

**NOTTAWASEPPI HURON BAND OF THE POTAWATOMI
GAMING REGULATORY ACT**

**CHAPTER I
PURPOSE; PUBLIC POLICY; AUTHORIZED GAMING**

SECTION 1.01 SHORT TITLE. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI GAMING REGULATORY ACT

SECTION 1.02 PURPOSE AND AUTHORITY. THE TRIBAL COUNCIL OF THE HURON BAND OF POTAWATOMI INDIANS ENACTS THIS ACT IN ORDER TO COMPREHENSIVELY REGULATE ALL FORMS OF GAMING WITHIN THE TRIBE'S RESERVATION. PURSUANT TO THE EXPRESS GRANT OF AUTHORITY ENUMERATED IN-ARTICLE VI, SUBSECTIONS 1 (E), (G), (I), (K),(N) AND (H) AND SUBSECTION 3 OF THE CONSTITUTION AND THE INHERENT AUTHORITY OF THE TRIBE AS A SOVEREIGN TRIBAL NATION TO PROVIDE FOR THE HEALTH, SAFETY, AND WELFARE OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI THE TRIBAL COUNCIL ENACTS THIS GAMING REGULATORY ACT.

SECTION 1.03 PUBLIC POLICY.

- (A) ALL GAMING CONDUCTED WITHIN THE TRIBE'S RESERVATION AND THAT IS OTHERWISE AUTHORIZED BY LAW SHALL BE REGULATED AND LICENSED PURSUANT TO THE PROVISIONS OF THIS ACT.

- (B) THE TRIBAL COUNCIL HEREBY FINDS, AND DECLARES IT TO BE THE PUBLIC POLICY OF THE TRIBE, THAT:
 - (1) PROPER REGULATION OF GAMING IS ESSENTIAL IN ORDER TO ENSURE THAT GAMING IS CONDUCTED HONESTLY AND IT IS FREE FROM UNLAWFUL CONDUCT AND CORRUPTIVE ELEMENTS.
 - (2) STRICT REGULATION OF ALL PERSONS, LOCATIONS, PRACTICES, ASSOCIATIONS AND ACTIVITIES RELATED TO THE CONDUCT OF GAMING IS REQUIRED IN ORDER TO MAINTAIN PUBLIC CONFIDENCE AND TRUST IN THE HONESTY AND INTEGRITY OF GAMING.
 - (3) ALL MANAGEMENT CONTRACTORS, PRIMARY MANAGEMENT OFFICIALS, KEY EMPLOYEES, GAMING OPERATIONS, AND VENDORS OF GOODS OR SERVICES MUST BE LICENSED AND CONTROLLED TO PRESERVE THE INTEGRITY OF GAMING, TO PROTECT THE PUBLIC, AND PRESERVE THE GENERAL WELFARE OF THE TRIBE.
 - (4) THE CONDUCT OF PROPERLY LICENSED AND REGULATED GAMING BY THE TRIBE FULFILLS IMPORTANT POLICY OBJECTIVES OF THE TRIBE AND THE FEDERAL GOVERNMENT BY PROMOTING TRIBAL SELF-GOVERNMENT AND ECONOMIC SELF-SUFFICIENCY.
 - (5) THE SUBSTANTIAL AND RELATIVELY STABLE SOURCE OF REVENUE OFFERED BY GAMING ENABLES THE TRIBE TO FULFILL ITS GOVERNMENTAL RESPONSIBILITIES TO THE TRIBAL MEMBERSHIP.

SECTION 1.04 ADOPTION; REPEALER. THIS ACT IS ENACTED BY ADOPTION OF TRIBAL COUNCIL BY RESOLUTION No. 11-11-10-01, WHICH ALSO REPEALS THE GAMING ORDINANCE UNDER TITLE V ENACTED BY ADOPTION OF TRIBAL COUNCIL RESOLUTION No.6-15-00-01, AND APPROVED BY THE NATIONAL INDIAN GAMING COMMISSION ON JUNE 19, 2000, AS REQUIRED BY THE INDIAN GAMING REGULATORY ACT (25 U.S.C. § 2701 *ET SEQ.*). THIS ACT AND THE REPEAL OF THE GAMING ORDINANCE OF 2000 SHALL ONLY BECOME EFFECTIVE UPON THE EXPRESS APPROVAL OF THIS ACT BY THE NATIONAL INDIAN GAMING COMMISSION. THE REPEAL OF THE GAMING ORDINANCE OF 2000 OR ANY PORTION THEREOF SHALL NOT HAVE THE EFFECT OF REVIVING ANY OTHER TRIBAL LAW REPEALED BY ADOPTION OF THE GAMING REGULATORY ACT OF 2010 OR ANY AMENDMENTS THERETO.

