

the Tribal Council governing the sale, manufacture, distribution and possession of alcoholic beverages on tribal lands;

(b) To employ personnel as shall be reasonably necessary to allow the Commission to perform its functions. Such employees shall be tribal employees;

(c) To issue licenses permitting the sale, manufacture, distribution and transportation of liquor on tribal lands;

(d) To hold hearings on violations of this ordinance or for the issuance or revocation of licenses hereunder;

(e) To bring suit in a court of competent jurisdiction to enforce this ordinance as necessary;

(f) To determine and seek damages for violations of this ordinance;

(g) To make such reports as may be required by the Tribal Council;

(h) To collect taxes and fees levied or set by the Tribal Council and to keep accurate records, books and accounts; and

(i) To exercise such other powers as may be delegated by the Tribal Council.

3.2. Limitation on Powers. In the exercise of its powers and duties under this Ordinance, the Tribal Gaming Commission and its individual members shall not:

(a) Accept any gratuity, compensation or other thing of value from any liquor wholesaler, retailer, or distributor or from any licensee;

(b) Waive the immunity of the Narragansett Tribe from suit without the express written consent of the Tribal Council.

3.3. Inspection Rights. [3-12-3] The premises on which liquor is sold or distributed shall be open for inspection by the Tribal Gaming Commission at all reasonable times for the purposes of ascertaining whether the rules and regulations of the Tribal Council and the liquor laws of the Tribe are being complied with.

#### *Chapter 4 Sales of Alcoholic Beverages*

4.1. License Required. [3-5-1] No sales or distribution of alcoholic beverages shall be made within the Reservation, except at a tribally-licensed or tribally-owned business operated within the Reservation.

4.2. Sales Only on Reservation. All alcoholic beverage sales shall be on the Reservation. No alcoholic beverage sales shall be allowed within the exterior boundaries of tribal lands which are not held in trust.

4.3. Sales for Cash. All alcoholic beverage sales authorized herein shall be on a cash only basis and no credit shall be extended to any person, organization, or entity, except that this

provision does not prevent the payment for purchases with the use of credit cards such as Visa, Master Card, American Express, etc., with the exception of such other credit arrangements as set forth in the Tribe-State compact.

4.4. Sale for Personal Consumption. All sales and distribution of alcoholic beverages shall be for the personal use and consumption of the purchaser. Resale of any alcoholic beverage purchased within the exterior boundaries of the Tribe's trust lands is prohibited. Any person who is not licensed pursuant to this Ordinance who purchases an alcoholic beverage within the boundaries of the Tribe's trust lands and sells it, whether in the original container or not, shall be guilty of a violation of this Ordinance and shall be subjected to paying damages to the Tribe as set forth herein.

4.5. Solicitation and Sales. No person shall act as a solicitor or salesman for a manufacturer or wholesaler of alcoholic beverages on the licensed premises without having obtained a proper permit from the State and the Commission. Any applicant for a tribal permit under this section shall file with the Commission, a true and correct copy of his/her current state permit which shall entitle that person to solicit and sell on any tribally licensed premises, provided he complies with the terms and conditions of the tribal permit as set by the Commission. Any revocation or termination of the State permit shall constitute a simultaneous revocation or termination of the tribal permit.

#### *Chapter 5 Licensing*

5.1. License Required for Sale, Distribution or Importation of Beverages. [3-5-1] In order to control the proliferation of establishments on the Tribe's trust lands which sell or provide alcoholic beverages by the bottle or by the drink, no person shall at any time sell or suffer to be sold or distributed or keep or suffer to be kept on his premises or possession or under his charge for the purpose of sale or distribution within the Tribe's trust lands any beverage unless licensed thereto by the Commission as hereinafter provided.

5.2. State licensing. No person shall be allowed or permitted to sell or distribute alcoholic beverages on the Reservation if he does not also have a license from the State of Rhode Island. If such license from the State shall be revoked or suspended, the tribal license shall automatically be revoked or suspended as well.

5.3. Application. Any person applying for license to sell or distribute alcoholic

beverages on the Reservation must fill in the application provided for this purpose by the Commission and pay such application fees as determined herein from time to time by the Commission. Said application must be filled out completely in order to be considered.

5.4. Issuance of License. The Tribal Gaming Commission may issue a license if it believes that such issuance is in the best interests of the Tribe and its members. All licenses to be issued hereunder shall be in such form as shall be prescribed by the Commission; and the license shall be held under such rules and regulations as the Commission shall impose, establish and authorize; and the Commission is hereby authorized to establish such rules and regulations as in their discretion in the public interest shall seem proper to be made. Notwithstanding any of the foregoing provisions of this section, the adoption or authorization of rules and regulations by the Commission, and the modification or repeal of any rules and regulations previously adopted, shall be by written order of the Commission and adopted in accordance with the then current procedures or by-laws for conducting official functions of the Commission.

5.5. Signature on Licenses-Posting and Exhibition. [3-5-18] Licenses issued hereunder shall bear the signature written by hand of the Chairman of the Narragansett Tribal Gaming Commission, or other such Tribal Gaming Commissioner as designated and delegated by the Chairman, and shall not be printed, stamped, typewritten, engraved, photographed or cut from one instrument and attached to another; and shall be kept posted in plain view by the licensee in a conspicuous position in the room or place licensed, and shall be exhibited on demand to any Gaming Commissioner, Tribal Law Enforcement Officer, or authorized federal or state official.

5.6. Contents of Licenses. Any beverage license issued by the Commission shall state with specificity the following:

(a) Name and address of the licensed person or entity;

(b) Name and address of licensed premises;

(c) An exact description/location of the licensed premises;

(d) The days and hours when beverages may be sold or distributed;

(e) The expiration date of the license;

(f) The types of beverages authorized under the license or permit;

(g) The class of licenses or permits issued by the Tribe and State.