

Form 5500 Department of the Treasury Internal Revenue Service Department of Labor Employee Benefits Security Administration Pension Benefit Guaranty Corporation	Annual Return/Report of Employee Benefit Plan This form is required to be filed for employee benefit plans under sections 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA) and sections 6057(b) and 6058(a) of the Internal Revenue Code (the Code). ▶ Complete all entries in accordance with the instructions to the Form 5500.	OMB Nos. 1210-0110 1210-0089 2022 This Form is Open to Public Inspection
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Part I	Annual Report Identification Information
For calendar plan year 2022 or fiscal plan year beginning <u>01/01/2022</u> and ending <u>12/31/2022</u>	
A This return/report is for:	☐ a multiemployer plan ☐ a multiple-employer plan (Filers checking this box must attach a list of participating employer information in accordance with the form instructions.) ☒ a single-employer plan ☐ a DFE (specify) ____
B This return/report is:	☐ the first return/report ☐ the final return/report ☐ an amended return/report ☐ a short plan year return/report (less than 12 months)
C If the plan is a collectively-bargained plan, check here.	▶ ☒
D Check box if filing under:	☒ Form 5558 ☐ automatic extension ☐ the DFVC program ☐ special extension (enter description)
E If this is a retroactively adopted plan permitted by SECURE Act section 201, check here.	▶ ☐

Part II Basic Plan Information —enter all requested information		
1a Name of plan <u>CACHE CREEK 401(K) PLAN</u>	1b Three-digit plan number (PN) ▶	<u>001</u>
2a Plan sponsor's name (employer, if for a single-employer plan) Mailing address (include room, apt., suite no. and street, or P.O. Box) City or town, state or province, country, and ZIP or foreign postal code (if foreign, see instructions) <u>CACHE CREEK CASINO RESORT</u> <u>14455 HIGHWAY 16</u> <u>BROOKS, CA 95606</u>		
1c Effective date of plan <u>01/01/2000</u>		
2b Employer Identification Number (EIN) <u>93-0893432</u>		
2c Plan Sponsor's telephone number <u>530-796-3118</u>		
2d Business code (see instructions) <u>713200</u>		

Caution: A penalty for the late or incomplete filing of this return/report will be assessed unless reasonable cause is established.

Under penalties of perjury and other penalties set forth in the instructions, I declare that I have examined this return/report, including accompanying schedules, statements and attachments, as well as the electronic version of this return/report, and to the best of my knowledge and belief, it is true, correct, and complete.

SIGN HERE	Filed with authorized/valid electronic signature.	09/01/2023	MARTA WADA
	Signature of plan administrator	Date	Enter name of individual signing as plan administrator
SIGN HERE			
	Signature of employer/plan sponsor	Date	Enter name of individual signing as employer or plan sponsor
SIGN HERE			
	Signature of DFE	Date	Enter name of individual signing as DFE

For Paperwork Reduction Act Notice, see the Instructions for Form 5500.

Form 5500 (2022)
v. 220413

3a Plan administrator's name and address ☒ Same as Plan Sponsor		3b Administrator's EIN
		3c Administrator's telephone number
4 If the name and/or EIN of the plan sponsor or the plan name has changed since the last return/report filed for this plan, enter the plan sponsor's name, EIN, the plan name and the plan number from the last return/report: a Sponsor's name c Plan Name		4b EIN 4d PN
5 Total number of participants at the beginning of the plan year		5 2261
6 Number of participants as of the end of the plan year unless otherwise stated (welfare plans complete only lines 6a(1) , 6a(2) , 6b , 6c , and 6d).		
a(1) Total number of active participants at the beginning of the plan year		6a(1) 1976
a(2) Total number of active participants at the end of the plan year		6a(2) 1742
b Retired or separated participants receiving benefits		6b 7
c Other retired or separated participants entitled to future benefits.....		6c 332
d Subtotal. Add lines 6a(2) , 6b , and 6c		6d 2081
e Deceased participants whose beneficiaries are receiving or are entitled to receive benefits.		6e 3
f Total. Add lines 6d and 6e		6f 2084
g Number of participants with account balances as of the end of the plan year (only defined contribution plans complete this item).....		6g 1747
h Number of participants who terminated employment during the plan year with accrued benefits that were less than 100% vested.....		6h 0
7 Enter the total number of employers obligated to contribute to the plan (only multiemployer plans complete this item)		7
8a If the plan provides pension benefits, enter the applicable pension feature codes from the List of Plan Characteristics Codes in the instructions: 2E 2F 2G 2J 2K 2T 3F 3D		
b If the plan provides welfare benefits, enter the applicable welfare feature codes from the List of Plan Characteristics Codes in the instructions:		
9a Plan funding arrangement (check all that apply) (1) ☐ Insurance (2) ☐ Code section 412(e)(3) insurance contracts (3) ☒ Trust (4) ☐ General assets of the sponsor		9b Plan benefit arrangement (check all that apply) (1) ☐ Insurance (2) ☐ Code section 412(e)(3) insurance contracts (3) ☒ Trust (4) ☐ General assets of the sponsor
10 Check all applicable boxes in 10a and 10b to indicate which schedules are attached, and, where indicated, enter the number attached. (See instructions)		
a Pension Schedules (1) ☒ R (Retirement Plan Information) (2) ☐ MB (Multiemployer Defined Benefit Plan and Certain Money Purchase Plan Actuarial Information) - signed by the plan actuary (3) ☐ SB (Single-Employer Defined Benefit Plan Actuarial Information) - signed by the plan actuary		b General Schedules (1) ☒ H (Financial Information) (2) ☐ I (Financial Information – Small Plan) (3) ☐ 0 A (Insurance Information) (4) ☒ C (Service Provider Information) (5) ☐ D (DFE/Participating Plan Information) (6) ☐ G (Financial Transaction Schedules)

Part III Form M-1 Compliance Information (to be completed by welfare benefit plans)

11a If the plan provides welfare benefits, was the plan subject to the Form M-1 filing requirements during the plan year? (See instructions and 29 CFR 2520.101-2.) ☐ Yes ☐ No

If "Yes" is checked, complete lines 11b and 11c.

11b Is the plan currently in compliance with the Form M-1 filing requirements? (See instructions and 29 CFR 2520.101-2.) ☐ Yes ☐ No

11c Enter the Receipt Confirmation Code for the 2022 Form M-1 annual report. If the plan was not required to file the 2022 Form M-1 annual report, enter the Receipt Confirmation Code for the most recent Form M-1 that was required to be filed under the Form M-1 filing requirements. (Failure to enter a valid Receipt Confirmation Code will subject the Form 5500 filing to rejection as incomplete.)

Receipt Confirmation Code _____

SCHEDULE C (Form 5500) Department of the Treasury Internal Revenue Service Department of Labor Employee Benefits Security Administration Pension Benefit Guaranty Corporation	Service Provider Information This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA). ▶ File as an attachment to Form 5500.	OMB No. 1210-0110
		2022
		This Form is Open to Public Inspection.

For calendar plan year 2022 or fiscal plan year beginning 01/01/2022 and ending 12/31/2022		
A Name of plan CACHE CREEK 401(K) PLAN	B Three-digit plan number (PN) ▶	001
C Plan sponsor's name as shown on line 2a of Form 5500 CACHE CREEK CASINO RESORT	D Employer Identification Number (EIN) 93-0893432	

Part I	Service Provider Information (see instructions)
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You must complete this Part, in accordance with the instructions, to report the information required for **each person** who received, directly or indirectly, \$5,000 or more in total compensation (i.e., money or anything else of monetary value) in connection with services rendered to the plan or the person's position with the plan during the plan year. If a person received **only** eligible indirect compensation for which the plan received the required disclosures, you are required to answer line 1 but are not required to include that person when completing the remainder of this Part.

1 Information on Persons Receiving Only Eligible Indirect Compensation

- a Check "Yes" or "No" to indicate whether you are excluding a person from the remainder of this Part because they received only eligible indirect compensation for which the plan received the required disclosures (see instructions for definitions and conditions)..... ☒ Yes ☐ No
- b If you answered line 1a "Yes," enter the name and EIN or address of each person providing the required disclosures for the service providers who received only eligible indirect compensation. Complete as many entries as needed (see instructions).

(b) Enter name and EIN or address of person who provided you disclosures on eligible indirect compensation
FIDELITY INVESTMENTS INSTITUTIONAL
04-2647786

(b) Enter name and EIN or address of person who provided you disclosures on eligible indirect compensation
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2. Information on Other Service Providers Receiving Direct or Indirect Compensation. Except for those persons for whom you answered "Yes" to line 1a above, complete as many entries as needed to list each person receiving, directly or indirectly, \$5,000 or more in total compensation (i.e., money or anything else of value) in connection with services rendered to the plan or their position with the plan during the plan year. (See instructions).

(a) Enter name and EIN or address (see instructions)

FIDELITY INVESTMENTS INSTITUTIONAL

04-2647786

(b) Service Code(s)	(c) Relationship to employer, employee organization, or person known to be a party-in-interest	(d) Enter direct compensation paid by the plan. If none, enter -0-.	(e) Did service provider receive indirect compensation? (sources other than plan or plan sponsor)	(f) Did indirect compensation include eligible indirect compensation, for which the plan received the required disclosures?	(g) Enter total indirect compensation received by service provider excluding eligible indirect compensation for which you answered "Yes" to element (f). If none, enter -0-.	(h) Did the service provider give you a formula instead of an amount or estimated amount?
37 60 64 65	RECORDKEEPER	54881	Yes ☒ No ☐	Yes ☒ No ☐	0	Yes ☒ No ☐

(a) Enter name and EIN or address (see instructions)

HIGHTOWER ADVISORS, LLC

36-4500709

(b) Service Code(s)	(c) Relationship to employer, employee organization, or person known to be a party-in-interest	(d) Enter direct compensation paid by the plan. If none, enter -0-.	(e) Did service provider receive indirect compensation? (sources other than plan or plan sponsor)	(f) Did indirect compensation include eligible indirect compensation, for which the plan received the required disclosures?	(g) Enter total indirect compensation received by service provider excluding eligible indirect compensation for which you answered "Yes" to element (f). If none, enter -0-.	(h) Did the service provider give you a formula instead of an amount or estimated amount?
27 28	INVESTMENT ADVISOR	13667	Yes ☐ No ☒	Yes ☐ No ☐		Yes ☐ No ☐

(a) Enter name and EIN or address (see instructions)

(b) Service Code(s)	(c) Relationship to employer, employee organization, or person known to be a party-in-interest	(d) Enter direct compensation paid by the plan. If none, enter -0-.	(e) Did service provider receive indirect compensation? (sources other than plan or plan sponsor)	(f) Did indirect compensation include eligible indirect compensation, for which the plan received the required disclosures?	(g) Enter total indirect compensation received by service provider excluding eligible indirect compensation for which you answered "Yes" to element (f). If none, enter -0-.	(h) Did the service provider give you a formula instead of an amount or estimated amount?
			Yes ☐ No ☐	Yes ☐ No ☐		Yes ☐ No ☐

Part I Service Provider Information (continued)

3. If you reported on line 2 receipt of indirect compensation, other than eligible indirect compensation, by a service provider, and the service provider is a fiduciary or provides contract administrator, consulting, custodial, investment advisory, investment management, broker, or recordkeeping services, answer the following questions for (a) each source from whom the service provider received \$1,000 or more in indirect compensation and (b) each source for whom the service provider gave you a formula used to determine the indirect compensation instead of an amount or estimated amount of the indirect compensation. Complete as many entries as needed to report the required information for each source.

(a) Enter service provider name as it appears on line 2	(b) Service Codes (see instructions)	(c) Enter amount of indirect compensation
FIDELITY INVESTMENTS INSTITUTIONAL	60	0
(d) Enter name and EIN (address) of source of indirect compensation	(e) Describe the indirect compensation, including any formula used to determine the service provider's eligibility for or the amount of the indirect compensation.	
DELAWARE VALUE INST - DELAWARE INV 2005 MARKET STREET PHILADELPHIA, PA 19103	0.25%	
(a) Enter service provider name as it appears on line 2	(b) Service Codes (see instructions)	(c) Enter amount of indirect compensation
FIDELITY INVESTMENTS INSTITUTIONAL	60	0
(d) Enter name and EIN (address) of source of indirect compensation	(e) Describe the indirect compensation, including any formula used to determine the service provider's eligibility for or the amount of the indirect compensation.	
HARTFORD INTL GRTH Y - HARTFORD AD 41-0679409	0.10%	
(a) Enter service provider name as it appears on line 2	(b) Service Codes (see instructions)	(c) Enter amount of indirect compensation
FIDELITY INVESTMENTS INSTITUTIONAL	60	0
(d) Enter name and EIN (address) of source of indirect compensation	(e) Describe the indirect compensation, including any formula used to determine the service provider's eligibility for or the amount of the indirect compensation.	
JHANCOCK BOND I - JOHN HANCOCK SIG 01-0233346	0.05%	

Part I Service Provider Information (continued)

3. If you reported on line 2 receipt of indirect compensation, other than eligible indirect compensation, by a service provider, and the service provider is a fiduciary or provides contract administrator, consulting, custodial, investment advisory, investment management, broker, or recordkeeping services, answer the following questions for (a) each source from whom the service provider received \$1,000 or more in indirect compensation and (b) each source for whom the service provider gave you a formula used to determine the indirect compensation instead of an amount or estimated amount of the indirect compensation. Complete as many entries as needed to report the required information for each source.