SECTION 1.05 SEVERABILITY. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ACT, WHICH CAN BE GIVEN EFFECT WITHOUT INVALID PROVISION, OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ACT ARE SEVERABLE.

SECTION 1.06 UNAUTHORIZED GAMING. ALL GAMING WITHIN THE TRIBE'S RESERVATION, WHETHER CLASS I, CLASS II OR CLASS III, IS PROHIBITED AND UNLAWFUL, EXCEPT AS EXPRESSLY AUTHORIZED BY THE ACT. ANY PERSON WHO COMMITS ANY ACT OF UNAUTHORIZED GAMING ON THE RESERVATION OR ANY OTHER TRIBAL LAND SHALL BE GUILTY OF A CRIME AND SHALL BE PROSECUTED IN TRIBAL COURT OR ANY OTHER COURT OF COMPETENT JURISDICTION.

SECTION 1.07 CONDUCT OF GAMES. ALL GAMING SHALL BE CONDUCTED BY PERSONS DULY LICENSED BY THE COMMISSION EXCEPT TO THE EXTENT THE COMMISSION DETERMINES PERSONS ENGAGING IN CLASS I GAMING DO NOT REQUIRE LICENSING. NO PERSON LICENSED BY THE COMMISSION SHALL ENGAGE IN, CONDUCT OR CONDONE ANY GAMING THAT IS NOT CONDUCTED IN ACCORDANCE WITH SUCH REGULATIONS GOVERNING THE CONDUCT OF GAMES AS MAY BE PROMULGATED BY THE COMMISSION UNDER THIS ACT.

SECTION 1.08 PERMITTED GAMING.

- (A) **CLASS I GAMING.** CLASS I SOCIAL GAMES AND TRADITIONAL GAMES ARE PERMITTED TO THE EXTENT CONSISTENT WITH TRIBAL CUSTOM AND PRACTICE. THE GAMING COMMISSION MAY CONSULT WITH THE TRIBAL COUNCIL TO DETERMINE THE SCOPE AND DEFINITION, INCLUDING PRIZE LIMITS, FOR GAMES WHICH WILL BE CONSIDERED CLASS I SOCIAL GAMES AND TRADITIONAL GAMES RECOGNIZED BY THE TRIBE'S CUSTOMS AND PRACTICES. THE GAMING COMMISSION MAY PROHIBIT OR REGULATE THE CONDUCT OF CLASS I SOCIAL OR TRADITIONAL GAMES IF IT DETERMINES SUCH REGULATION IS NECESSARY TO PROMOTE THE PUBLIC POLICIES BEHIND THIS ACT.
- (B) **CLASS II GAMING AUTHORIZED.** CLASS II GAMING IS HEREBY AUTHORIZED TO BE CONDUCTED ON LANDS WITHIN THE TRIBE'S RESERVATION; PROVIDED, HOWEVER, THAT SUCH CLASS II GAMING SHALL BE CONDUCTED ONLY IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT, THE REGULATIONS, AND IGRA.

- (C) **CLASS III GAMING AUTHORIZED.** CLASS III GAMING IS HEREBY AUTHORIZED ON LANDS WITHIN THE TRIBE'S RESERVATION; PROVIDED, HOWEVER, THAT CLASS III GAMING SHALL BE CONDUCTED ONLY IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT, THE REGULATIONS, IGRA AND THE COMPACT.

SECTION 1.09 LOCATION OF GAMING. THE COMMISSION SHALL ENSURE THAT SUCH GAMING AS IT AUTHORIZES AND LICENSES PURSUANT TO THIS ACT IS CONDUCTED ON LANDS WITHIN THE TRIBE'S RESERVATION, AND, FEDERAL LAW DOES NOT OTHERWISE SPECIFICALLY PROHIBIT SUCH GAMING.

SECTION 1.10 OWNERSHIP OF GAMING. THE TRIBE SHALL HAVE THE SOLE PROPRIETARY INTEREST IN AND RESPONSIBILITY FOR ANY GAMING OPERATION AUTHORIZED BY THIS ACT PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL PROHIBIT THE EXERCISE BY ANY SECURED PARTY OF ITS RIGHTS UNDER ANY COLLATERAL LEASE OR OTHER FINANCING AGREEMENT WITH THE TRIBE FOR THE PURPOSE OF SECURING REPAYMENT OF THE DEBT OBLIGATIONS OF THE TRIBE IN ACCORDANCE WITH THE PROVISIONS OF SUCH AGREEMENTS AND OTHER APPLICABLE TRIBAL LAW.

