

SAN MANUEL TRIBAL GAMING COMMISSION REGULATIONS

GCR009: PATRON DISPUTES

I. PURPOSE

In accordance with Section 10 of the Tribal-State Compact between the State of California and the Yuhaaviatam of San Manuel Nation (“Compact”), Sections 7.6.11, 7.6.20(e), and 7.10.3 of the San Manuel Gaming Act of 1989 (Gaming Act), the San Manuel Tribal Gaming Commission (SMTGC) has promulgated the following regulations to govern the investigation and resolution of Patron Disputes against the Gaming Facility or Gaming Operation regarding the play or operation of any Class II or Class III game, including any refusal to pay to a patron any alleged winnings from any Gaming Activities, and to achieve fair, just, and equitable resolution. Disputes or complaints arising from promotional offers, prizes or games are outside the scope of this regulation.

II. GENERAL POLICY

Pursuant to Section 7.2 of the Gaming Act, the Yuhaaviatam of San Manuel Nation (“Nation”) has determined that Tribally controlled gaming on its Reservation must “be conducted fairly and honestly by both operators and players.” The Nation established the SMTGC as the Tribal Gaming Agency responsible for promulgating regulations to ensure the integrity of the Gaming Activities, protect the reputation of the Gaming Operation, and provide a fair process by which patrons can seek resolution to disputes over the play or operation of any game, including any refusal to pay to a patron any alleged winnings from any Gaming Activities.

III. PATRON DISPUTES

- (a) Gaming Operation Patron Dispute Procedures. The licensed Gaming Operation shall develop, implement and maintain internal controls, policies and procedures approved by SMTGC for addressing disputes over play or operation of any Class II or Class III game. The Gaming Operation shall make a reasonable effort to resolve a dispute to the patron’s satisfaction. The written procedures shall include, but not be limited to:
- (1) Methods for recording information on the dispute and tracking its progress;
 - (2) Means for informing the patron of their rights and methods for communicating to patrons the importance of reporting concerns immediately to preserve evidence;
 - (3) Process for preserving all sources of information which may assist in the resolution thereof;
 - (4) When evidence is present, processes for preserving evidence, including digital forensics for disputes involving technology and ensuring the technology is not tampered with until the forensic evidence is preserved;

- (5) Notification protocols to inform surveillance, employees, security, public relations, legal, and executive management.
 - (6) Risk based authorization and escalation process for the dispute; and
 - (7) Method for recording the Gaming Operation's decision is supported by the factual context within which the dispute arose and the basis for the decision.
- (b) Patron's Responsibility. Within three (3) calendar days from the initial occurrence, the patron must notify the Gaming Operation about an issue over the play or operation of any Class II or III game. The complaint may be communicated verbally or in writing to the Gaming Operation.
- (c) Patron's Rights. Gaming Operation management shall immediately provide the patron with a SMTGC approved written notification advising the patron of their rights.
- (1) The written notification will include the right to seek resolution of the dispute by the SMTGC, and if dissatisfied with SMTGC's resolution, the patron's right to seek resolution through the San Manuel Tribal Court system ("Tribal Court").
 - (2) In the event a patron does not receive the written notification of patron's rights while at the Gaming Facility, the Gaming Operation shall take reasonable steps within thirty (30) calendar days from initial complaint to provide such notification to the patron.
 - (3) For Class III Gaming Activities, if the Gaming Operation fails to provide such notification to the patron within 30 calendar days, the provisions of the relevant statutes of limitations under California law apply pursuant to Section 10(a) of the Compact.
- (d) Settlement by Gaming Operation. When notified of the complaint, Gaming Operation management shall make a reasonable effort to resolve the dispute to the patron's satisfaction. If the dispute is resolved, Gaming Operation management shall notify SMTGC Investigations. For settlements of \$500 or more, the patron shall sign a Gaming Activity Dispute Settlement form stipulating that they are satisfied. The Gaming Operation will forward a copy of the executed form to SMTGC Investigations.
- (e) Preservation of Evidence. If it cannot resolve the dispute, Gaming Operation management shall immediately contact a SMTGC Investigator to get witness statements and preserve evidence. Before the Gaming Activity continues, evidence shall be independently preserved by SMTGC. This process shall take place whether or not the patron has made written request to SMTGC. After the evidence has been captured, the SMTGC Investigator will notify the Gaming Operation when Gaming Activity can resume.