(a) Enter service provider name as it appears on line 2	(b) Service Codes (see instructions)	(c) Enter amount of indirect compensation
FIDELITY INVESTMENTS INSTITUTIONAL	60	0
(d) Enter name and EIN (address) of source of indirect compensation	(e) Describe the indirect compensation, including any formula used to determine the service provider's eligibility for or the amount of the indirect compensation.	
TRP VALUE - T. ROWE PRICE SERVICES 52-2269240	0.15%	
(a) Enter service provider name as it appears on line 2	(b) Service Codes (see instructions)	(c) Enter amount of indirect compensation
FIDELITY INVESTMENTS INSTITUTIONAL	60	0
(d) Enter name and EIN (address) of source of indirect compensation	(e) Describe the indirect compensation, including any formula used to determine the service provider's eligibility for or the amount of the indirect compensation.	
VRTS NFJ MC VAL IS - VIRTUS FUND S 4400 COMPUTER DRIVE WESTBOROUGH, MA 01581	0.10%	
(a) Enter service provider name as it appears on line 2	(b) Service Codes (see instructions)	(c) Enter amount of indirect compensation
(d) Enter name and EIN (address) of source of indirect compensation	(e) Describe the indirect compensation, including any formula used to determine the service provider's eligibility for or the amount of the indirect compensation.	

Part II Service Providers Who Fail or Refuse to Provide Information

4 Provide, to the extent possible, the following information for each service provider who failed or refused to provide the information necessary to complete this Schedule.

(a) Enter name and EIN or address of service provider (see instructions)	(b) Nature of Service Code(s)	(c) Describe the information that the service provider failed or refused to provide
(a) Enter name and EIN or address of service provider (see instructions)	(b) Nature of Service Code(s)	(c) Describe the information that the service provider failed or refused to provide
(a) Enter name and EIN or address of service provider (see instructions)	(b) Nature of Service Code(s)	(c) Describe the information that the service provider failed or refused to provide
(a) Enter name and EIN or address of service provider (see instructions)	(b) Nature of Service Code(s)	(c) Describe the information that the service provider failed or refused to provide
(a) Enter name and EIN or address of service provider (see instructions)	(b) Nature of Service Code(s)	(c) Describe the information that the service provider failed or refused to provide
(a) Enter name and EIN or address of service provider (see instructions)	(b) Nature of Service Code(s)	(c) Describe the information that the service provider failed or refused to provide

Part III Termination Information on Accountants and Enrolled Actuaries (see instructions)
(complete as many entries as needed)

a Name:	b EIN:
c Position:	
d Address:	e Telephone:

Explanation:

a Name:	b EIN:
c Position:	
d Address:	e Telephone:

Explanation:

a Name:	b EIN:
c Position:	
d Address:	e Telephone:

Explanation:

a Name:	b EIN:
c Position:	
d Address:	e Telephone:

Explanation:

a Name:	b EIN:
c Position:	
d Address:	e Telephone:

Explanation:

SCHEDULE H (Form 5500) Department of the Treasury Internal Revenue Service Department of Labor Employee Benefits Security Administration Pension Benefit Guaranty Corporation	Financial Information This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA), and section 6058(a) of the Internal Revenue Code (the Code). ► File as an attachment to Form 5500.	OMB No. 1210-0110 2022 This Form is Open to Public Inspection
For calendar plan year 2022 or fiscal plan year beginning <u>01/01/2022</u> and ending <u>12/31/2022</u>		
A Name of plan <u>CACHE CREEK 401(K) PLAN</u>	B Three-digit plan number (PN) ►	<u>001</u>
C Plan sponsor's name as shown on line 2a of Form 5500 <u>CACHE CREEK CASINO RESORT</u>	D Employer Identification Number (EIN) <u>93-0893432</u>	

Part I Asset and Liability Statement			
1 Current value of plan assets and liabilities at the beginning and end of the plan year. Combine the value of plan assets held in more than one trust. Report the value of the plan's interest in a commingled fund containing the assets of more than one plan on a line-by-line basis unless the value is reportable on lines 1c(9) through 1c(14). Do not enter the value of that portion of an insurance contract which guarantees, during this plan year, to pay a specific dollar benefit at a future date. Round off amounts to the nearest dollar. MTIAs, CCTs, PSAs, and 103-12 IEs do not complete lines 1b(1), 1b(2), 1c(8), 1g, 1h, and 1i. CCTs, PSAs, and 103-12 IEs also do not complete lines 1d and 1e. See instructions.			
Assets		(a) Beginning of Year	(b) End of Year
a Total noninterest-bearing cash.....	1a	0	0
b Receivables (less allowance for doubtful accounts):			
(1) Employer contributions.....	1b(1)	0	0
(2) Participant contributions.....	1b(2)	0	0
(3) Other.....	1b(3)	0	0
c General investments:			
(1) Interest-bearing cash (include money market accounts & certificates of deposit).....	1c(1)	9594284	9213331
(2) U.S. Government securities	1c(2)	0	0
(3) Corporate debt instruments (other than employer securities):			
(A) Preferred	1c(3)(A)	0	0
(B) All other	1c(3)(B)	0	0
(4) Corporate stocks (other than employer securities):			
(A) Preferred	1c(4)(A)	0	0
(B) Common.....	1c(4)(B)	0	0
(5) Partnership/joint venture interests	1c(5)	0	0
(6) Real estate (other than employer real property)	1c(6)	0	0
(7) Loans (other than to participants).....	1c(7)	0	0
(8) Participant loans.....	1c(8)	4763005	4797254
(9) Value of interest in common/collective trusts.....	1c(9)	0	0
(10) Value of interest in pooled separate accounts	1c(10)	0	0
(11) Value of interest in master trust investment accounts.....	1c(11)	0	0
(12) Value of interest in 103-12 investment entities	1c(12)	0	0
(13) Value of interest in registered investment companies (e.g., mutual funds).....	1c(13)	96760497	76451981
(14) Value of funds held in insurance company general account (unallocated contracts).....	1c(14)	0	0
(15) Other	1c(15)	0	0

1d Employer-related investments:

		(a) Beginning of Year	(b) End of Year
(1) Employer securities	1d(1)	0	0
(2) Employer real property	1d(2)	0	0
e Buildings and other property used in plan operation	1e	0	0
f Total assets (add all amounts in lines 1a through 1e)	1f	111117786	90462566

Liabilities

g Benefit claims payable	1g	0	0
h Operating payables	1h	0	0
i Acquisition indebtedness	1i	0	0
j Other liabilities	1j	0	0
k Total liabilities (add all amounts in lines 1g through 1j)	1k	0	0

Net Assets

l Net assets (subtract line 1k from line 1f)	1l	111117786	90462566
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Part II Income and Expense Statement

2 Plan income, expenses, and changes in net assets for the year. Include all income and expenses of the plan, including any trust(s) or separately maintained fund(s) and any payments/receipts to/from insurance carriers. Round off amounts to the nearest dollar. MTIAs, CCTs, PSAs, and 103-12 IEs do not complete lines 2a, 2b(1)(E), 2e, 2f, and 2g.

Income**a Contributions:**

		(a) Amount	(b) Total
(1) Received or receivable in cash from: (A) Employers	2a(1)(A)	3296056	
(B) Participants	2a(1)(B)	6782521	
(C) Others (including rollovers)	2a(1)(C)	63819	
(2) Noncash contributions	2a(2)	0	
(3) Total contributions. Add lines 2a(1)(A) , (B) , (C) , and line 2a(2)	2a(3)		10142396

b Earnings on investments:**(1) Interest:**

(A) Interest-bearing cash (including money market accounts and certificates of deposit)	2b(1)(A)	156420	
(B) U.S. Government securities	2b(1)(B)	0	
(C) Corporate debt instruments	2b(1)(C)	0	
(D) Loans (other than to participants)	2b(1)(D)	0	
(E) Participant loans	2b(1)(E)	226558	
(F) Other	2b(1)(F)	0	
(G) Total interest. Add lines 2b(1)(A) through (F)	2b(1)(G)		382978

(2) Dividends: (A) Preferred stock	2b(2)(A)	0	
(B) Common stock	2b(2)(B)	0	
(C) Registered investment company shares (e.g. mutual funds)	2b(2)(C)	2755278	
(D) Total dividends. Add lines 2b(2)(A) , (B) , and (C)	2b(2)(D)		2755278

(3) Rents	2b(3)		0
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(4) Net gain (loss) on sale of assets: (A) Aggregate proceeds	2b(4)(A)	0	
(B) Aggregate carrying amount (see instructions)	2b(4)(B)	0	
(C) Subtract line 2b(4)(B) from line 2b(4)(A) and enter result	2b(4)(C)		0

(5) Unrealized appreciation (depreciation) of assets: (A) Real estate	2b(5)(A)	0	
(B) Other	2b(5)(B)	0	
(C) Total unrealized appreciation of assets. Add lines 2b(5)(A) and (B)	2b(5)(C)		0

		(a) Amount	(b) Total
(6) Net investment gain (loss) from common/collective trusts	2b(6)		0
(7) Net investment gain (loss) from pooled separate accounts	2b(7)		0
(8) Net investment gain (loss) from master trust investment accounts	2b(8)		0
(9) Net investment gain (loss) from 103-12 investment entities.....	2b(9)		0
(10) Net investment gain (loss) from registered investment companies (e.g., mutual funds)	2b(10)		-23173025
c Other income	2c		0
d Total income. Add all income amounts in column (b) and enter total	2d		-9892373
Expenses			
e Benefit payment and payments to provide benefits:			
(1) Directly to participants or beneficiaries, including direct rollovers	2e(1)	10671955	
(2) To insurance carriers for the provision of benefits	2e(2)	0	
(3) Other	2e(3)	0	
(4) Total benefit payments. Add lines 2e(1) through (3)	2e(4)		10671955
f Corrective distributions (see instructions)	2f		0
g Certain deemed distributions of participant loans (see instructions)	2g		22344
h Interest expense	2h		0
i Administrative expenses: (1) Professional fees	2i(1)	0	
(2) Contract administrator fees	2i(2)	0	
(3) Investment advisory and management fees	2i(3)	0	
(4) Other	2i(4)	68548	
(5) Total administrative expenses. Add lines 2i(1) through (4)	2i(5)		68548
j Total expenses. Add all expense amounts in column (b) and enter total	2j		10762847
Net Income and Reconciliation			
k Net income (loss). Subtract line 2j from line 2d	2k		-20655220
l Transfers of assets:			
(1) To this plan	2l(1)		0
(2) From this plan	2l(2)		0

Part III Accountant's Opinion

3 Complete lines 3a through 3c if the opinion of an independent qualified public accountant is attached to this Form 5500. Complete line 3d if an opinion is not attached.

a The attached opinion of an independent qualified public accountant for this plan is (see instructions):

(1) ☒ Unmodified (2) ☐ Qualified (3) ☐ Disclaimer (4) ☐ Adverse

b Check the appropriate box(es) to indicate whether the IQPA performed an ERISA section 103(a)(3)(C) audit. Check both boxes (1) and (2) if the audit was performed pursuant to both 29 CFR 2520.103-8 and 29 CFR 2520.103-12(d). Check box (3) if pursuant to neither.

(1) ☒ DOL Regulation 2520.103-8 (2) ☐ DOL Regulation 2520.103-12(d) (3) ☐ neither DOL Regulation 2520.103-8 nor DOL Regulation 2520.103-12(d).

c Enter the name and EIN of the accountant (or accounting firm) below:

(1) Name: **CAMPBELL TAYLORWASHBURN**

(2) EIN: **68-0251243**

d The opinion of an independent qualified public accountant is **not attached** because:

(1) ☐ This form is filed for a CCT, PSA, or MTIA. (2) ☐ It will be attached to the next Form 5500 pursuant to 29 CFR 2520.104-50.

Part IV Compliance Questions

4 CCTs and PSAs do not complete Part IV. MTIAs, 103-12 IEs, and GIAs do not complete lines 4a, 4e, 4f, 4g, 4h, 4k, 4m, 4n, or 5. 103-12 IEs also do not complete lines 4j and 4l. MTIAs also do not complete line 4l.

During the plan year:

a Was there a failure to transmit to the plan any participant contributions within the time period described in 29 CFR 2510.3-102? Continue to answer "Yes" for any prior year failures until fully corrected. (See instructions and DOL's Voluntary Fiduciary Correction Program.)