SECTION 1.11 USE OF GAMING REVENUE. NET REVENUES FROM ANY FORM OF GAMING AUTHORIZED UNDER THIS ACT SHALL BE USED ONLY FOR THE FOLLOWING PUBLIC PURPOSES OF THE TRIBE:

- (A) TO FUND TRIBAL GOVERNMENT OPERATIONS AND PROGRAMS;
- (B) TO PROVIDE FOR THE GENERAL WELFARE OF THE TRIBE AND ITS MEMBERS;
- (C) TO PROMOTE TRIBAL ECONOMIC DEVELOPMENT;
- (D) TO MAKE DONATIONS TO CHARITABLE ORGANIZATIONS; AND
- (E) TO HELP FUND OPERATIONS OF LOCAL GOVERNMENT AGENCIES;

THE TRIBE MAY ONLY MAKE PER CAPITA PAYMENTS TO TRIBAL MEMBERS FROM NET REVENUES IN ACCORDANCE WITH A REVENUE ALLOCATION PLAN THAT MAY BE APPROVED OR AMENDED FROM TIME TO TIME BY THE TRIBAL COUNCIL AND THE SECRETARY OF THE INTERIOR.

CHAPTER II DEFINITIONS

DEFINITIONS. UNLESS A DIFFERENT MEANING IS SET FORTH BELOW, THE TERMS USED IN THIS ACT SHALL HAVE THE SAME MEANING AS DEFINED IN THE INDIAN GAMING REGULATORY ACT, PUBLIC LAW 100-497, 102 STAT. 2467 (OCT. 17, 1988), 25 U.S.C. 2701, *ET SEQ.* (IGRA) AND ANY REGULATIONS PROMULGATED THEREUNDER.

ACT- MEANS THIS HURON POTAWATOMI GAMING REGULATORY ACT, AS AMENDED FROM TIME TO TIME.

APPLICANT- MEANS ANY PERSON, PARTNERSHIP, CORPORATION, JOINT VENTURE OR OTHER ENTITY APPLYING FOR, OR REQUESTING RENEWAL OF, ANY LICENSE REQUIRED BY THIS ACT.

APPLICATION- MEANS A REQUEST FOR THE ISSUANCE OR RENEWAL OF A LICENSE REQUIRED BY THIS ACT.

CHAIRMAN- MEANS THE CHAIRMAN OF THE COMMISSION APPOINTED UNDER SECTIONS 3.06 AND 3.07 OF THIS CODE.

CLASS I GAMING- SHALL MEAN SOCIAL GAMES PLAYED SOLELY FOR PRIZED OF MINIMAL VALUE CONSISTENT WITH STANDARDS PRESCRIBED BY REGULATIONS ADOPTED BY THE COMMISSION; OR TRADITIONAL FORMS OF GAMING PLAYED BY INDIVIDUALS IN CONNECTION WITH TRIBAL CEREMONIES OR CELEBRATIONS WHICH ARE PLAYED IN ACCORDANCE WITH ANY REGULATIONS ADOPTED BY THE COMMISSION.

CLASS II GAMING- MEANS –

- (A) BINGO OR LOTTO (WHETHER OR NOT ELECTRONIC, COMPUTER, OR OTHER TECHNOLOGIC AIDS ARE USED) WHEN PLAYERS:
 - (1) PLAY FOR PRIZES WITH CARDS BEARING NUMBERS OF OTHER DESIGNATIONS;
 - (2) COVER NUMBERS OR DESIGNATIONS WHEN OBJECT, SIMILARLY NUMBERED OR DESIGNATED, ARE DRAWN OR ELECTRONICALLY DETERMINED; AND
 - (3) WIN THE GAME BY BEING THE FIRST PERSON TO COVER A DESIGNATED PATTERN ON SUCH CARDS;
- (B) IF PLAYED IN THE SAME LOCATION AS BINGO OR LOTTO, PULL-TABS, PUNCH BOARDS, TIP JARS, INSTANT BINGO, AND OTHER GAMES SIMILAR TO BINGO;
- (C) NONBANKING CARD GAMES THAT:
 - (1) STATE LAW EXPLICITLY AUTHORIZES, OR DOES NOT EXPLICITLY PROHIBIT, AND ARE PLAYED LEGALLY ANYWHERE IN THE STATE; AND
 - (2) PLAYERS PLAY IN CONFORMITY WITH STATE LAWS AND REGULATIONS CONCERNING HOURS, PERIODS OF OPERATION, AND LIMITATIONS ON WAGERS AND POT SIZES.

