation of any game, including any refusal to pay to a patron any alleged winnings from any gaming activities. The Gaming Operation must meet the following minimum standards when processing patron disputes:

Section 1: Notification

A patron who makes an oral or written complaint to personnel of the Gaming Operation over the play or operation of any game within three (3) days of the play or operation at issue shall be notified in writing, of the patron's right to request in writing, within fifteen (15) days of the Gaming Operation's written notification to the patron of that right, resolution of the dispute by the SGC, and if dissatisfied with the resolution, to seek resolution in either the Sycuan Tribal Court pursuant to the terms and provisions in subdivision 3(c) of the Tribal-State Compact. If the patron is not provided with the aforesaid notification within thirty (30) days of the patron's complaint, the deadlines herein shall be removed, leaving only the relevant statutes of limitations under California law that would otherwise apply.

Section 2: Investigation\Resolution

Upon receipt of the patron's written request for a resolution of the patron's complaint pursuant to subdivision 1(a), the SGC shall conduct an appropriate investigation, shall provide to the patron a copy of this regulation, and shall render a decision in accordance with industry practice. The decision shall be issued within sixty (60) days of the patron's request, shall be in writing, shall be based on the facts surrounding the dispute, and shall set forth the reasons for the decision.

Section 3: Sycuan Tribal Court

- a. If the Claimant is dissatisfied with the decision of the Tribal Gaming Agency or no decision is issued within sixty (60) days of the Claimant's request for review by the Tribal Gaming Agency, the Claimant may request that the Sycuan Tribal Court resolve the dispute.
- b. Within thirty (30) days of receipt of the Tribal Gaming Agency's decision or expiration of the sixty (60) review period, the Claimant must file a complaint in the Sycuan Tribal Court ("Court") and shall serve the complaint on the Tribal Gaming Agency. The Claimant shall bear no filing fees or costs other than attorney fees and expenses in connection with filing a complaint in the Sycuan Tribal Court.
- c. Upon receipt of the complaint, the Tribal Gaming Agency shall compile and provide to the Court a copy of the file.
- d. All complaints brought to the Sycuan Tribal Court pursuant to this Section shall be conducted in accordance with the Intertribal Court of Southern California Code of Civil Procedure. Any award shall be limited to the amount in controversy and the Court shall have no authority to award attorneys' fees or costs.

Section 4: Intertribal Court of Southern California Court of Appeals

- a. Any party dissatisfied with the judgment of the Sycuan Tribal Court may, at the party's election, within thirty (30) days of receipt of the Sycuan Tribal Court decision, appeal the judgment to the Intertribal Court of Southern California Court of Appeals, provided that the party making such election must bear all costs and expenses associated with the appeal, regardless of the outcome.
- b. The Intertribal Court of Southern California Court of Appeals shall review all determinations of the Sycuan Tribal Court on matters of law, but shall not set aside any factual determinations, if such determinations are supported by substantial evidence. Any award shall be limited to the amount in controversy and the

Intertribal Court of Southern California Court of Appeals shall have no authority to award attorneys' fees, costs or lower court costs or fees.

- c. The decision of the Intertribal Court of Southern California Court of Appeals shall be final and not subject to further appeal.