	Yes	No	Amount
4a		X	

	Yes	No	Amount
b Were any loans by the plan or fixed income obligations due the plan in default as of the close of the plan year or classified during the year as uncollectible? Disregard participant loans secured by participant's account balance. (Attach Schedule G (Form 5500) Part I if "Yes" is checked.)		X	
4b		X	
c Were any leases to which the plan was a party in default or classified during the year as uncollectible? (Attach Schedule G (Form 5500) Part II if "Yes" is checked.)		X	
4c		X	
d Were there any nonexempt transactions with any party-in-interest? (Do not include transactions reported on line 4a. Attach Schedule G (Form 5500) Part III if "Yes" is checked.)		X	
4d		X	
e Was this plan covered by a fidelity bond?	X		500000
4e	X		500000
f Did the plan have a loss, whether or not reimbursed by the plan's fidelity bond, that was caused by fraud or dishonesty?		X	
4f		X	
g Did the plan hold any assets whose current value was neither readily determinable on an established market nor set by an independent third party appraiser?		X	
4g		X	
h Did the plan receive any noncash contributions whose value was neither readily determinable on an established market nor set by an independent third party appraiser?		X	
4h		X	
i Did the plan have assets held for investment? (Attach schedule(s) of assets if "Yes" is checked, and see instructions for format requirements.)	X		
4i	X		
j Were any plan transactions or series of transactions in excess of 5% of the current value of plan assets? (Attach schedule of transactions if "Yes" is checked and see instructions for format requirements.)		X	
4j		X	
k Were all the plan assets either distributed to participants or beneficiaries, transferred to another plan, or brought under the control of the PBGC?		X	
4k		X	
l Has the plan failed to provide any benefit when due under the plan?	X		702
4l	X		702
m If this is an individual account plan, was there a blackout period? (See instructions and 29 CFR 2520.101-3.)		X	
4m		X	
n If 4m was answered "Yes," check the "Yes" box if you either provided the required notice or one of the exceptions to providing the notice applied under 29 CFR 2520.101-3.		X	
4n		X	

5a Has a resolution to terminate the plan been adopted during the plan year or any prior plan year? ☐ Yes ☒ No
If "Yes," enter the amount of any plan assets that reverted to the employer this year _____.

5b If, during this plan year, any assets or liabilities were transferred from this plan to another plan(s), identify the plan(s) to which assets or liabilities were transferred. (See instructions.)

5b(1) Name of plan(s)	5b(2) EIN(s)	5b(3) PN(s)

5c Was the plan a defined benefit plan covered under the PBGC insurance program at any time during this plan year? (See ERISA section 4021 and instructions.) ☐ Yes ☐ No ☐ Not determined
If "Yes" is checked, enter the My PAA confirmation number from the PBGC premium filing for this plan year _____.

SCHEDULE R (Form 5500) Department of the Treasury Internal Revenue Service Department of Labor Employee Benefits Security Administration Pension Benefit Guaranty Corporation	Retirement Plan Information This schedule is required to be filed under sections 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA) and section 6058(a) of the Internal Revenue Code (the Code). ► File as an attachment to Form 5500.	OMB No. 1210-0110 2022 This Form is Open to Public Inspection.
For calendar plan year 2022 or fiscal plan year beginning 01/01/2022 and ending 12/31/2022		
A Name of plan CACHE CREEK 401(K) PLAN		B Three-digit plan number (PN) ► 001
C Plan sponsor's name as shown on line 2a of Form 5500 CACHE CREEK CASINO RESORT		D Employer Identification Number (EIN) 93-0893432
Part I	Distributions	
All references to distributions relate only to payments of benefits during the plan year.		
1 Total value of distributions paid in property other than in cash or the forms of property specified in the instructions.....		1
2 Enter the EIN(s) of payor(s) who paid benefits on behalf of the plan to participants or beneficiaries during the year (if more than two, enter EINs of the two payors who paid the greatest dollar amounts of benefits): EIN(s): 04-6568107		
Profit-sharing plans, ESOPs, and stock bonus plans, skip line 3.		
3 Number of participants (living or deceased) whose benefits were distributed in a single sum, during the plan year.....		3
Part II	Funding Information (If the plan is not subject to the minimum funding requirements of section 412 of the Internal Revenue Code or ERISA section 302, skip this Part.)	
4 Is the plan administrator making an election under Code section 412(d)(2) or ERISA section 302(d)(2)? ☐ Yes ☐ No ☐ N/A If the plan is a defined benefit plan, go to line 8.		
5 If a waiver of the minimum funding standard for a prior year is being amortized in this plan year, see instructions and enter the date of the ruling letter granting the waiver. Date: Month _____ Day _____ Year _____ If you completed line 5, complete lines 3, 9, and 10 of Schedule MB and do not complete the remainder of this schedule.		
6 a Enter the minimum required contribution for this plan year (include any prior year accumulated funding deficiency not waived).....		6a
b Enter the amount contributed by the employer to the plan for this plan year.....		6b
c Subtract the amount in line 6b from the amount in line 6a. Enter the result (enter a minus sign to the left of a negative amount).....		6c
If you completed line 6c, skip lines 8 and 9.		
7 Will the minimum funding amount reported on line 6c be met by the funding deadline? ☐ Yes ☐ No ☐ N/A		
8 If a change in actuarial cost method was made for this plan year pursuant to a revenue procedure or other authority providing automatic approval for the change or a class ruling letter, does the plan sponsor or plan administrator agree with the change? ☐ Yes ☐ No ☐ N/A		
Part III	Amendments	
9 If this is a defined benefit pension plan, were any amendments adopted during this plan year that increased or decreased the value of benefits? If yes, check the appropriate box. If no, check the "No" box..... ☐ Increase ☐ Decrease ☐ Both ☐ No		
Part IV	ESOPs (see instructions). If this is not a plan described under section 409(a) or 4975(e)(7) of the Internal Revenue Code, skip this Part.	
10 Were unallocated employer securities or proceeds from the sale of unallocated securities used to repay any exempt loan?..... ☐ Yes ☐ No		
11 a Does the ESOP hold any preferred stock?..... ☐ Yes ☐ No		
b If the ESOP has an outstanding exempt loan with the employer as lender, is such loan part of a "back-to-back" loan? (See instructions for definition of "back-to-back" loan.)..... ☐ Yes ☐ No		
12 Does the ESOP hold any stock that is not readily tradable on an established securities market?..... ☐ Yes ☐ No		
For Paperwork Reduction Act Notice, see the Instructions for Form 5500.		
Schedule R (Form 5500) 2022 v. 220413		

Part V Additional Information for Multiemployer Defined Benefit Pension Plans

13 Enter the following information for each employer that (1) contributed more than 5% of total contributions to the plan during the plan year or (2) was one of the top-ten highest contributors (measured in dollars). See instructions. *Complete as many entries as needed to report all applicable employers.*

a Name of contributing employer

b EIN

c Dollar amount contributed by employer

d Date collective bargaining agreement expires (If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.) Month _____ Day _____ Year _____

e Contribution rate information (If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete lines 13e(1) and 13e(2).)

(1) Contribution rate (in dollars and cents) _____

(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify): _____

a Name of contributing employer

b EIN

c Dollar amount contributed by employer

d Date collective bargaining agreement expires (If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.) Month _____ Day _____ Year _____

e Contribution rate information (If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete lines 13e(1) and 13e(2).)

(1) Contribution rate (in dollars and cents) _____

(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify): _____

a Name of contributing employer

b EIN

c Dollar amount contributed by employer

d Date collective bargaining agreement expires (If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.) Month _____ Day _____ Year _____

e Contribution rate information (If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete lines 13e(1) and 13e(2).)

(1) Contribution rate (in dollars and cents) _____

(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify): _____

a Name of contributing employer

b EIN

c Dollar amount contributed by employer

d Date collective bargaining agreement expires (If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.) Month _____ Day _____ Year _____

e Contribution rate information (If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete lines 13e(1) and 13e(2).)

(1) Contribution rate (in dollars and cents) _____

(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify): _____

a Name of contributing employer

b EIN

c Dollar amount contributed by employer

d Date collective bargaining agreement expires (If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.) Month _____ Day _____ Year _____

e Contribution rate information (If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete lines 13e(1) and 13e(2).)

(1) Contribution rate (in dollars and cents) _____

(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify): _____

a Name of contributing employer

b EIN

c Dollar amount contributed by employer

d Date collective bargaining agreement expires (If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.) Month _____ Day _____ Year _____

e Contribution rate information (If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete lines 13e(1) and 13e(2).)

(1) Contribution rate (in dollars and cents) _____

(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify): _____

14	Enter the number of deferred vested and retired participants (inactive participants), as of the beginning of the plan year, whose contributing employer is no longer making contributions to the plan for:	
a	The current plan year. Check the box to indicate the counting method used to determine the number of inactive participants: ☐ last contributing employer ☐ alternative ☐ reasonable approximation (see instructions for required attachment).....	14a
b	The plan year immediately preceding the current plan year. ☐ Check the box if the number reported is a change from what was previously reported (see instructions for required attachment)	14b
c	The second preceding plan year. ☐ Check the box if the number reported is a change from what was previously reported (see instructions for required attachment)	14c
15	Enter the ratio of the number of participants under the plan on whose behalf no employer had an obligation to make an employer contribution during the current plan year to:	
a	The corresponding number for the plan year immediately preceding the current plan year.....	15a
b	The corresponding number for the second preceding plan year.....	15b
16	Information with respect to any employers who withdrew from the plan during the preceding plan year:	
a	Enter the number of employers who withdrew during the preceding plan year	16a
b	If line 16a is greater than 0, enter the aggregate amount of withdrawal liability assessed or estimated to be assessed against such withdrawn employers.....	16b
17	If assets and liabilities from another plan have been transferred to or merged with this plan during the plan year, check box and see instructions regarding supplemental information to be included as an attachment ☐	

Part VI Additional Information for Single-Employer and Multiemployer Defined Benefit Pension Plans

18 If any liabilities to participants or their beneficiaries under the plan as of the end of the plan year consist (in whole or in part) of liabilities to such participants and beneficiaries under two or more pension plans as of immediately before such plan year, check box and see instructions regarding supplemental information to be included as an attachment ☐

19 If the total number of participants is 1,000 or more, complete lines (a) through (c)

a Enter the percentage of plan assets held as:
 Stock: _____% Investment-Grade Debt: _____% High-Yield Debt: _____% Real Estate: _____% Other: _____%

b Provide the average duration of the combined investment-grade and high-yield debt:
☐ 0-3 years ☐ 3-6 years ☐ 6-9 years ☐ 9-12 years ☐ 12-15 years ☐ 15-18 years ☐ 18-21 years ☐ 21 years or more

c What duration measure was used to calculate line 19(b)?
☐ Effective duration ☐ Macaulay duration ☐ Modified duration ☐ Other (specify): _____

20 PBGC missed contribution reporting requirements. If this is a multiemployer plan or a single-employer plan that is not covered by PBGC, skip line 20.

a Is the amount of unpaid minimum required contributions for all years from Schedule SB (Form 5500) line 40 greater than zero? ☐ Yes ☐ No

b If line 20a is "Yes," has PBGC been notified as required by ERISA sections 4043(c)(5) and/or 303(k)(4)? Check the applicable box:

☐ Yes.

☐ No. Reporting was waived under 29 CFR 4043.25(c)(2) because contributions equal to or exceeding the unpaid minimum required contribution were made by the 30th day after the due date.

☐ No. The 30-day period referenced in 29 CFR 4043.25(c)(2) has not yet ended, and the sponsor intends to make a contribution equal to or exceeding the unpaid minimum required contribution by the 30th day after the due date.

☐ No. Other. Provide explanation _____

*Financial Statements and
Independent Auditor's Report of*

CACHE CREEK 401(k) PLAN

December 31, 2022 and 2021



Campbell Taylor Washburn
Certified Public Accountants & Consultants

CACHE CREEK 401(k) PLAN

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INDEPENDENT AUDITOR'S REPORT

To the Plan Administrator
Cache Creek 401(k) Plan

Scope and Nature of the ERISA Section 103(a)(3)(C) Audits

We have performed audits of the financial statements of Cache Creek 401(k) Plan (the "Plan") an employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (ERISA), as permitted by ERISA Section 103(a)(3)(C) (ERISA Section 103(a)(3)(C) audit). The financial statements comprise the statements of net assets available for benefits as of December 31, 2022 and 2021, and the related statements of changes in net assets available for benefits for the years then ended, and the related notes to the financial statements.

Management, having determined it is permissible in the circumstances, has elected to have the audits of the Plan's financial statements performed in accordance with ERISA Section 103(a)(3)(C) pursuant to 29 CFR 2520.103-8 of the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA. As permitted by ERISA Section 103(a)(3)(C), our audits need not extend to any statements or information related to assets held for investment of the Plan (investment information) by a bank or similar institution or insurance carrier that is regulated, supervised, and subject to periodic examination by a state or federal agency, provided that the statements or information regarding assets so held are prepared and certified to by the bank or similar institution or insurance carrier in accordance with 29 CFR 2520.103-5 of the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA (qualified institution).

Management has obtained certifications from a qualified institution as of and for the years ended December 31, 2022 and 2021, stating that the certified investment information, as described in Note 3 to the financial statements, is complete and accurate.

Opinion

In our opinion, based on our audits and on the procedures performed as described in the Auditor's Responsibilities for the Audit of the Financial Statements section:

- The amounts and disclosures in the accompanying financial statements, other than those agreed to or derived from the certified investment information, are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America.
- The information in the accompanying financial statements related to assets held by and certified to by a qualified institution agrees to, or is derived from, in all material respects, the information prepared and certified by an institution that management determined meets the requirements of ERISA Section 103(a)(3)(C).

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Plan and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our ERISA Section 103(a)(3)(C) audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error. Management's election of the ERISA Section 103(a)(3)(C) audit does not affect management's responsibility for the financial statements.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Plan's ability to continue as a going concern for one year after the date that the financial statements are issued.

Management is also responsible for maintaining a current plan instrument, including all plan amendments, administering the Plan, and determining that the Plan's transactions that are presented and disclosed in the financial statements are in conformity with the Plan's provisions, including maintaining sufficient records with respect to each of the participants, to determine the benefits due or which may become due to such participants.

Auditor's Responsibilities for the Audit of the Financial Statements

Except as described in the Scope and Nature of the ERISA Section 103(a)(3)(C) Audit section of our report, our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Plan's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Plan's ability to continue as a going concern for a reasonable period of time.