CLASS III GAMING- MEANS CLASS III GAMING AS DEFINED IN THE INDIAN GAMING REGULATORY ACT AT 25 U.S.C. 2703(8), AND ANY REGULATIONS PROMULGATED THEREUNDER, INCLUDING –

- (A) ANY HOUSE BANKING GAME, INCLUDING BUT NOT LIMITED TO–
 - (1) CARD GAMES SUCH AS BACCARAT, CHEMIN DE FER, BLACKJACK

- (21), AND PAI GOW (IF PLAYED AS HOUSE BANKING GAMES);
- (2) CASINO GAMES SUCH AS ROULETTE, CRAPS, AND KENO;
- (B) ANY SLOT MACHINES AS DEFINED IN 15 U.S.C. 1171(A)(1) AND ELECTRONIC OR ELECTROMECHANICAL FACSIMILES OF ANY GAME OF CHANCE;
- (C) ANY SPORTS BETTING AND PARIMUTUEL WAGERING INCLUDING BUT NOT LIMITED TO WAGERING ON HORSE RACING, DOG RACING OR JAI ALAI; OR
- (D) LOTTERIES.

BUT EXCLUDING ANY CLASS III GAMING THAT IS NOT AUTHORIZED BY THE COMPACT.

COMMISSION- MEANS THE SUBDIVISION OF THE TRIBE ESTABLISHED UNDER CHAPTER III OF THIS CODE.

COMMISSIONER- MEANS AN INDIVIDUAL APPOINTED UNDER SECTION 3.06 AND 3.07 OF THIS CODE TO SERVE AS A MEMBER OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI GAMING COMMISSION.

COMPACT- MEANS THE COMPACT DATED FEBRUARY 18, 1999, INCLUDING ALL RENEWALS, AMENDMENTS, APPENDICES, EXHIBITS AND OTHER ATTACHMENTS THERETO, BETWEEN THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI AND THE STATE OF MICHIGAN PROVIDING FOR THE CONDUCT OF TRIBAL CLASS III GAMING BY THE. NOTTAWASEPPI HURON BAND OF THE POTAWATOMI OR ANY REPLACEMENT, EXTENSION OR SUBSTITUTION THEREFORE,

COMPLIMENTARY- MEANS A SERVICE OR ITEM PROVIDED AT NO COST, OR AT A REDUCED COST, TO A CUSTOMER OF A GAMING ESTABLISHMENT.

CONTROL PERSON- MEANS ANY PERSON WHO HAS THE POWER TO DIRECT OR CAUSE DIRECTION OF THE MANAGEMENT AND POLICIES OF THE BUSINESS OPERATIONS OF A SUPPLIER OF GOODS OR SERVICES AS VERIFIED BY THE SUPPLIERS OWNERSHIP AND ORGANIZATION STRUCTURE DESCRIBED IN THE DOCUMENTS ESTABLISHING THE EXISTENCE OF THE SUPPLIER AND THE DESIGNATION OF PERSONS AUTHORIZED TO ACT ON BEHALF OF THE SUPPLIER. CONTROL SHALL BE PRESUMED FOR ANY PERSON OWNING SHARES OF A CORPORATION THAT IS NOT A PUBLICLY TRADED CORPORATION IF THAT PERSON OWNS, CONTROLS OR HOLDS THE POWER TO VOTE TEN PERCENT (10%) OR MORE OF THE VOTING SECURITIES OF A PERSON. CONTROL PERSONS INCLUDE MEMBERS OF THE BOARD OF DIRECTORS, CHIEF EXECUTIVE OFFICER, CHIEF OPERATING OFFICER, AND ANY PERSON WITH THE RESPONSIBILITY AND AUTHORITY TO MANAGE THE CONTRACT ON BEHALF OF THE SUPPLIER WITH RESPECT TO THE GAMING GOODS OR SERVICES BEING PROVIDED TO A GAMING OPERATION.

COUNCIL OR TRIBAL COUNCIL- MEANS THE TRIBAL COUNCIL OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI ESTABLISHED UNDER ARTICLE X FOR THE HURON POTAWATOMI CONSTITUTION AS THE LAWFUL GOVERNING BODY OF THE TRIBE.

“EXCLUDED PERSON”- MEANS A PERSON WHOSE NAME HAS BEEN ADDED TO AN EXCLUSION LIST IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 9.13 OF THIS ACT.

