

be in the best interest of the Robinson Rancheria of Pomo Indians of California, the residents of the Robinson Rancheria and the surrounding community. Licensure is a privilege, not a right, and the decision to issue any license rests in the sole discretion of the RRCBC.

Section 5.5 Duration of License. Each license may be issued for a period not to exceed two (2) years from the date of issuance.

Section 5.6 Renewal of License. A licensee may renew its license if it has complied in full with this Ordinance and has maintained its licensure with the State of California; however, the RRCBC may refuse to renew a license if it finds that doing so would not be in the best interests of the health and safety of the members of the Robinson Rancheria of Pomo Indians of California.

Section 5.7 Suspension or Revocation of License. The RRCBC may suspend or revoke a license for reasonable cause upon notice and hearing at which the licensee shall be given an opportunity to respond to any charges against it and to demonstrate why the license should not be suspended or revoked. The licensee shall have the burden of going forward and proving by a preponderance of the evidence that the RRCBC should not suspend or revoke the license.

Section 5.8 Transferability of Licenses. Licenses issued by the RRCBC shall not be transferable and may only be utilized by the persons or entities in whose name issued.

Article VI Taxes

Section 6.1 Sales Tax. There is hereby levied and shall be collected a tax on each retail sale of alcoholic beverages on the Reservation in the amount of one percent (1%) of the retail sales price. The tax imposed by this section shall apply to all retail sales of liquor on the Reservation, and to the extent permitted by law shall preempt any tax imposed on such liquor sales by the State of California.

Section 6.2 Payment of Taxes to the Tribe. All taxes from the sale of alcoholic beverages to the Robinson Rancheria shall be paid over to the General Treasury of the Robinson Rancheria of Pomo Indians of California and be subject to the distribution by the RRCBC in accordance with its usual appropriation procedures for essential governmental and social services, including operation of the RRCBC and administration of this Ordinance.

Section 6.3 Taxes Due. All taxes upon the sale of alcoholic beverages on the Reservation are due on the first day of the month following the end of the calendar quarter for which the taxes are

due. Past due taxes shall accrue interest at eighteen percent (18%) per annum.

Section 6.4 Reports. Along with payment of the taxes imposed herein, the taxpayer shall submit an accounting for the quarter of all income from the sale or distribution of said beverages as well as for the taxes collected.

Section 6.5 Audit. As a condition of obtaining a license, the licensee must agree to the review or audit of its books and records relating to the sale of alcoholic beverages on the Reservation. Said review or audit may be done periodically by the RRCBC through its agents or employees whenever in the discretion of the RRCBC such a review is necessary to verify the accuracy of reports.

Article VII Rules, Regulations and Enforcement

Section 7.1. In any proceeding under this title, proof of one unlawful sale or distribution of liquor shall suffice to establish *prima facie* intent or purpose of unlawfully keeping liquor for sale, selling liquor or distributing liquor in violation of this title.

Section 7.2. Any person who shall sell or offer for sale or distribute or transport in any manner any liquor in violation of this Ordinance, or who shall operate or shall have liquor in his/her possession without a license required by this Ordinance, shall be guilty of a violation of this Ordinance and subject to civil damages assessed by the RRCBC. Nothing in this Ordinance shall apply to the possession or transportation of any quantity of liquor by members of the Robinson Rancheria of Pomo Indians of California for their personal or other non-commercial use, and the possession, transportation, sale, consumption or other disposition of liquor outside public places on the Robinson Rancheria shall be governed solely by the laws of the State of California.

Section 7.3. Any person within the boundaries of the Robinson Rancheria who, in a public place, buys liquor from any person other than at a properly-licensed facility shall be guilty of a violation of this Ordinance.

Section 7.4. Any person who sells liquor to a person apparently under the influence of liquor shall be guilty of a violation of this Ordinance.

Section 7.5. No person under the age of twenty-one (21) years shall consume, acquire or have in his/her possession any alcoholic beverages. Any person violating this section in a public place shall be guilty of a separate violation of this Ordinance for each and every drink so consumed.

Section 7.6. Any person who, in a public place, shall sell or provide any liquor to any person under the age of twenty-one (21) years shall be guilty of a violation of this Ordinance for each such sale or drink provided.

Section 7.7. Any person guilty of a violation of this Ordinance shall be liable to pay the Robinson Rancheria of Pomo Indians of California the amount of five hundred dollars (\$500) per violation as civil damages to defray the Tribe's cost of enforcement of this Ordinance. The amount of such damages in each case shall be determined by the RRCBC based upon a preponderance of the evidence available to the RRCBC after the person alleged to have violated this Ordinance has been given due notice and an opportunity to respond to such allegations.

Section 7.8. Whenever it reasonably appears to a licensed purveyor of liquor that a person seeking to purchase liquor is under the age of twenty-seven (27) years, the prospective purchaser shall be required to present any one of the following officially-issued cards of identification which shows his/her correct age and bears his/her signature and photograph:

(a) Driver's license of any state or identification card issued by any state Department of Motor Vehicles;

(b) United States Active Duty Military;

(c) Passport; or

(d) Gaming license, work permit or other identification issued by the RRCBC, if said license, permit or identification contains the bearer's correct age, signature and photograph.

Article VIII Abatement

Section 8.1. Any public place where liquor is sold, manufactured, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this Ordinance, and all property kept in and used in maintaining such place, is hereby declared to be a public nuisance.

Section 8.2. The Tribal Chairperson, upon authorization by a majority of the RRCBC, or, if he/she fails to do so, a majority of the Tribal Council acting at a duly-called meeting at which a quorum is present, shall direct the tribal department of public safety or equivalent department of the tribal government to abate any such nuisance. If necessary, the RRCBC shall be authorized to institute and maintain an action in a court of competent jurisdiction in the name of the Robinson Rancheria of Pomo Indians of California to abate and perpetually enjoin any nuisance declared under this title. Upon establishment that probable cause exists