Our audits did not extend to the certified investment information, except for obtaining and reading the certifications, comparing the certified investment information with the related information presented and disclosed in the financial statements, and reading the disclosures relating to the certified investment information to assess whether they are in accordance with the presentation and disclosure requirements of accounting principles generally accepted in the United States of America.

Accordingly, the objective of an ERISA Section 103(a)(3)(C) audit is not to express an opinion about whether the financial statements as a whole are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Other Matter — Supplemental Schedule Required by ERISA

The supplemental schedule of assets held at end of year, as of December 31, 2022, is presented for purposes of additional analysis and is not a required part of the financial statements but is supplementary information required by the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information included in the supplemental schedule, other than that agreed to or derived from the certified investment information, has been subjected to auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS. For information included in the supplemental schedule that agreed to or is derived from the certified investment information, we compared such information to the related certified investment information.

In forming our opinion on the supplemental schedule, we evaluated whether the supplemental schedule, other than the information agreed to or derived from the certified investment information, including their form and content, is presented in conformity with the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA.

In our opinion:

- The form and content of the supplemental schedule, other than the information in the supplemental schedule that agreed to or is derived from the certified investment information, are presented, in all material respects, in conformity with the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA.
- The information in the supplemental schedule related to assets held by and certified to by a qualified institution agrees to, or is derived from, in all material respects, the information prepared and certified by an institution that management determined meets the requirements of ERISA Section 103(a)(3)(C).

Campbell Taylor Washburn

An Accountancy Corporation

Roseville, California

July 31, 2023

CACHE CREEK 401(k) PLAN

STATEMENTS OF NET ASSETS AVAILABLE FOR BENEFITS December 31, 2022 and 2021

	<u>2022</u>	<u>2021</u>
ASSETS:		
Investments, participant directed, at fair value	\$ 85,665,312	\$ 106,354,781
Receivables:		
Employer contributions receivable	147,507	150,558
Notes receivable from participants	<u>4,797,254</u>	<u>4,763,005</u>
Total receivables	<u>4,944,761</u>	<u>4,913,563</u>
NET ASSETS AVAILABLE FOR BENEFITS	<u>\$ 90,610,073</u>	<u>\$ 111,268,344</u>

The accompanying notes are an integral part of these financial statements.

CACHE CREEK 401(k) PLAN

STATEMENTS OF CHANGES IN NET ASSETS AVAILABLE FOR BENEFITS

For the Years Ended December 31, 2022 and 2021

	<u>2022</u>	<u>2021</u>
ADDITIONS TO NET ASSETS:		
Investment Income:		
Net appreciation (depreciation) in fair value of investments	\$ (23,173,025)	\$ 7,301,466
Interest and dividends	<u>2,911,698</u>	<u>7,285,844</u>
Total investment income (loss)	<u>(20,261,327)</u>	<u>14,587,310</u>
Interest income, notes receivable from participants	226,558	264,443
Contributions:		
Employer contributions	3,293,005	3,183,059
Employee salary deferral contributions	6,782,521	6,751,743
Employee rollover contributions	<u>63,819</u>	<u>207,832</u>
Total contributions	<u>10,139,345</u>	<u>10,142,634</u>
Total additions (deductions)	<u>(9,895,424)</u>	<u>24,994,387</u>
DEDUCTIONS FROM NET ASSETS:		
Benefits paid to participants	10,694,299	7,199,911
Administrative expenses	<u>68,548</u>	<u>49,474</u>
Total deductions	<u>10,762,847</u>	<u>7,249,385</u>
Increase (decrease) in net assets	(20,658,271)	17,745,002
NET ASSETS AVAILABLE FOR BENEFITS:		
Beginning of year	<u>111,268,344</u>	<u>93,523,342</u>
End of year	<u>\$ 90,610,073</u>	<u>\$ 111,268,344</u>

The accompanying notes are an integral part of these financial statements.

CACHE CREEK 401(k) PLAN

NOTES TO FINANCIAL STATEMENTS December 31, 2022 and 2021

NOTE 1: DESCRIPTION OF PLAN

The following description of Cache Creek 401(k) Plan (the “Plan”) provides only general information. Participants should refer to the Plan document for a more complete description of the Plan's provisions.

General

The Plan is a defined contribution 401(k) profit sharing plan covering all employees of Cache Creek Casino Resort, an enterprise of the Yocha Dehe Wintun Nation (the “Plan Sponsor”). Employees are eligible to participate in the Plan once they have reached the age of 18 and have completed 6 months of service. Eligible employees may begin deferring a portion of their compensation into the Plan on the first day of the month following eligibility. Nonresident aliens, leased employees, employees covered by a collective bargaining agreement unless the agreement requires the employees to be included under the Plan, tribal members, members of the board, and tribal employees are not eligible to participate in the plan. Fidelity Management Trust Company serves as the Trustee.

The Plan is subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA) and Section 401(a) of the Internal Revenue Code (the “Code”). The Plan Sponsor’s Board of Trustees is responsible for oversight of the Plan. The Investment Committee determines the appropriateness of the Plan’s investment offerings, monitors investment performance and reports to the Plans’ Board of Trustees.

Effective June 11, 2021, the Plan was amended and restated to incorporate prior amendments and remove the provision to allow for participants to make special elections for salary deferrals on bonuses. The Plan was amended November 28, 2021 to remove continuing eligibility requirements for discretionary profit sharing contributions.

Plan Year

The Plan year begins January 1st and ends December 31st.

Contributions

The Plan allows for the following types of contributions:

- **Employee Salary Deferral Contributions**
The Plan includes an elective salary deferral arrangement pursuant to Section 401(k) of the Code. Employees may voluntarily contribute a portion of their compensation, up to 100%, of their eligible compensation to the Plan, subject to certain nondiscrimination tests and limitations prescribed by the Code. Employee salary deferrals include both pre-tax elective deferrals and Roth after-tax elective deferrals. Employees age 50 or over are permitted to make additional catch-up contributions.
- **Safe Harbor Matching Contributions**
The Plan permits the Plan Sponsor to contribute safe harbor matching contributions equal to 100% of eligible employee deferrals up to 4% of compensation. The Plan Sponsor made safe harbor matching contributions of \$2,031,999 and \$2,007,496 for the Plan years ending December 31, 2022 and 2021, respectively.

NOTE 1: **DESCRIPTION OF PLAN (Continued)**

Contributions (Continued)

- **Discretionary Matching Contribution**
The Plan Sponsor may make a discretionary matching contribution in an amount determined by the Plan Sponsor for eligible employees. Total contributions for the years ending December 31, 2022 and 2021 were \$1,026,606 and \$937,163, respectively.
- **Discretionary Employer Profit Sharing Contributions**
The Plan permits the Plan Sponsor to make a discretionary profit-sharing contribution. For profit sharing contributions, participants must complete at least 1,000 hours of service. No discretionary employer profit sharing contributions were made for the Plan years ending December 31, 2022 and 2021, respectively.
- **Collectively Bargained Employer Profit Sharing Contributions**
In accordance with the UNITE HERE! union contract, union employees shall receive an additional \$400 employer contribution on the first of the month following each employee's fifth year anniversary and annually thereafter. This contribution is in addition to and apart from any matching contributions the Plan Sponsor makes. Total contributions for the years ending December 31, 2022 and 2021 was \$234,400 and \$238,400, respectively.
- **Rollover Contributions**
Employees may make rollover contributions over eligible amounts from another qualified plan. The Plan will not accept rollovers of after-tax employee contributions.
- **Employer Qualified Non-Elective Contributions (QNEC)**
There were no QNEC contributions for the years ending December 31, 2022 and 2021.

Participant Accounts and Allocations

The Plan provides various investment fund options and allows participants to direct their investments. Investment earnings and losses are allocated based on the actual earnings or losses in participants' self-directed accounts. Each participant's self-directed account is credited with the participant's salary deferral contributions, Plan Sponsor contributions, an allocation of investment gains and losses, and an allocation of certain plan expenses, as defined by the Plan. The benefit to which a participant is entitled is limited to the benefit that can be provided from the participant's vested account balance.

Vesting and Forfeitures

Participants are immediately fully vested in their contributions, safe harbor matching contributions, other employer contributions and related earnings at all times. Forfeitures may be used to reduce Plan sponsor contributions or to offset the administrative expenses under the Plan. At December 31, 2022 and 2021, forfeitures available to reduce matching contributions and offset plan expenses were \$119 and \$14,354, respectively. Forfeitures of \$13,667 and \$0 were used to pay administrative expenses during 2022 and 2021, respectively. There were no forfeitures used to reduce employer contributions in 2022 and 2021.

Retirement

Normal retirement under the Plan is the later of age sixty-five (65) or the 5th anniversary of the Participant's employment commencement date.

NOTE 1: DESCRIPTION OF PLAN (Continued)

Payment of Benefits

Payment of benefits may be made at the following times under the Plan: 1) normal retirement, 2) termination of employment, 3) termination of the Plan, 4) in-service for those who have attained age 59½, 5) upon demonstration of financial hardship, or 6) death or disability of the participant. Benefit payments are made in a single lump sum distribution.

Participants who separate from service and have vested account balances of \$5,000 or less and do not process their own distributions, may receive a lump sum cash payment if the entire vested account balance is \$1,000 or less. If the value of the vested account balance is greater than \$1,000 but equal to or less than \$5,000 the account will be automatically rolled over to an IRA.

Retired participants must begin receiving distributions from the Plan no later than April 1 of the year following the year in which the participant attains age 72.

Notes Receivable from Participants

The Plan allows participants to borrow from their accounts. Loans are limited to the lesser of \$50,000 or 50% of the participant's vested account balance. The minimum loan amount is \$1,000 and participants may have two outstanding loans at a time. Loans bear interest at a rate determined by the Plan administrator based on prevailing rates. Loans are repaid through regular payroll deductions and generally must be repaid within five years, or longer if for the acquisition of a principal residence. The loans are secured by the balance in the participant's account and in the event of default, the unpaid loan principal will be offset against the participant's vested account balance.

Administrative Expenses

The Plan pays certain investment manager, administrator and professional fees. All other expenses incurred for administration of the Plan are paid by the Plan Sponsor. Expenses related to specific participant transactions are charged to the respective participant's account.

NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Accounting

The financial statements of the Plan are prepared on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States (U.S. GAAP).

Investment Valuation and Income Recognition

Investments are reported at fair market value. Fair market value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Purchases and sales of investments are recorded on a trade-date basis. Interest income is recognized when earned. Dividends are recognized on the ex-dividend date. Capital gains are recorded in dividend income. Net appreciation (depreciation) includes the Plan's gains and losses on investments purchased and sold as well as held during the year. Increases in the unit values of investments are reflected in each participant's individual account. Investments are valued daily.

NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Notes Receivable from Participants

Notes receivable from participants are measured at their unpaid principal balance plus any accrued but unpaid interest. Related fees are recorded as administrative expenses and are expensed when they are incurred. No allowance for credit losses has been recorded as of December 31, 2022 and 2021. If a participant ceases to make loan payments and the plan administrator deems the participant loan to be in default, the participant loan balance is reduced and a benefit payment is recorded upon distribution of the related collateral.

Payment of Benefits

Benefits to participants are recorded when paid.

Income Taxes

The Plan adopted a prototype plan, which obtained a favorable opinion letter on June 30, 2020, in which the Internal Revenue Service stated that the Plan, as then designed, was in compliance with the applicable requirements of the Code. The Plan has been amended since receiving the opinion letter. However, the plan administrator believes that the Plan is currently designed and being operated in compliance with the applicable requirements of the Code. Therefore, no provision for income taxes has been included in the Plan's financial statements.

U.S. GAAP requires Plan management to evaluate tax positions taken by the Plan and recognize a tax liability or asset if the Plan has taken an uncertain tax position that more likely than not would not be sustained upon examination by the Internal Revenue Service. Plan management has determined that as of December 31, 2022, there are no uncertain tax positions taken or expected to be taken that would require recognition or disclosure in the financial statements. The Plan is subject to routine examinations by taxing authorities; however, there are currently no examinations for any tax periods in progress.

Estimates and Assumptions

The preparation of financial statements in conformity with U.S. GAAP requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities, and changes therein, and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of income and expenses during the reporting period. Actual results could differ from those estimates.

NOTE 3: INFORMATION CERTIFIED BY THE TRUSTEE

The following amounts are included in these financial statements and supplemental schedule and were taken directly from statements provided and certified as complete and accurate by Fidelity Management Trust Company, the trustee, as of and for the years ended December 31, 2022 and 2021 as follows:

	<u>2022</u>	<u>2021</u>
Mutual funds	\$ 76,451,981	\$ 96,760,497
Money market fund	\$ 9,213,331	\$ 9,594,284
Notes receivable from participants	\$ 4,797,254	\$ 4,763,005
Net appreciation (depreciation) in fair value of investments	\$ (23,173,025)	\$ 7,301,466
Dividend and interest income	\$ 2,911,698	\$ 7,285,844
Interest income, notes receivable from participants	\$ 226,558	\$ 264,443

NOTE 4: FAIR VALUE MEASUREMENTS

The Financial Accounting Standards Board (FASB) ASC 820 provides a framework for measuring fair value. That framework provides a three-tier hierarchy that prioritizes the inputs to valuation techniques used for measuring fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (level 1) and the lowest priority to unobservable inputs (level 3). The three levels of the fair value hierarchy are as follows:

Level 1 - Inputs are unadjusted quoted prices for identical assets or liabilities that the Plan has the ability to access.