EMERGENCY OPERATION PLAN- MEANS THE PLAN REQUIRED TO BE INCLUDED WITH A GAMING ESTABLISHMENT LICENSE APPLICATION UNDER SECTION 6.03 OF THIS ACT.

FISCAL YEAR- FOR THE TRIBE MEANS THE PERIOD ENDING ON DECEMBER 31ST OF EACH YEAR AND FOR THE FIREKEEPER'S DEVELOPMENT AUTHORITY AND THE FIREKEEPER'S CASINO MEANS THE PERIOD ENDING ON THE LAST SUNDAY OF EACH CALENDAR YEAR.

"GAME" -MEANS ANY GAME OF CHANCE, HOWEVER CONDUCTED, OPERATED, OR PLAYED, THAT COMES WITHIN THE DEFINITION OF GAMING PROVIDED IN THIS SECTION.

GAMING- MEANS ANY CLASS II GAMING OR CLASS III GAMING ACTIVITY, EITHER INDIVIDUALLY OR COLLECTIVELY, WHETHER AUTHORIZED OR UNAUTHORIZED.

GAMING COMMISSION OR COMMISSION- MEANS THE HURON POTAWATOMI GAMING COMMISSION ESTABLISHED PURSUANT TO THIS ACT TO REGULATE GAMING WITHIN THE JURISDICTION OF THE TRIBE.

GAMING DEVICE- MEANS ANY MECHANICAL, ELECTROMECHANICAL OR ELECTRONIC EQUIPMENT, CONTRIVANCE, COMPONENT, OR MACHINE, WHETHER USED REMOTELY OR DIRECTLY IN CONNECTION WITH ANY GAMING WHICH AFFECTS THE RESULT OF A WAGER BY DETERMINING OR PREDICTING THE OUTCOME OF A GAME OR THE ODDS OF WINNING OR LOSING A GAME. THE TERM SHALL BE BROADLY CONSTRUED TO PROMOTE THE PURPOSES OF THIS ACT AND SHALL ALSO INCLUDE ANY DEVICES, MACHINES, COMPONENTS, OR CONTRIVANCES WHICH DO AFFECT, OR ARE CAPABLE OF AFFECTING, IN ANY WAY, THE PLAYING OF ANY GAMING.

GAMING EQUIPMENT OR SUPPLIES- MEANS A MACHINE, MECHANISM, DEVICE, OR IMPLEMENT THAT AFFECTS THE RESULT OF A GAME BY DETERMINING WIN OR LOSS, INCLUDING WITHOUT LIMITATION, ANY OF THE FOLLOWING:

- (A) ANY GAMING DEVICE;
- (B) SOFTWARE USED WITH ANY GAMING DEVICE;
- (C) CARDS; AND
- (D) DICE.

GAMING EQUIPMENT OR SUPPLIES ALSO INCLUDES LAYOUTS FOR LIVE TABLE GAMES AND REPRESENTATIVES OF VALUES, INCLUDING WITHOUT LIMITATION, CHIPS, TOKENS, OR ELECTRONIC DEBIT CARDS AND RELATED HARDWARE OR SOFTWARE THAT AFFECT THE RESULT OF THE GAME.

GAMING ESTABLISHMENT- MEANS ANY FACILITY OR PREMISES WHERE GAMING IS CONDUCTED AND INCLUDES ALL BUILDINGS STRUCTURES AND OTHER APPURTENANCES REQUIRED FOR THE OPERATION OR MAINTENANCE OF SUCH FACILITY OR USED IN CONNECTION WITH SUCH GAMING.

GAMING OPERATION- MEANS ANY BUSINESS OWNED BY THE TRIBE, THE REVENUES OF WHICH ARE

PRIMARILY DERIVED FROM GAMING OR FROM ANY GAMING ESTABLISHMENT.

GAMING SERVICES- MEANS ANY SERVICES OR CONCESSIONS WHICH DIRECTLY RELATE TO THE CONDUCT OF GAMING, SECURITY, OR SURVEILLANCE AT A GAMING ESTABLISHMENT, INCLUDING WITHOUT LIMITATION, CASINO CREDIT REPORTING SERVICES, MAINTENANCE OR REPAIRER SERVICES FOR GAMING EQUIPMENT OR SUPPLIES.