- (f) Postponement of Winnings/Prizes. The SMTGC Investigator shall postpone payment of winnings or delay distribution of prizes pending resolution of the dispute.
- (1) The disputed winnings shall be secured in the Gaming Operation’s vaults or, for non-monetary prizes, appropriately safeguarded until released by SMTGC.
 - (2) Winnings/prizes will not be disbursed until the time period for requesting an appeal has expired or until the dispute is finalized if appealed.
 - (3) In circumstances where holding the winnings or prizes is not practical, the SMTGC Investigator shall advise the SMTGC Commissioner or designee, who has the authority to determine whether it is reasonable for the Gaming Operation to hold winnings/prizes and/or approve a reasonable alternative.
- (g) SMTGC Review. Within fifteen (15) calendar days from receiving written notification of their rights from the Gaming Operation, the patron shall complete and submit a Gaming Activity Dispute form to the SMTGC, along with any other additional documents, photographs, video, or other evidence the patron feels is relevant to the dispute. During the SMTGC review process, both the Gaming Operation and the patron may continue to communicate to reach a settlement of the dispute.
- (1) Upon receiving the Gaming Activity Dispute form, the SMTGC shall provide a copy of GCR009 to the patron.
 - (2) Upon receiving the Gaming Activity Dispute form, a SMTGC Investigator shall promptly conduct an investigation and shall submit an investigation report to the SMTGC Commissioner or designee for a decision.
- (h) SMTGC Decision. Within sixty (60) calendar days of receipt of the Gaming Activity Dispute form, in accordance with industry practice, SMTGC shall provide a written decision, including the reason for the decision based on the facts from the investigation and a notice of the right of the patron or the Gaming Operation to appeal the decision.
- (1) The SMTGC shall provide a copy of its written decision to the patron and Gaming Operation management.
 - (2) The written decision shall include the following notice: “You have the right to file a Notice of Appeal of this decision in the San Manuel Tribal Court. Address: 3214 Victoria Avenue, Highland, CA 92346; Phone: (909) 907-6920.”
- (i) Tribal Court Review. If the patron or Gaming Operation is dissatisfied with SMTGC’s decision, or if no decision is issued within the sixty (60) day period, the patron or Gaming Operation may request resolution in the Tribal Court system in accordance with Title 4 of the San Manuel Tribal Court Rules of Court (“Rules of Court”).

- (1) The patron or Gaming Operation must file its Notice of Appeal within twenty (20) calendar days from the date of SMTGC's written decision. Failure to appeal within this time frame renders the decision unappealable.
 - (2) Resolution of the patron dispute before the Tribal Court shall be at no cost to the patron (excluding patron's attorney's fees).
 - (3) If any alleged winnings are found to be a result of a mechanical, electronic or electromechanical failure and not due to the intentional acts or gross negligence of the Gaming Operation or its agents, the Tribal Court shall deny the patron's claim for the winnings but shall award reimbursement of the amount wagered by the patron which was lost as a result of any said failure.
 - (4) SMTGC shall notify the patron and Gaming Operation within seven (7) business days of receiving the Tribal Court's ruling.
- (j) Appellate Court Review. The right to appeal the Tribal Court's ruling is determined by the classification of Gaming Activities.
- (1) For Class II Gaming Activities, the ruling of Tribal Court shall be final and binding upon both the patron and the Gaming Operation and not subject to further appeal.
 - (2) For Class III Gaming Activities, any party dissatisfied with the ruling of the Tribal Court may file a Notice of Appeal to the Appellate Court of the San Manuel Tribal Court in accordance with the Rules of Court.
- (k) Notice of Final Resolution. Within seven (7) business days of receiving the final ruling, or if the time frame for requesting an appeal has been exceeded, SMTGC shall notify the patron and Gaming Operation of the final resolution for the dispute. The notification shall communicate that this is the final ruling and binding upon both the patron and the Gaming Operation and not subject to further appeal. If the ruling requires the awarding of winnings, SMTGC shall require the disbursement within ten (10) business days from the day the final ruling is sent to the Gaming Operation and patron.

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