Level 2 - Inputs other than Level 1 that are observable, either directly or indirectly, such as quoted prices for similar assets and liabilities, quoted prices in markets that are not active, model-based valuation techniques for which all significant assumptions are observable in the market, or other inputs that are observable or can be corroborated by observable market data for substantially the full term of the assets or liabilities.

Level 3 - Inputs that are unobservable and significant to the fair value measurement.

The asset or liability's fair value measurement level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. Valuation techniques used need to maximize the use of observable inputs and minimize the use of unobservable inputs.

Following is a description of the valuation methodologies used for assets measured at fair value. There have been no changes in the methodologies used at December 31, 2022 and 2021.

Mutual Funds: Valued at the daily closing price as reported by the exchange the asset is actively traded on. Mutual funds held by the Plan are open-end mutual funds that are registered with the Securities and Exchange Commission. These funds are required to publish their daily net asset value (NAV) and to transact at that price.

Money Market Fund: Underlying short-term investments with quoted prices in active markets to preserve the value of the investment at \$1.00 per share.

The following table sets forth by level, within the fair value hierarchy, the Plan's assets at fair value as of December 31, 2022 and 2021:

Assets at Fair Value as of December 31, 2022				
	Level 1	Level 2	Level 3	Total
Mutual funds	\$ 76,451,981	\$ -	\$ -	\$ 76,451,981
Money market fund	9,213,331	-	-	9,213,331
	<u>\$ 85,665,312</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 85,665,312</u>

Assets at Fair Value as of December 31, 2021				
	Level 1	Level 2	Level 3	Total
Mutual funds	\$ 96,760,497	\$ -	\$ -	\$ 96,760,497
Money market fund	9,594,284	-	-	9,594,284
	<u>\$ 106,354,781</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 106,354,781</u>

NOTE 5: RISKS AND UNCERTAINTIES

The Plan invests in various investment securities. Investment securities are exposed to various risks such as interest rate, market, and credit risks. Due to the level of risk associated with certain investment securities, it is at least reasonably possible that changes in the values of investment securities will occur in the near term and that such changes could materially affect participants' account balances and the amounts reported in the statements of net assets available for benefits.

NOTE 6: RELATED PARTY AND PARTY-IN-INTEREST TRANSACTIONS

Fees paid by the Plan for investment management services and recordkeeping services are recorded in administrative expenses. Certain fund management fees are recorded against net appreciation in fair value of investments. Plan investments include notes receivable from participants and a mutual fund issued by a party related to the Trustee and third-party administrator. These transactions and investments qualify as party-in-interest transactions which are exempt from the prohibited transaction rules of ERISA.

NOTE 7: RECONCILIATION TO FORM 5500

Net assets and contributions in these financial statements differ from the amounts reported in the Form 5500 as follows:

	2022	2021
Net assets as reported	\$ 90,610,073	\$ 111,268,344
Employer contribution receivable excluded from 5500	(147,507)	(150,558)
Net assets per Form 5500	<u>\$ 90,462,566</u>	<u>\$ 111,117,786</u>
Employer contributions as reported	\$ 3,293,005	\$ 3,183,059
Change in employer contributions excluded from 5500	3,051	24,541
Employer contributions per Form 5500	<u>\$ 3,296,056</u>	<u>\$ 3,207,600</u>
Employee contributions as reported	\$ 6,782,521	\$ 6,751,743
Change in employee contributions excluded from 5500	-	137,847
Employee contributions per Form 5500	<u>\$ 6,782,521</u>	<u>\$ 6,889,590</u>

NOTE 8: PLAN TERMINATION

Although it has not expressed any intent to do so, the Plan Sponsor has the right under the Plan to terminate the Plan subject to the provisions of ERISA.

NOTE 9: **SUBSEQUENT EVENTS**

Management evaluates events occurring subsequent to the date of the financial statements in determining the accounting for and disclosure of transactions and events that affect the financial statements. Subsequent events have been evaluated through July 31, 2023, the date the financial statements were available to be issued, and management has determined that no subsequent events have occurred that should be disclosed.

SUPPLEMENTARY INFORMATION

CACHE CREEK 401(k) PLAN
EIN: 93-0893432 / PLAN: 001

SCHEDULE H, LINE 4i:
SCHEDULE OF ASSETS HELD AT END OF YEAR
December 31, 2022

(a)	(b)	(c)	(d)	(e)
Identity of issue, borrower, lessor or similar party	Description of Investment	Cost	Current Value	
*	Fidelity Blue Chip Growth	Mutual Fund	\$ -	\$ 12,254,386
	JP Morgan US Govt Money Market	Money Market Fund	-	9,213,331
	JP Morgan US Research Enhanced Equity R6	Mutual Fund	-	7,997,330
	American Funds Balanced Fund R6	Mutual Fund	-	5,579,791
	Hartford International Growth Y	Mutual Fund	-	5,379,024
	Vanguard Information Technology Index Admiral	Mutual Fund	-	5,087,326
	Vanguard Selected Value	Mutual Fund	-	4,182,484
	Vanguard Small Cap Value Index Admiral	Mutual Fund	-	4,010,959
	American Funds Target Retirement Date 2025 R6	Mutual Fund	-	2,855,989
	American Funds Target Retirement Date 2035 R6	Mutual Fund	-	2,664,860
	American Funds Target Retirement Date 2030 R6	Mutual Fund	-	2,478,810
	Vanguard Large Cap Index Admiral	Mutual Fund	-	2,433,875
	T. Rowe Price Value	Mutual Fund	-	2,354,773
	American Funds Target Retirement Date 2040 R6	Mutual Fund	-	2,336,081
	American Funds Target Retirement Date 2045 R6	Mutual Fund	-	2,141,012
	DFA Intermediate Government Fixed Income I	Mutual Fund	-	2,122,805
	John Hancock Bond Institutional	Mutual Fund	-	2,008,648
	American Funds Target Retirement Date 2050 R6	Mutual Fund	-	1,944,035
	PIMCO Income Institutional	Mutual Fund	-	1,807,367
	Aberdeen Global Infrastructure Institutional	Mutual Fund	-	1,737,836
	American Funds Target Retirement Date 2055 R6	Mutual Fund	-	1,604,632
	American Funds Target Retirement Date 2020 R6	Mutual Fund	-	1,231,460
	American Funds Target Retirement Date 2060 R6	Mutual Fund	-	989,348
	First Eagle Global Overseas	Mutual Fund	-	905,960
	American Funds Target Retirement Date 2015 R6	Mutual Fund	-	164,914
	American Funds Target Retirement Date 2010 R6	Mutual Fund	-	101,491
	DFA Global Equity Institutional	Mutual Fund	-	69,054
	American Funds Target Retirement Date 2065 R6	Mutual Fund	-	7,731
	Total Investments		-	85,665,312
*	Participant Loans	Interest at 4.25% - 8.00%	-	4,797,254
	Total Assets Held at End of Year		\$ -	\$ 90,462,566

* *Party in interest*

Note: Cost basis omitted as all investments are participant directed.



Campbell Taylor Washburn
Certified Public Accountants & Consultants

The Path Forward

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*Financial Statements and
Independent Auditor's Report of*

CACHE CREEK 401(k) PLAN

December 31, 2022 and 2021



Campbell Taylor Washburn
Certified Public Accountants & Consultants

CACHE CREEK 401(k) PLAN

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INDEPENDENT AUDITOR'S REPORT

To the Plan Administrator
Cache Creek 401(k) Plan

Scope and Nature of the ERISA Section 103(a)(3)(C) Audits

We have performed audits of the financial statements of Cache Creek 401(k) Plan (the "Plan") an employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (ERISA), as permitted by ERISA Section 103(a)(3)(C) (ERISA Section 103(a)(3)(C) audit). The financial statements comprise the statements of net assets available for benefits as of December 31, 2022 and 2021, and the related statements of changes in net assets available for benefits for the years then ended, and the related notes to the financial statements.

Management, having determined it is permissible in the circumstances, has elected to have the audits of the Plan's financial statements performed in accordance with ERISA Section 103(a)(3)(C) pursuant to 29 CFR 2520.103-8 of the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA. As permitted by ERISA Section 103(a)(3)(C), our audits need not extend to any statements or information related to assets held for investment of the Plan (investment information) by a bank or similar institution or insurance carrier that is regulated, supervised, and subject to periodic examination by a state or federal agency, provided that the statements or information regarding assets so held are prepared and certified to by the bank or similar institution or insurance carrier in accordance with 29 CFR 2520.103-5 of the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA (qualified institution).

Management has obtained certifications from a qualified institution as of and for the years ended December 31, 2022 and 2021, stating that the certified investment information, as described in Note 3 to the financial statements, is complete and accurate.

Opinion

In our opinion, based on our audits and on the procedures performed as described in the Auditor's Responsibilities for the Audit of the Financial Statements section:

- The amounts and disclosures in the accompanying financial statements, other than those agreed to or derived from the certified investment information, are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America.
- The information in the accompanying financial statements related to assets held by and certified to by a qualified institution agrees to, or is derived from, in all material respects, the information prepared and certified by an institution that management determined meets the requirements of ERISA Section 103(a)(3)(C).

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Plan and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our ERISA Section 103(a)(3)(C) audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error. Management's election of the ERISA Section 103(a)(3)(C) audit does not affect management's responsibility for the financial statements.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Plan's ability to continue as a going concern for one year after the date that the financial statements are issued.

Management is also responsible for maintaining a current plan instrument, including all plan amendments, administering the Plan, and determining that the Plan's transactions that are presented and disclosed in the financial statements are in conformity with the Plan's provisions, including maintaining sufficient records with respect to each of the participants, to determine the benefits due or which may become due to such participants.

Auditor's Responsibilities for the Audit of the Financial Statements

Except as described in the Scope and Nature of the ERISA Section 103(a)(3)(C) Audit section of our report, our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Plan's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Plan's ability to continue as a going concern for a reasonable period of time.

Our audits did not extend to the certified investment information, except for obtaining and reading the certifications, comparing the certified investment information with the related information presented and disclosed in the financial statements, and reading the disclosures relating to the certified investment information to assess whether they are in accordance with the presentation and disclosure requirements of accounting principles generally accepted in the United States of America.

Accordingly, the objective of an ERISA Section 103(a)(3)(C) audit is not to express an opinion about whether the financial statements as a whole are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Other Matter — Supplemental Schedule Required by ERISA

The supplemental schedule of assets held at end of year, as of December 31, 2022, is presented for purposes of additional analysis and is not a required part of the financial statements but is supplementary information required by the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information included in the supplemental schedule, other than that agreed to or derived from the certified investment information, has been subjected to auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS. For information included in the supplemental schedule that agreed to or is derived from the certified investment information, we compared such information to the related certified investment information.

In forming our opinion on the supplemental schedule, we evaluated whether the supplemental schedule, other than the information agreed to or derived from the certified investment information, including their form and content, is presented in conformity with the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA.

In our opinion:

- The form and content of the supplemental schedule, other than the information in the supplemental schedule that agreed to or is derived from the certified investment information, are presented, in all material respects, in conformity with the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA.
- The information in the supplemental schedule related to assets held by and certified to by a qualified institution agrees to, or is derived from, in all material respects, the information prepared and certified by an institution that management determined meets the requirements of ERISA Section 103(a)(3)(C).

Campbell Taylor Washburn

An Accountancy Corporation

Roseville, California

July 31, 2023

CACHE CREEK 401(k) PLAN

STATEMENTS OF NET ASSETS AVAILABLE FOR BENEFITS December 31, 2022 and 2021

	<u>2022</u>	<u>2021</u>
ASSETS:		
Investments, participant directed, at fair value	\$ 85,665,312	\$ 106,354,781
Receivables:		
Employer contributions receivable	147,507	150,558
Notes receivable from participants	<u>4,797,254</u>	<u>4,763,005</u>
Total receivables	<u>4,944,761</u>	<u>4,913,563</u>
NET ASSETS AVAILABLE FOR BENEFITS	<u>\$ 90,610,073</u>	<u>\$ 111,268,344</u>

The accompanying notes are an integral part of these financial statements.

CACHE CREEK 401(k) PLAN

STATEMENTS OF CHANGES IN NET ASSETS AVAILABLE FOR BENEFITS

For the Years Ended December 31, 2022 and 2021

	<u>2022</u>	<u>2021</u>
ADDITIONS TO NET ASSETS:		
Investment Income:		
Net appreciation (depreciation) in fair value of investments	\$ (23,173,025)	\$ 7,301,466
Interest and dividends	<u>2,911,698</u>	<u>7,285,844</u>
Total investment income (loss)	<u>(20,261,327)</u>	<u>14,587,310</u>
Interest income, notes receivable from participants	226,558	264,443
Contributions:		
Employer contributions	3,293,005	3,183,059
Employee salary deferral contributions	6,782,521	6,751,743
Employee rollover contributions	<u>63,819</u>	<u>207,832</u>
Total contributions	<u>10,139,345</u>	<u>10,142,634</u>
Total additions (deductions)	<u>(9,895,424)</u>	<u>24,994,387</u>
DEDUCTIONS FROM NET ASSETS:		
Benefits paid to participants	10,694,299	7,199,911
Administrative expenses	<u>68,548</u>	<u>49,474</u>
Total deductions	<u>10,762,847</u>	<u>7,249,385</u>
Increase (decrease) in net assets	(20,658,271)	17,745,002
NET ASSETS AVAILABLE FOR BENEFITS:		
Beginning of year	<u>111,268,344</u>	<u>93,523,342</u>
End of year	<u>\$ 90,610,073</u>	<u>\$ 111,268,344</u>

The accompanying notes are an integral part of these financial statements.