GAMING SITE- MEANS THE APPROXIMATELY 78-ACRE PORTION OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI TRIBAL LANDS LOCATED IN BATTLE CREEK, MICHIGAN AND HELD IN TRUST BY THE UNITED STATES FOR THE BENEFIT OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI

GROSS REVENUE- MEANS THE TOTAL OF ALL OF THE FOLLOWING, LESS THE TOTAL OF ALL CASH PAID OUT AS WINNINGS TO PATRONS AND ANY AMOUNTS MADE DEDUCTIBLE FROM GROSS REVENUES AS PATRON WINNINGS OR OTHERWISE:

- (A) CASH RECEIVED AS WAGERS;
- (B) CASH RECEIVED IN PAYMENT FOR CREDIT EXTENDED BY A LICENSEE TO A PATRON FOR THE PURPOSES OF GAMING; AND
- (C) COMPENSATION RECEIVED FOR CONDUCTING ANY GAME IN WHICH THE LICENSEE IS NOT A PARTY TO A WAGER.

FOR THE PURPOSES OF THIS DEFINITION, CASH OR THE VALUE OF NON-CASH PRIZES AWARDED TO PATRONS IN A CONTEST OR TOURNAMENT ARE NOT WINNINGS.

THE TERM WINNINGS, AS USED IN THIS DEFINITION, DOES NOT INCLUDE:

- (A) COUNTERFEIT MONEY OR TOKENS,
- (B) COINS OF OTHER COUNTRIES WHICH ARE RECEIVED IN GAMING DEVICES OR GAMING EQUIPMENT OR SUPPLIES;
- (C) CASH TAKEN IN FRAUDULENT ACTS PERPETRATED AGAINST A LICENSEE FOR WHICH THE LICENSEE IS NOT REIMBURSED; OR
- (D) CASH RECEIVED AS ENTRY FEES FOR CONTESTS OR TOURNAMENTS IN WHICH THE PATRONS COMPETE FOR PRIZES.

CALCULATION OF GROSS REVENUES. CERTAIN EXPENSES NOT DEDUCTIBLE.

- (A) IN CALCULATING GROSS REVENUE, ANY PRIZES, PREMIUMS, DRAWINGS, BENEFITS OR TICKETS WHICH ARE REDEEMABLE FOR MONEY OR MERCHANDISE OR OTHER PROMOTIONAL ALLOWANCE, EXCEPT MONEY OR TOKENS PAID AT FACE VALUE DIRECTLY TO A PATRON AS THE RESULT OF A SPECIFIC WAGER AND THE AMOUNT OF CASH PAID TO PURCHASE AN ANNUITY TO FUND WINNINGS, MUST NOT BE DEDUCTED

AS PATRON WINNINGS.

- (B) IN CALCULATING GROSS REVENUE FROM GAMING DEVICES, THE ACTUAL COST TO THE LICENSEE OF ANY PERSONAL PROPERTY DISTRIBUTED TO A PATRON AS THE RESULT OF A LEGITIMATE WAGER MAY BE DEDUCTED AS A PATRON WINNING, BUT NOT TRAVEL EXPENSES, FOOD, REFRESHMENTS, LODGING OR SERVICES. FOR THE PURPOSES OF THIS SECTION, AS THE RESULT OF A LEGITIMATE WAGER MEANS THAT THE PATRON MUST MAKE A WAGER PRIOR TO RECEIVING THE PERSONAL PROPERTY, REGARDLESS OF WHETHER THE RECEIPT OF THE PERSONAL PROPERTY IS DEPENDENT ON THE OUTCOME OF THE WAGER.

INDIAN GAMING REGULATORY ACT OR IGRA- MEANS P.L. 100-497, 102 STAT. 2467, ENACTED ON OCT. 17, 1988 AND CODIFIED AT 25 U.S.C. ' 2701 *ET SEQ.*

INDIAN LANDS- SHALL HAVE THE DEFINITION THAT TERM IS GIVEN IN THE INDIAN GAMING REGULATORY ACT AT 25 U.S.C. ' 2703 (4) AND ANY REGULATIONS PROMULGATED THEREUNDER BUT, AS TO CLASS III GAMING ONLY, SUCH DEFINITION SHALL EXCLUDE ANY INDIAN LANDS THAT ARE NOT ALSO INCLUDED WITHIN THE DEFINITION OF ELIGIBLE INDIAN LANDS SET FORTH IN THE COMPACT.

