

Regulation 17: Patron Disputes

Purpose

In accordance with the Tribal-State Compact 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 may make 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. Within five (5) days of receipt of the patron complaint, the Gaming Operation must notify the patron of their right to request resolution of the dispute. The Gaming Operation will simultaneously notify the SGC of the complaint and response. The SGC shall, in writing and within fifteen (15) days of the Gaming Operation's written notification inform the patron of their right to seek resolution in the Sycuan Tribal Court pursuant to the terms and provisions in Section 10.0. Patron Disputes, subdivision (c) of the Tribal-State Compact, if they are dissatisfied with the resolution of the issue by the SGC. 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 the Tribal-State Compact Section 10.0. Patron Disputes, subdivision (a), the SGC Senior Executive Administrator, or her/his designee shall:

- a. Electronically log receipt of the patron complaint and the operations review into the Patron Complaint Resolution Tracker.
- b. Forward all copies of the patron complaint, the operations review and disposition to the Director of Regulatory Compliance, or in her/his absence the Manager of Regulatory Compliance.
- c. The Regulatory Compliance Department shall conduct an appropriate investigation, which shall include a review of all mandatory timelines to ensure Casino Operations compliance.
- d. Upon completion of the investigation, the Regulatory Compliance Department shall provide to the patron a copy of this regulation, and the decision rendered by the SGC Executive Director and/or the Assistant Executive Director in accordance with industry practice.
- e. The Senior Executive Administrator or her/his designee, shall mail via registered U.S. Mail, the decision that 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, and shall include a copy of their right to seek resolution in the Sycuan Tribal Court pursuant to the terms and provisions in Section 10.0. Patron Disputes, subdivision (c) of the Tribal-State Compact, if they are dissatisfied with the resolution of the issue by the SGC.

- f. The Senior Executive Administrator or her/his designee shall complete the Patron Complaint Resolution Tracker indicating the status of the patron dispute complaint, and the date the results were mailed to the patron.
- g. The Senior Executive Administrator or her/his designee will scan the Patron Complaint packet into electronic format and file the original documents.

Section 3: Sycuan Tribal Court

- 1. If the Claimant is dissatisfied with the decision of the SGC or no decision is issued within sixty (60) days of the Claimant's request for review by the SGC, the Claimant may request that the Sycuan Tribal Court resolve the dispute.
- 2. Within thirty (30) days of receipt of the SGC's decision or expiration of the sixty (60) day review period, the Claimant must file a complaint in the Sycuan Tribal Court ("Court") and shall serve the complaint on the SGC. 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.
- 3. Upon receipt of the complaint, the SGC shall compile and provide to the Court a copy of the file related to the complaint.
- 4. 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

- 1. 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.
- 2. 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.
- 3. The decision of the Intertribal Court of Southern California Court of Appeals shall be final and not subject to further appeal.