CACHE CREEK 401(k) PLAN

NOTES TO FINANCIAL STATEMENTS December 31, 2022 and 2021

NOTE 1: DESCRIPTION OF PLAN

The following description of Cache Creek 401(k) Plan (the “Plan”) provides only general information. Participants should refer to the Plan document for a more complete description of the Plan's provisions.

General

The Plan is a defined contribution 401(k) profit sharing plan covering all employees of Cache Creek Casino Resort, an enterprise of the Yocha Dehe Wintun Nation (the “Plan Sponsor”). Employees are eligible to participate in the Plan once they have reached the age of 18 and have completed 6 months of service. Eligible employees may begin deferring a portion of their compensation into the Plan on the first day of the month following eligibility. Nonresident aliens, leased employees, employees covered by a collective bargaining agreement unless the agreement requires the employees to be included under the Plan, tribal members, members of the board, and tribal employees are not eligible to participate in the plan. Fidelity Management Trust Company serves as the Trustee.

The Plan is subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA) and Section 401(a) of the Internal Revenue Code (the “Code”). The Plan Sponsor’s Board of Trustees is responsible for oversight of the Plan. The Investment Committee determines the appropriateness of the Plan’s investment offerings, monitors investment performance and reports to the Plans’ Board of Trustees.

Effective June 11, 2021, the Plan was amended and restated to incorporate prior amendments and remove the provision to allow for participants to make special elections for salary deferrals on bonuses. The Plan was amended November 28, 2021 to remove continuing eligibility requirements for discretionary profit sharing contributions.

Plan Year

The Plan year begins January 1st and ends December 31st.

Contributions

The Plan allows for the following types of contributions:

- **Employee Salary Deferral Contributions**
The Plan includes an elective salary deferral arrangement pursuant to Section 401(k) of the Code. Employees may voluntarily contribute a portion of their compensation, up to 100%, of their eligible compensation to the Plan, subject to certain nondiscrimination tests and limitations prescribed by the Code. Employee salary deferrals include both pre-tax elective deferrals and Roth after-tax elective deferrals. Employees age 50 or over are permitted to make additional catch-up contributions.
- **Safe Harbor Matching Contributions**
The Plan permits the Plan Sponsor to contribute safe harbor matching contributions equal to 100% of eligible employee deferrals up to 4% of compensation. The Plan Sponsor made safe harbor matching contributions of \$2,031,999 and \$2,007,496 for the Plan years ending December 31, 2022 and 2021, respectively.

NOTE 1: **DESCRIPTION OF PLAN (Continued)**

Contributions (Continued)

- **Discretionary Matching Contribution**
The Plan Sponsor may make a discretionary matching contribution in an amount determined by the Plan Sponsor for eligible employees. Total contributions for the years ending December 31, 2022 and 2021 were \$1,026,606 and \$937,163, respectively.
- **Discretionary Employer Profit Sharing Contributions**
The Plan permits the Plan Sponsor to make a discretionary profit-sharing contribution. For profit sharing contributions, participants must complete at least 1,000 hours of service. No discretionary employer profit sharing contributions were made for the Plan years ending December 31, 2022 and 2021, respectively.
- **Collectively Bargained Employer Profit Sharing Contributions**
In accordance with the UNITE HERE! union contract, union employees shall receive an additional \$400 employer contribution on the first of the month following each employee's fifth year anniversary and annually thereafter. This contribution is in addition to and apart from any matching contributions the Plan Sponsor makes. Total contributions for the years ending December 31, 2022 and 2021 was \$234,400 and \$238,400, respectively.
- **Rollover Contributions**
Employees may make rollover contributions over eligible amounts from another qualified plan. The Plan will not accept rollovers of after-tax employee contributions.
- **Employer Qualified Non-Elective Contributions (QNEC)**
There were no QNEC contributions for the years ending December 31, 2022 and 2021.

Participant Accounts and Allocations

The Plan provides various investment fund options and allows participants to direct their investments. Investment earnings and losses are allocated based on the actual earnings or losses in participants' self-directed accounts. Each participant's self-directed account is credited with the participant's salary deferral contributions, Plan Sponsor contributions, an allocation of investment gains and losses, and an allocation of certain plan expenses, as defined by the Plan. The benefit to which a participant is entitled is limited to the benefit that can be provided from the participant's vested account balance.

Vesting and Forfeitures

Participants are immediately fully vested in their contributions, safe harbor matching contributions, other employer contributions and related earnings at all times. Forfeitures may be used to reduce Plan sponsor contributions or to offset the administrative expenses under the Plan. At December 31, 2022 and 2021, forfeitures available to reduce matching contributions and offset plan expenses were \$119 and \$14,354, respectively. Forfeitures of \$13,667 and \$0 were used to pay administrative expenses during 2022 and 2021, respectively. There were no forfeitures used to reduce employer contributions in 2022 and 2021.

Retirement

Normal retirement under the Plan is the later of age sixty-five (65) or the 5th anniversary of the Participant's employment commencement date.

NOTE 1: DESCRIPTION OF PLAN (Continued)

Payment of Benefits

Payment of benefits may be made at the following times under the Plan: 1) normal retirement, 2) termination of employment, 3) termination of the Plan, 4) in-service for those who have attained age 59½, 5) upon demonstration of financial hardship, or 6) death or disability of the participant. Benefit payments are made in a single lump sum distribution.

Participants who separate from service and have vested account balances of \$5,000 or less and do not process their own distributions, may receive a lump sum cash payment if the entire vested account balance is \$1,000 or less. If the value of the vested account balance is greater than \$1,000 but equal to or less than \$5,000 the account will be automatically rolled over to an IRA.

Retired participants must begin receiving distributions from the Plan no later than April 1 of the year following the year in which the participant attains age 72.

Notes Receivable from Participants

The Plan allows participants to borrow from their accounts. Loans are limited to the lesser of \$50,000 or 50% of the participant's vested account balance. The minimum loan amount is \$1,000 and participants may have two outstanding loans at a time. Loans bear interest at a rate determined by the Plan administrator based on prevailing rates. Loans are repaid through regular payroll deductions and generally must be repaid within five years, or longer if for the acquisition of a principal residence. The loans are secured by the balance in the participant's account and in the event of default, the unpaid loan principal will be offset against the participant's vested account balance.

Administrative Expenses

The Plan pays certain investment manager, administrator and professional fees. All other expenses incurred for administration of the Plan are paid by the Plan Sponsor. Expenses related to specific participant transactions are charged to the respective participant's account.

NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Accounting

The financial statements of the Plan are prepared on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States (U.S. GAAP).

Investment Valuation and Income Recognition

Investments are reported at fair market value. Fair market value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Purchases and sales of investments are recorded on a trade-date basis. Interest income is recognized when earned. Dividends are recognized on the ex-dividend date. Capital gains are recorded in dividend income. Net appreciation (depreciation) includes the Plan's gains and losses on investments purchased and sold as well as held during the year. Increases in the unit values of investments are reflected in each participant's individual account. Investments are valued daily.

NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Notes Receivable from Participants

Notes receivable from participants are measured at their unpaid principal balance plus any accrued but unpaid interest. Related fees are recorded as administrative expenses and are expensed when they are incurred. No allowance for credit losses has been recorded as of December 31, 2022 and 2021. If a participant ceases to make loan payments and the plan administrator deems the participant loan to be in default, the participant loan balance is reduced and a benefit payment is recorded upon distribution of the related collateral.

Payment of Benefits

Benefits to participants are recorded when paid.

Income Taxes

The Plan adopted a prototype plan, which obtained a favorable opinion letter on June 30, 2020, in which the Internal Revenue Service stated that the Plan, as then designed, was in compliance with the applicable requirements of the Code. The Plan has been amended since receiving the opinion letter. However, the plan administrator believes that the Plan is currently designed and being operated in compliance with the applicable requirements of the Code. Therefore, no provision for income taxes has been included in the Plan's financial statements.

U.S. GAAP requires Plan management to evaluate tax positions taken by the Plan and recognize a tax liability or asset if the Plan has taken an uncertain tax position that more likely than not would not be sustained upon examination by the Internal Revenue Service. Plan management has determined that as of December 31, 2022, there are no uncertain tax positions taken or expected to be taken that would require recognition or disclosure in the financial statements. The Plan is subject to routine examinations by taxing authorities; however, there are currently no examinations for any tax periods in progress.

Estimates and Assumptions

The preparation of financial statements in conformity with U.S. GAAP requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities, and changes therein, and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of income and expenses during the reporting period. Actual results could differ from those estimates.

NOTE 3: INFORMATION CERTIFIED BY THE TRUSTEE

The following amounts are included in these financial statements and supplemental schedule and were taken directly from statements provided and certified as complete and accurate by Fidelity Management Trust Company, the trustee, as of and for the years ended December 31, 2022 and 2021 as follows:

	<u>2022</u>	<u>2021</u>
Mutual funds	\$ 76,451,981	\$ 96,760,497
Money market fund	\$ 9,213,331	\$ 9,594,284
Notes receivable from participants	\$ 4,797,254	\$ 4,763,005
Net appreciation (depreciation) in fair value of investments	\$ (23,173,025)	\$ 7,301,466
Dividend and interest income	\$ 2,911,698	\$ 7,285,844
Interest income, notes receivable from participants	\$ 226,558	\$ 264,443

NOTE 4: FAIR VALUE MEASUREMENTS

The Financial Accounting Standards Board (FASB) ASC 820 provides a framework for measuring fair value. That framework provides a three-tier hierarchy that prioritizes the inputs to valuation techniques used for measuring fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (level 1) and the lowest priority to unobservable inputs (level 3). The three levels of the fair value hierarchy are as follows:

Level 1 - Inputs are unadjusted quoted prices for identical assets or liabilities that the Plan has the ability to access.

Level 2 - Inputs other than Level 1 that are observable, either directly or indirectly, such as quoted prices for similar assets and liabilities, quoted prices in markets that are not active, model-based valuation techniques for which all significant assumptions are observable in the market, or other inputs that are observable or can be corroborated by observable market data for substantially the full term of the assets or liabilities.

Level 3 - Inputs that are unobservable and significant to the fair value measurement.

The asset or liability's fair value measurement level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. Valuation techniques used need to maximize the use of observable inputs and minimize the use of unobservable inputs.

Following is a description of the valuation methodologies used for assets measured at fair value. There have been no changes in the methodologies used at December 31, 2022 and 2021.

Mutual Funds: Valued at the daily closing price as reported by the exchange the asset is actively traded on. Mutual funds held by the Plan are open-end mutual funds that are registered with the Securities and Exchange Commission. These funds are required to publish their daily net asset value (NAV) and to transact at that price.

Money Market Fund: Underlying short-term investments with quoted prices in active markets to preserve the value of the investment at \$1.00 per share.

The following table sets forth by level, within the fair value hierarchy, the Plan's assets at fair value as of December 31, 2022 and 2021:

Assets at Fair Value as of December 31, 2022				
	Level 1	Level 2	Level 3	Total
Mutual funds	\$ 76,451,981	\$ -	\$ -	\$ 76,451,981
Money market fund	9,213,331	-	-	9,213,331
	<u>\$ 85,665,312</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 85,665,312</u>

Assets at Fair Value as of December 31, 2021				
	Level 1	Level 2	Level 3	Total
Mutual funds	\$ 96,760,497	\$ -	\$ -	\$ 96,760,497
Money market fund	9,594,284	-	-	9,594,284
	<u>\$ 106,354,781</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 106,354,781</u>

NOTE 5: RISKS AND UNCERTAINTIES

The Plan invests in various investment securities. Investment securities are exposed to various risks such as interest rate, market, and credit risks. Due to the level of risk associated with certain investment securities, it is at least reasonably possible that changes in the values of investment securities will occur in the near term and that such changes could materially affect participants' account balances and the amounts reported in the statements of net assets available for benefits.

NOTE 6: RELATED PARTY AND PARTY-IN-INTEREST TRANSACTIONS

Fees paid by the Plan for investment management services and recordkeeping services are recorded in administrative expenses. Certain fund management fees are recorded against net appreciation in fair value of investments. Plan investments include notes receivable from participants and a mutual fund issued by a party related to the Trustee and third-party administrator. These transactions and investments qualify as party-in-interest transactions which are exempt from the prohibited transaction rules of ERISA.

NOTE 7: RECONCILIATION TO FORM 5500

Net assets and contributions in these financial statements differ from the amounts reported in the Form 5500 as follows:

	2022	2021
Net assets as reported	\$ 90,610,073	\$ 111,268,344
Employer contribution receivable excluded from 5500	(147,507)	(150,558)
Net assets per Form 5500	<u>\$ 90,462,566</u>	<u>\$ 111,117,786</u>
Employer contributions as reported	\$ 3,293,005	\$ 3,183,059
Change in employer contributions excluded from 5500	3,051	24,541
Employer contributions per Form 5500	<u>\$ 3,296,056</u>	<u>\$ 3,207,600</u>
Employee contributions as reported	\$ 6,782,521	\$ 6,751,743
Change in employee contributions excluded from 5500	-	137,847
Employee contributions per Form 5500	<u>\$ 6,782,521</u>	<u>\$ 6,889,590</u>

NOTE 8: PLAN TERMINATION

Although it has not expressed any intent to do so, the Plan Sponsor has the right under the Plan to terminate the Plan subject to the provisions of ERISA.