KEY EMPLOYEE MEANS:

- (A) A PERSON WHO PERFORMS ONE OR MORE OF THE FOLLOWING FUNCTIONS:
- (1) BINGO CALLER,
 - (2) COUNTING ROOM SUPERVISOR,
 - (3) CHIEF OF SECURITY,
 - (4) CUSTODIAN OF GAMING EQUIPMENT OR SUPPLIES, OR CASH,
 - (5) FLOOR MANAGER,
 - (6) PIT BOSS,
 - (7) DEALER,
 - (8) CROUPIER,
 - (9) APPROVER OF CREDIT, OR
 - (10) CUSTODIAN OF GAMBLING TERMINALS OR OTHER DEVICES OPERATED BY THE MANAGEMENT OF ANY GAMING OPERATION, INCLUDING PERSONS WITH ACCESS TO CASH AND ACCOUNTING RECORDS FOR SUCH DEVICES;
- (B) IF NOT OTHERWISE INCLUDED, ANY OTHER PERSON WHOSE TOTAL CASH COMPENSATION FROM EMPLOYMENT IN ANY GAMING OPERATION EXCEEDS \$50,000 PER YEAR;
- (C) IF NOT OTHERWISE INCLUDED, THE FOUR MOST HIGHLY COMPENSATED PERSONS IN ANY GAMING OPERATION; OR
- (D) ANY OTHER EMPLOYEE OF ANY GAMING OPERATION THAT THE COMMISSION DESIGNATES BY COMMISSION REGULATIONS AS A KEY EMPLOYEE.

LICENSE- MEANS ANY AUTHORIZATION GRANTED BY THE COMMISSION, PURSUANT TO THIS ACT, TO ANY PERSON WHICH IS REQUIRED FOR SUCH PERSON TO PERFORM CERTAIN ACTS OR ENGAGE IN CERTAIN ACTIVITIES. THE ISSUANCE OF A LICENSE SHALL NOT CREATE A PROPERTY OR LIBERTY INTEREST IN SUCH.

LICENSEE- MEANS ANY PERSON WHO HAS BEEN ISSUED A VALID AND CURRENT LICENSE PURSUANT TO THE PROVISIONS OF THIS ACT.

MANAGEMENT CONTRACT- MEANS ANY CONTRACT, AGREEMENT OR OTHER DOCUMENT, INCLUDING ALL COLLATERAL AGREEMENTS, THAT DELEGATES MANAGERIAL RESPONSIBILITIES TO ANY PERSON IN OR FOR ANY GAMING OPERATION AND THAT REQUIRES APPROVAL BY THE NIGC PURSUANT TO THE INDIAN GAMING REGULATORY ACT.

MANAGEMENT CONTRACTOR- MEANS ANY PERSON TO WHOM MANAGERIAL RESPONSIBILITIES IN OR FOR ANY GAMING OPERATION HAS BEEN DELEGATED UNDER A MANAGEMENT CONTRACT.

MANAGEMENT FEE- MEANS ANY MONIES PAID BY A GAMING OPERATION FROM GAMING REVENUE TO ANY PERSON PURSUANT TO A MANAGEMENT CONTRACT, BUT EXCLUDING MONIES PERMITTED UNDER THE MANAGEMENT CONTRACT TO BE PAID TO THE MANAGEMENT CONTRACTOR AS REIMBURSEMENT FOR DEVELOPMENT ADVANCES, OPERATING EXPENSES, CAPITOL REPLACEMENT COSTS, OR IN FULFILLMENT OF OTHER OBLIGATIONS OF SUCH GAMING OPERATION.

NET REVENUE- MEANS GROSS REVENUE OF ANY GAMING OPERATION MINUS AMOUNTS PAID FOR, OR PAID OUT AS PRIZES, WINNINGS, AND RELATED OPERATING EXPENSES, EXCLUDING MANAGEMENT FEES.

NIGC- MEANS THE “NATIONAL INDIAN GAMING COMMISSION.”

OPERATING EXPENSE- MEANS ANY EXPENSE INCURRED IN THE OPERATION OF GAMING THAT IS SPECIFICALLY DESIGNATED AS AN OPERATING EXPENSE IN ANY MANAGEMENT CONTRACT OR WHICH OTHERWISE IS SO TREATED BY APPLICATION OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

PATRON- MEANS ANY NATURAL PERSON WHO PARTICIPATES IN GAMING AS A CUSTOMER OR WHO IS PHYSICALLY PRESENT ON THE PREMISES WHERE GAMING IS CONDUCTED AS A CUSTOMER OF THE GAMING ESTABLISHMENT.

PERSON- MEANS ANY BUSINESS, PROPRIETORSHIP, ASSOCIATION, PARTNERSHIP, SYNDICATE, CORPORATION, FIRM, JOINT VENTURE, TRUST OR OTHER FORM OF BUSINESS ASSOCIATION OR ENTITY, LABOR ORGANIZATION, STATE, LOCAL GOVERNMENT, GOVERNMENT INSTRUMENTALITY OR ENTITY, AS WELL AS A NATURAL PERSON.

