

manufacturer or wholesaler as security for payment of the purchase price. Specifically included is any transaction whereby, for any consideration, title or possession of alcoholic beverages is transferred from one person or entity to another, and includes the delivery of alcoholic beverages pursuant to an order placed for such beverages, or soliciting or receiving such beverages. "Sale" or "Sell" does not include the gift of alcoholic beverages among family members or personal acquaintances in non-commercial circumstances.

Section 2.11. "Spirits" means any beverage, which contains alcohol obtained by distillation, including wines exceeding seventeen percent (17%) of alcohol by weight.

Section 2.12. "RRCBC" means the Robinson Rancheria Citizens Business Council as defined in Article IV of the Constitution of the Robinson Rancheria of Pomo Indians of California.

Section 2.13. "Tribal Council" means the enrolled membership of the Robinson Rancheria eighteen years of age or older.

Section 2.14. "Tribal Land" means any land within or without the exterior boundaries of the Robinson Rancheria that is held in trust by the United States for the Robinson Rancheria of Pomo Indians of California.

Section 2.15. "Wine" means any alcoholic beverage obtained by fermentation of any fruits (grapes, berries, apples, etc.), or fruit juice and containing not more than seventeen percent (17%) of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen percent (17%) of alcohol by weight.

Article III Powers of Enforcement

Section 3.1. The RRCBC, in furtherance of this Ordinance, shall have the following powers and duties:

(a) To publish and enforce such rules and regulations governing the sale, manufacture and distribution of alcoholic beverages in public places on the Robinson Rancheria as the RRCBC may deem necessary;

(b) To employ managers, accountants, security personnel, inspectors and such other persons as shall be reasonably necessary to allow the RRCBC to perform its functions under this Ordinance.

(c) To issue licenses permitting the sale, manufacture and/or distribution of liquor on the Robinson Rancheria;

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

(e) To bring suit in any court of competent jurisdiction to enforce this Ordinance as the RRCBC determines is necessary;

(f) To determine and seek damages for violation of this Ordinance;

(g) To make reports to the Tribal Council at least semi-annually concerning the implementation of this Ordinance;

(h) To set, levy and collect sales taxes and fees on liquor distribution, sales and/or consumption in commercial premises, and the issuance of liquor licenses, and to keep accurate records, books and accounts of such taxes and fees and expenditures therefrom; and

(i) To exercise such other powers as the RRCBC may determine by duly-enacted resolution may be necessary to implement this Ordinance and accomplish its purposes.

Section 3.2 Limitation on Powers. In the exercise of its powers and duties under this Ordinance, the RRCBC and its individual members and staff shall not:

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

(b) Waive the immunity of the Robinson Rancheria of Pomo Indians of California from suit without the express and separate consent of the RRCBC.

Section 3.3 Inspection Rights. The public places on or within which liquor is sold, distributed or consumed shall be open for inspection by the RRCBC at all reasonable times for the purposes of ascertaining compliance with this Ordinance and other regulations promulgated pursuant thereto. The RRCBC may delegate all or part of its inspection authority to the Robinson Rancheria Gaming Commission or other subordinate tribal entity or agency, or may contract with third parties for this purpose.

Article IV Sale of Liquor

Section 4.1 License Required. No sales of alcoholic beverages shall be made on or within the exterior boundaries of the Robinson Rancheria or other Tribal Land as defined in this Ordinance, except at a business duly licensed by the RRCBC.

Section 4.2 Sales for Cash. All liquor sales on the Robinson Rancheria or other Tribal Land shall be on a cash-only basis, and no credit shall be extended to any person, organization or entity in connection with any such sales, except that this provision does not prevent the payment for purchases with the use of cashier's or personal checks, money orders, payroll checks, or debit cards or credit cards issued by any

federally-or state-regulated financial institution.

Section 4.3 Sale for Personal Consumption. Except as may be specifically licensed by the RRCBC, all retail sales of liquor shall be for the personal use and consumption of the purchaser or members of the purchaser's household, including guests, who are over the age of twenty-one (21). Resale of any alcoholic beverage purchased within the exterior boundaries of the Reservation or other Tribal Land is prohibited. Any person who is not licensed pursuant to this Ordinance who purchases an alcoholic beverage within the boundaries of the Reservation or Tribal Land, and re-sells it, whether in the original container or not, shall be guilty of a violation of this Ordinance and shall be subjected to exclusion from the Reservation or other Tribal Land or liability for money damages of up to five hundred dollars (\$500), or both, as determined by the RRCBC after giving the alleged violator due notice and an opportunity to be heard concerning the fact of the alleged violation and the appropriateness of any penalty.

Article V Licensing

Section 5.1 Procedure. In order to control the proliferation of establishments on the Reservation that sell or provide liquor by the bottle or by the drink, all persons or entities that desire to sell liquor within the exterior boundaries of the Robinson Rancheria or on other Tribal Land must apply to the RRCBC for a license to sell or provide liquor; provided, however, that no license is necessary to provide liquor for non-commercial purposes within a private single-family residence on the Reservation for which no money is requested or paid.

Section 5.2 State Licensing. No person shall be allowed or permitted to sell or provide liquor on the Robinson Rancheria if s/he does not also have a license from the State of California to sell or provide such liquor. If such license from the State is revoked or suspended, the Tribal license shall automatically be revoked or suspended as well.

Section 5.3 Application. Any person applying for a license to sell or provide liquor on the Robinson Rancheria shall complete and submit an application provided for this purpose by the RRCBC, and pay such application fee as may be set from time to time by the RRCBC for this purpose. Incomplete applications will not be considered.

Section 5.4 Issuance of License. The RRCBC may issue a license if it believes that the issuance of such license would