NOTE 9: **SUBSEQUENT EVENTS**

Management evaluates events occurring subsequent to the date of the financial statements in determining the accounting for and disclosure of transactions and events that affect the financial statements. Subsequent events have been evaluated through July 31, 2023, the date the financial statements were available to be issued, and management has determined that no subsequent events have occurred that should be disclosed.

SUPPLEMENTARY INFORMATION

CACHE CREEK 401(k) PLAN
EIN: 93-0893432 / PLAN: 001

SCHEDULE H, LINE 4i:
SCHEDULE OF ASSETS HELD AT END OF YEAR
December 31, 2022

(a)	(b)	(c)	(d)	(e)
Identity of issue, borrower, lessor or similar party	Description of Investment	Cost	Current Value	
*	Fidelity Blue Chip Growth	Mutual Fund	\$ -	\$ 12,254,386
	JP Morgan US Govt Money Market	Money Market Fund	-	9,213,331
	JP Morgan US Research Enhanced Equity R6	Mutual Fund	-	7,997,330
	American Funds Balanced Fund R6	Mutual Fund	-	5,579,791
	Hartford International Growth Y	Mutual Fund	-	5,379,024
	Vanguard Information Technology Index Admiral	Mutual Fund	-	5,087,326
	Vanguard Selected Value	Mutual Fund	-	4,182,484
	Vanguard Small Cap Value Index Admiral	Mutual Fund	-	4,010,959
	American Funds Target Retirement Date 2025 R6	Mutual Fund	-	2,855,989
	American Funds Target Retirement Date 2035 R6	Mutual Fund	-	2,664,860
	American Funds Target Retirement Date 2030 R6	Mutual Fund	-	2,478,810
	Vanguard Large Cap Index Admiral	Mutual Fund	-	2,433,875
	T. Rowe Price Value	Mutual Fund	-	2,354,773
	American Funds Target Retirement Date 2040 R6	Mutual Fund	-	2,336,081
	American Funds Target Retirement Date 2045 R6	Mutual Fund	-	2,141,012
	DFA Intermediate Government Fixed Income I	Mutual Fund	-	2,122,805
	John Hancock Bond Institutional	Mutual Fund	-	2,008,648
	American Funds Target Retirement Date 2050 R6	Mutual Fund	-	1,944,035
	PIMCO Income Institutional	Mutual Fund	-	1,807,367
	Aberdeen Global Infrastructure Institutional	Mutual Fund	-	1,737,836
	American Funds Target Retirement Date 2055 R6	Mutual Fund	-	1,604,632
	American Funds Target Retirement Date 2020 R6	Mutual Fund	-	1,231,460
	American Funds Target Retirement Date 2060 R6	Mutual Fund	-	989,348
	First Eagle Global Overseas	Mutual Fund	-	905,960
	American Funds Target Retirement Date 2015 R6	Mutual Fund	-	164,914
	American Funds Target Retirement Date 2010 R6	Mutual Fund	-	101,491
	DFA Global Equity Institutional	Mutual Fund	-	69,054
	American Funds Target Retirement Date 2065 R6	Mutual Fund	-	7,731
	Total Investments		-	85,665,312
*	Participant Loans	Interest at 4.25% - 8.00%	-	4,797,254
	Total Assets Held at End of Year		\$ -	\$ 90,462,566

* *Party in interest*

Note: Cost basis omitted as all investments are participant directed.



Campbell Taylor Washburn
Certified Public Accountants & Consultants

The Path Forward

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*Financial Statements and
Independent Auditor's Report of*

CACHE CREEK 401(k) PLAN

December 31, 2022 and 2021



Campbell Taylor Washburn
Certified Public Accountants & Consultants

CACHE CREEK 401(k) PLAN

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INDEPENDENT AUDITOR'S REPORT

To the Plan Administrator
Cache Creek 401(k) Plan

Scope and Nature of the ERISA Section 103(a)(3)(C) Audits

We have performed audits of the financial statements of Cache Creek 401(k) Plan (the "Plan") an employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (ERISA), as permitted by ERISA Section 103(a)(3)(C) (ERISA Section 103(a)(3)(C) audit). The financial statements comprise the statements of net assets available for benefits as of December 31, 2022 and 2021, and the related statements of changes in net assets available for benefits for the years then ended, and the related notes to the financial statements.

Management, having determined it is permissible in the circumstances, has elected to have the audits of the Plan's financial statements performed in accordance with ERISA Section 103(a)(3)(C) pursuant to 29 CFR 2520.103-8 of the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA. As permitted by ERISA Section 103(a)(3)(C), our audits need not extend to any statements or information related to assets held for investment of the Plan (investment information) by a bank or similar institution or insurance carrier that is regulated, supervised, and subject to periodic examination by a state or federal agency, provided that the statements or information regarding assets so held are prepared and certified to by the bank or similar institution or insurance carrier in accordance with 29 CFR 2520.103-5 of the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA (qualified institution).

Management has obtained certifications from a qualified institution as of and for the years ended December 31, 2022 and 2021, stating that the certified investment information, as described in Note 3 to the financial statements, is complete and accurate.

Opinion

In our opinion, based on our audits and on the procedures performed as described in the Auditor's Responsibilities for the Audit of the Financial Statements section:

- The amounts and disclosures in the accompanying financial statements, other than those agreed to or derived from the certified investment information, are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America.
- The information in the accompanying financial statements related to assets held by and certified to by a qualified institution agrees to, or is derived from, in all material respects, the information prepared and certified by an institution that management determined meets the requirements of ERISA Section 103(a)(3)(C).

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Plan and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our ERISA Section 103(a)(3)(C) audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error. Management's election of the ERISA Section 103(a)(3)(C) audit does not affect management's responsibility for the financial statements.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Plan's ability to continue as a going concern for one year after the date that the financial statements are issued.

Management is also responsible for maintaining a current plan instrument, including all plan amendments, administering the Plan, and determining that the Plan's transactions that are presented and disclosed in the financial statements are in conformity with the Plan's provisions, including maintaining sufficient records with respect to each of the participants, to determine the benefits due or which may become due to such participants.

Auditor's Responsibilities for the Audit of the Financial Statements

Except as described in the Scope and Nature of the ERISA Section 103(a)(3)(C) Audit section of our report, our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Plan's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Plan's ability to continue as a going concern for a reasonable period of time.

Our audits did not extend to the certified investment information, except for obtaining and reading the certifications, comparing the certified investment information with the related information presented and disclosed in the financial statements, and reading the disclosures relating to the certified investment information to assess whether they are in accordance with the presentation and disclosure requirements of accounting principles generally accepted in the United States of America.

Accordingly, the objective of an ERISA Section 103(a)(3)(C) audit is not to express an opinion about whether the financial statements as a whole are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Other Matter — Supplemental Schedule Required by ERISA

The supplemental schedule of assets held at end of year, as of December 31, 2022, is presented for purposes of additional analysis and is not a required part of the financial statements but is supplementary information required by the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information included in the supplemental schedule, other than that agreed to or derived from the certified investment information, has been subjected to auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS. For information included in the supplemental schedule that agreed to or is derived from the certified investment information, we compared such information to the related certified investment information.

In forming our opinion on the supplemental schedule, we evaluated whether the supplemental schedule, other than the information agreed to or derived from the certified investment information, including their form and content, is presented in conformity with the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA.

In our opinion:

- The form and content of the supplemental schedule, other than the information in the supplemental schedule that agreed to or is derived from the certified investment information, are presented, in all material respects, in conformity with the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA.
- The information in the supplemental schedule related to assets held by and certified to by a qualified institution agrees to, or is derived from, in all material respects, the information prepared and certified by an institution that management determined meets the requirements of ERISA Section 103(a)(3)(C).

Campbell Taylor Washburn

An Accountancy Corporation

Roseville, California

July 31, 2023

CACHE CREEK 401(k) PLAN

STATEMENTS OF NET ASSETS AVAILABLE FOR BENEFITS December 31, 2022 and 2021

	<u>2022</u>	<u>2021</u>
ASSETS:		
Investments, participant directed, at fair value	\$ 85,665,312	\$ 106,354,781
Receivables:		
Employer contributions receivable	147,507	150,558
Notes receivable from participants	<u>4,797,254</u>	<u>4,763,005</u>
Total receivables	<u>4,944,761</u>	<u>4,913,563</u>
NET ASSETS AVAILABLE FOR BENEFITS	<u>\$ 90,610,073</u>	<u>\$ 111,268,344</u>

The accompanying notes are an integral part of these financial statements.

CACHE CREEK 401(k) PLAN

STATEMENTS OF CHANGES IN NET ASSETS AVAILABLE FOR BENEFITS

For the Years Ended December 31, 2022 and 2021

	<u>2022</u>	<u>2021</u>
ADDITIONS TO NET ASSETS:		
Investment Income:		
Net appreciation (depreciation) in fair value of investments	\$ (23,173,025)	\$ 7,301,466
Interest and dividends	<u>2,911,698</u>	<u>7,285,844</u>
Total investment income (loss)	<u>(20,261,327)</u>	<u>14,587,310</u>
Interest income, notes receivable from participants	226,558	264,443
Contributions:		
Employer contributions	3,293,005	3,183,059
Employee salary deferral contributions	6,782,521	6,751,743
Employee rollover contributions	<u>63,819</u>	<u>207,832</u>
Total contributions	<u>10,139,345</u>	<u>10,142,634</u>
Total additions (deductions)	<u>(9,895,424)</u>	<u>24,994,387</u>
DEDUCTIONS FROM NET ASSETS:		
Benefits paid to participants	10,694,299	7,199,911
Administrative expenses	<u>68,548</u>	<u>49,474</u>
Total deductions	<u>10,762,847</u>	<u>7,249,385</u>
Increase (decrease) in net assets	(20,658,271)	17,745,002
NET ASSETS AVAILABLE FOR BENEFITS:		
Beginning of year	<u>111,268,344</u>	<u>93,523,342</u>
End of year	<u>\$ 90,610,073</u>	<u>\$ 111,268,344</u>

The accompanying notes are an integral part of these financial statements.

CACHE CREEK 401(k) PLAN

NOTES TO FINANCIAL STATEMENTS December 31, 2022 and 2021

NOTE 1: DESCRIPTION OF PLAN

The following description of Cache Creek 401(k) Plan (the “Plan”) provides only general information. Participants should refer to the Plan document for a more complete description of the Plan's provisions.

General

The Plan is a defined contribution 401(k) profit sharing plan covering all employees of Cache Creek Casino Resort, an enterprise of the Yocha Dehe Wintun Nation (the “Plan Sponsor”). Employees are eligible to participate in the Plan once they have reached the age of 18 and have completed 6 months of service. Eligible employees may begin deferring a portion of their compensation into the Plan on the first day of the month following eligibility. Nonresident aliens, leased employees, employees covered by a collective bargaining agreement unless the agreement requires the employees to be included under the Plan, tribal members, members of the board, and tribal employees are not eligible to participate in the plan. Fidelity Management Trust Company serves as the Trustee.

The Plan is subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA) and Section 401(a) of the Internal Revenue Code (the “Code”). The Plan Sponsor’s Board of Trustees is responsible for oversight of the Plan. The Investment Committee determines the appropriateness of the Plan’s investment offerings, monitors investment performance and reports to the Plans’ Board of Trustees.

Effective June 11, 2021, the Plan was amended and restated to incorporate prior amendments and remove the provision to allow for participants to make special elections for salary deferrals on bonuses. The Plan was amended November 28, 2021 to remove continuing eligibility requirements for discretionary profit sharing contributions.

Plan Year

The Plan year begins January 1st and ends December 31st.

Contributions

The Plan allows for the following types of contributions:

- **Employee Salary Deferral Contributions**
The Plan includes an elective salary deferral arrangement pursuant to Section 401(k) of the Code. Employees may voluntarily contribute a portion of their compensation, up to 100%, of their eligible compensation to the Plan, subject to certain nondiscrimination tests and limitations prescribed by the Code. Employee salary deferrals include both pre-tax elective deferrals and Roth after-tax elective deferrals. Employees age 50 or over are permitted to make additional catch-up contributions.
- **Safe Harbor Matching Contributions**
The Plan permits the Plan Sponsor to contribute safe harbor matching contributions equal to 100% of eligible employee deferrals up to 4% of compensation. The Plan Sponsor made safe harbor matching contributions of \$2,031,999 and \$2,007,496 for the Plan years ending December 31, 2022 and 2021, respectively.

NOTE 1: **DESCRIPTION OF PLAN (Continued)**

Contributions (Continued)

- **Discretionary Matching Contribution**
The Plan Sponsor may make a discretionary matching contribution in an amount determined by the Plan Sponsor for eligible employees. Total contributions for the years ending December 31, 2022 and 2021 were \$1,026,606 and \$937,163, respectively.
- **Discretionary Employer Profit Sharing Contributions**
The Plan permits the Plan Sponsor to make a discretionary profit-sharing contribution. For profit sharing contributions, participants must complete at least 1,000 hours of service. No discretionary employer profit sharing contributions were made for the Plan years ending December 31, 2022 and 2021, respectively.
- **Collectively Bargained Employer Profit Sharing Contributions**
In accordance with the UNITE HERE! union contract, union employees shall receive an additional \$400 employer contribution on the first of the month following each employee's fifth year anniversary and annually thereafter. This contribution is in addition to and apart from any matching contributions the Plan Sponsor makes. Total contributions for the years ending December 31, 2022 and 2021 was \$234,400 and \$238,400, respectively.
- **Rollover Contributions**
Employees may make rollover contributions over eligible amounts from another qualified plan. The Plan will not accept rollovers of after-tax employee contributions.
- **Employer Qualified Non-Elective Contributions (QNEC)**
There were no QNEC contributions for the years ending December 31, 2022 and 2021.

Participant Accounts and Allocations

The Plan provides various investment fund options and allows participants to direct their investments. Investment earnings and losses are allocated based on the actual earnings or losses in participants' self-directed accounts. Each participant's self-directed account is credited with the participant's salary deferral contributions, Plan Sponsor contributions, an allocation of investment gains and losses, and an allocation of certain plan expenses, as defined by the Plan. The benefit to which a participant is entitled is limited to the benefit that can be provided from the participant's vested account balance.

Vesting and Forfeitures

Participants are immediately fully vested in their contributions, safe harbor matching contributions, other employer contributions and related earnings at all times. Forfeitures may be used to reduce Plan sponsor contributions or to offset the administrative expenses under the Plan. At December 31, 2022 and 2021, forfeitures available to reduce matching contributions and offset plan expenses were \$119 and \$14,354, respectively. Forfeitures of \$13,667 and \$0 were used to pay administrative expenses during 2022 and 2021, respectively. There were no forfeitures used to reduce employer contributions in 2022 and 2021.

Retirement

Normal retirement under the Plan is the later of age sixty-five (65) or the 5th anniversary of the Participant's employment commencement date.

NOTE 1: DESCRIPTION OF PLAN (Continued)

Payment of Benefits

Payment of benefits may be made at the following times under the Plan: 1) normal retirement, 2) termination of employment, 3) termination of the Plan, 4) in-service for those who have attained age 59½, 5) upon demonstration of financial hardship, or 6) death or disability of the participant. Benefit payments are made in a single lump sum distribution.

Participants who separate from service and have vested account balances of \$5,000 or less and do not process their own distributions, may receive a lump sum cash payment if the entire vested account balance is \$1,000 or less. If the value of the vested account balance is greater than \$1,000 but equal to or less than \$5,000 the account will be automatically rolled over to an IRA.

Retired participants must begin receiving distributions from the Plan no later than April 1 of the year following the year in which the participant attains age 72.

Notes Receivable from Participants

The Plan allows participants to borrow from their accounts. Loans are limited to the lesser of \$50,000 or 50% of the participant's vested account balance. The minimum loan amount is \$1,000 and participants may have two outstanding loans at a time. Loans bear interest at a rate determined by the Plan administrator based on prevailing rates. Loans are repaid through regular payroll deductions and generally must be repaid within five years, or longer if for the acquisition of a principal residence. The loans are secured by the balance in the participant's account and in the event of default, the unpaid loan principal will be offset against the participant's vested account balance.

Administrative Expenses

The Plan pays certain investment manager, administrator and professional fees. All other expenses incurred for administration of the Plan are paid by the Plan Sponsor. Expenses related to specific participant transactions are charged to the respective participant's account.

NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Accounting

The financial statements of the Plan are prepared on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States (U.S. GAAP).

Investment Valuation and Income Recognition

Investments are reported at fair market value. Fair market value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Purchases and sales of investments are recorded on a trade-date basis. Interest income is recognized when earned. Dividends are recognized on the ex-dividend date. Capital gains are recorded in dividend income. Net appreciation (depreciation) includes the Plan's gains and losses on investments purchased and sold as well as held during the year. Increases in the unit values of investments are reflected in each participant's individual account. Investments are valued daily.

NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Notes Receivable from Participants

Notes receivable from participants are measured at their unpaid principal balance plus any accrued but unpaid interest. Related fees are recorded as administrative expenses and are expensed when they are incurred. No allowance for credit losses has been recorded as of December 31, 2022 and 2021. If a participant ceases to make loan payments and the plan administrator deems the participant loan to be in default, the participant loan balance is reduced and a benefit payment is recorded upon distribution of the related collateral.

Payment of Benefits

Benefits to participants are recorded when paid.

Income Taxes

The Plan adopted a prototype plan, which obtained a favorable opinion letter on June 30, 2020, in which the Internal Revenue Service stated that the Plan, as then designed, was in compliance with the applicable requirements of the Code. The Plan has been amended since receiving the opinion letter. However, the plan administrator believes that the Plan is currently designed and being operated in compliance with the applicable requirements of the Code. Therefore, no provision for income taxes has been included in the Plan's financial statements.

U.S. GAAP requires Plan management to evaluate tax positions taken by the Plan and recognize a tax liability or asset if the Plan has taken an uncertain tax position that more likely than not would not be sustained upon examination by the Internal Revenue Service. Plan management has determined that as of December 31, 2022, there are no uncertain tax positions taken or expected to be taken that would require recognition or disclosure in the financial statements. The Plan is subject to routine examinations by taxing authorities; however, there are currently no examinations for any tax periods in progress.

Estimates and Assumptions

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NOTE 3: INFORMATION CERTIFIED BY THE TRUSTEE

The following amounts are included in these financial statements and supplemental schedule and were taken directly from statements provided and certified as complete and accurate by Fidelity Management Trust Company, the trustee, as of and for the years ended December 31, 2022 and 2021 as follows:

	<u>2022</u>	<u>2021</u>
Mutual funds	\$ 76,451,981	\$ 96,760,497
Money market fund	\$ 9,213,331	\$ 9,594,284
Notes receivable from participants	\$ 4,797,254	\$ 4,763,005
Net appreciation (depreciation) in fair value of investments	\$ (23,173,025)	\$ 7,301,466
Dividend and interest income	\$ 2,911,698	\$ 7,285,844
Interest income, notes receivable from participants	\$ 226,558	\$ 264,443

NOTE 4: FAIR VALUE MEASUREMENTS

The Financial Accounting Standards Board (FASB) ASC 820 provides a framework for measuring fair value. That framework provides a three-tier hierarchy that prioritizes the inputs to valuation techniques used for measuring fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (level 1) and the lowest priority to unobservable inputs (level 3). The three levels of the fair value hierarchy are as follows:

Level 1 - Inputs are unadjusted quoted prices for identical assets or liabilities that the Plan has the ability to access.

Level 2 - Inputs other than Level 1 that are observable, either directly or indirectly, such as quoted prices for similar assets and liabilities, quoted prices in markets that are not active, model-based valuation techniques for which all significant assumptions are observable in the market, or other inputs that are observable or can be corroborated by observable market data for substantially the full term of the assets or liabilities.

Level 3 - Inputs that are unobservable and significant to the fair value measurement.

The asset or liability's fair value measurement level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. Valuation techniques used need to maximize the use of observable inputs and minimize the use of unobservable inputs.

Following is a description of the valuation methodologies used for assets measured at fair value. There have been no changes in the methodologies used at December 31, 2022 and 2021.

Mutual Funds: Valued at the daily closing price as reported by the exchange the asset is actively traded on. Mutual funds held by the Plan are open-end mutual funds that are registered with the Securities and Exchange Commission. These funds are required to publish their daily net asset value (NAV) and to transact at that price.

Money Market Fund: Underlying short-term investments with quoted prices in active markets to preserve the value of the investment at \$1.00 per share.

The following table sets forth by level, within the fair value hierarchy, the Plan's assets at fair value as of December 31, 2022 and 2021:

Assets at Fair Value as of December 31, 2022				
	Level 1	Level 2	Level 3	Total
Mutual funds	\$ 76,451,981	\$ -	\$ -	\$ 76,451,981
Money market fund	9,213,331	-	-	9,213,331
	<u>\$ 85,665,312</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 85,665,312</u>

Assets at Fair Value as of December 31, 2021				
	Level 1	Level 2	Level 3	Total
Mutual funds	\$ 96,760,497	\$ -	\$ -	\$ 96,760,497
Money market fund	9,594,284	-	-	9,594,284
	<u>\$ 106,354,781</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 106,354,781</u>

NOTE 5: RISKS AND UNCERTAINTIES

The Plan invests in various investment securities. Investment securities are exposed to various risks such as interest rate, market, and credit risks. Due to the level of risk associated with certain investment securities, it is at least reasonably possible that changes in the values of investment securities will occur in the near term and that such changes could materially affect participants' account balances and the amounts reported in the statements of net assets available for benefits.

NOTE 6: RELATED PARTY AND PARTY-IN-INTEREST TRANSACTIONS

Fees paid by the Plan for investment management services and recordkeeping services are recorded in administrative expenses. Certain fund management fees are recorded against net appreciation in fair value of investments. Plan investments include notes receivable from participants and a mutual fund issued by a party related to the Trustee and third-party administrator. These transactions and investments qualify as party-in-interest transactions which are exempt from the prohibited transaction rules of ERISA.

NOTE 7: RECONCILIATION TO FORM 5500

Net assets and contributions in these financial statements differ from the amounts reported in the Form 5500 as follows:

	2022	2021
Net assets as reported	\$ 90,610,073	\$ 111,268,344
Employer contribution receivable excluded from 5500	(147,507)	(150,558)
Net assets per Form 5500	<u>\$ 90,462,566</u>	<u>\$ 111,117,786</u>
Employer contributions as reported	\$ 3,293,005	\$ 3,183,059
Change in employer contributions excluded from 5500	3,051	24,541
Employer contributions per Form 5500	<u>\$ 3,296,056</u>	<u>\$ 3,207,600</u>
Employee contributions as reported	\$ 6,782,521	\$ 6,751,743
Change in employee contributions excluded from 5500	-	137,847
Employee contributions per Form 5500	<u>\$ 6,782,521</u>	<u>\$ 6,889,590</u>

NOTE 8: PLAN TERMINATION

Although it has not expressed any intent to do so, the Plan Sponsor has the right under the Plan to terminate the Plan subject to the provisions of ERISA.

NOTE 9: **SUBSEQUENT EVENTS**

Management evaluates events occurring subsequent to the date of the financial statements in determining the accounting for and disclosure of transactions and events that affect the financial statements. Subsequent events have been evaluated through July 31, 2023, the date the financial statements were available to be issued, and management has determined that no subsequent events have occurred that should be disclosed.

SUPPLEMENTARY INFORMATION

CACHE CREEK 401(k) PLAN
EIN: 93-0893432 / PLAN: 001

SCHEDULE H, LINE 4i:
SCHEDULE OF ASSETS HELD AT END OF YEAR
December 31, 2022

(a)	(b)	(c)	(d)	(e)
Identity of issue, borrower, lessor or similar party	Description of Investment	Cost	Current Value	
*	Fidelity Blue Chip Growth	Mutual Fund	\$ -	\$ 12,254,386
	JP Morgan US Govt Money Market	Money Market Fund	-	9,213,331
	JP Morgan US Research Enhanced Equity R6	Mutual Fund	-	7,997,330
	American Funds Balanced Fund R6	Mutual Fund	-	5,579,791
	Hartford International Growth Y	Mutual Fund	-	5,379,024
	Vanguard Information Technology Index Admiral	Mutual Fund	-	5,087,326
	Vanguard Selected Value	Mutual Fund	-	4,182,484
	Vanguard Small Cap Value Index Admiral	Mutual Fund	-	4,010,959
	American Funds Target Retirement Date 2025 R6	Mutual Fund	-	2,855,989
	American Funds Target Retirement Date 2035 R6	Mutual Fund	-	2,664,860
	American Funds Target Retirement Date 2030 R6	Mutual Fund	-	2,478,810
	Vanguard Large Cap Index Admiral	Mutual Fund	-	2,433,875
	T. Rowe Price Value	Mutual Fund	-	2,354,773
	American Funds Target Retirement Date 2040 R6	Mutual Fund	-	2,336,081
	American Funds Target Retirement Date 2045 R6	Mutual Fund	-	2,141,012
	DFA Intermediate Government Fixed Income I	Mutual Fund	-	2,122,805
	John Hancock Bond Institutional	Mutual Fund	-	2,008,648
	American Funds Target Retirement Date 2050 R6	Mutual Fund	-	1,944,035
	PIMCO Income Institutional	Mutual Fund	-	1,807,367
	Aberdeen Global Infrastructure Institutional	Mutual Fund	-	1,737,836
	American Funds Target Retirement Date 2055 R6	Mutual Fund	-	1,604,632
	American Funds Target Retirement Date 2020 R6	Mutual Fund	-	1,231,460
	American Funds Target Retirement Date 2060 R6	Mutual Fund	-	989,348
	First Eagle Global Overseas	Mutual Fund	-	905,960
	American Funds Target Retirement Date 2015 R6	Mutual Fund	-	164,914
	American Funds Target Retirement Date 2010 R6	Mutual Fund	-	101,491
	DFA Global Equity Institutional	Mutual Fund	-	69,054
	American Funds Target Retirement Date 2065 R6	Mutual Fund	-	7,731
	Total Investments		-	85,665,312
*	Participant Loans	Interest at 4.25% - 8.00%	-	4,797,254
	Total Assets Held at End of Year		\$ -	\$ 90,462,566

* *Party in interest*

Note: Cost basis omitted as all investments are participant directed.



Campbell Taylor Washburn
Certified Public Accountants & Consultants

The Path Forward

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