PERSON HAVING A DIRECT OR INDIRECT FINANCIAL INTEREST IN A MANAGEMENT CONTRACT- MEANS:

- (A) WHEN A PERSON IS A PARTY TO A MANAGEMENT CONTRACT, ANY PERSON HAVING A DIRECT FINANCIAL INTEREST IN SUCH MANAGEMENT CONTRACT;
- (B) WHEN A TRUST IS A PARTY TO A MANAGEMENT CONTRACT, ANY BENEFICIARY OR TRUSTEE;
- (C) WHEN A PARTNERSHIP IS A PARTY TO A MANAGEMENT CONTRACT, ANY PARTNER;
- (D) WHEN A CORPORATION IS A PARTY TO A MANAGEMENT CONTRACT, ANY PERSON WHO IS A DIRECTOR OR WHO HOLDS AT LEAST 10% OF THE ISSUED AND OUTSTANDING STOCK ALONE OR IN COMBINATION WITH ANOTHER STOCKHOLDER WHO IS A SPOUSE, PARENT, CHILD OR SIBLING; OR
- (E) WHEN AN ENTITY OTHER THAN A NATURAL PERSON HAS AN INTEREST IN A TRUST, PARTNERSHIP OR CORPORATION THAT HAS AN INTEREST IN A MANAGEMENT CONTRACT, ALL PARTIES OF THAT ENTITY ARE DEEMED TO BE A PERSON HAVING A DIRECT FINANCIAL INTEREST IN A MANAGEMENT CONTRACT.

PERSON HAVING MANAGEMENT RESPONSIBILITY FOR A MANAGEMENT CONTRACT- MEANS THE PERSON DESIGNATED BY THE MANAGEMENT CONTRACT AS HAVING MANAGEMENT RESPONSIBILITY FOR THE GAMING OPERATION, OR A PORTION THEREOF.

PRIMARY MANAGEMENT OFFICIAL- MEANS:

- (A) ANY PERSON HAVING MANAGEMENT RESPONSIBILITY OVER ALL OR ANY PART OF ANY GAMING OPERATION;
- (B) ANY PERSON WHO HAS AUTHORITY:
 - (1) TO HIRE AND FIRE EMPLOYEES OF A GAMING OPERATION;
 - (2) TO ESTABLISH WORKING POLICY FOR A GAMING OPERATION ; OR
- (C) THE CHIEF FINANCIAL OFFICER OR OTHER PERSON WHO HAS FINANCIAL MANAGEMENT RESPONSIBILITY FOR ANY GAMING OPERATION;
- (D) ANY PERSON WITH MANAGEMENT RESPONSIBILITY FOR A MANAGEMENT CONTRACT;
- (E) ANY PERSON THE COMMISSION DESIGNATES BY COMMISSION REGULATIONS AS A PRIMARY MANAGEMENT OFFICIAL.

RESERVATION- MEANS (I) ALL LANDS, THE TITLE TO WHICH IS HELD IN TRUST BY THE UNITED STATES FOR THE BENEFIT OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI; AND (II) ALL LANDS PROCLAIMED BY THE SECRETARY OF THE INTERIOR TO BE PART OF THE TRIBE'S RESERVATION. THE TERM RESERVATION INCLUDES ANY RIGHTS-OF-WAY RUNNING THROUGH THE RESERVATION.

REGULATIONS- MEANS ANY REGULATIONS PROMULGATED BY THE COMMISSION PURSUANT TO THIS ACT.

SECRETARY- MEANS THE SECRETARY OF THE UNITED STATES DEPARTMENT OF THE INTERIOR.

SOCIAL GAMES FOR PRIZES OF MINIMAL VALUE - MEANS GAMES CONDUCTED IN CONNECTION WITH TRIBAL COMMUNITY CELEBRATIONS, POW-WOWS, OR TRIBAL GOVERNMENT SPONSORED FUNDRAISING ACTIVITIES, IN WHICH THE TOTAL VALUE OF PRIZES AWARDED DURING ANY SINGLE EVENT DOES NOT EXCEED \$1,000.

SUPPLIER OF GOODS OR SERVICES- MEANS ANY PERSON WHO MANUFACTURES, SELLS, LEASES, DISTRIBUTES, SUPPLIES ANY GAMING EQUIPMENT OR SUPPLIES, AND ANY PERSON THAT PROVIDES MAINTENANCE OR REPAIR SERVICES FOR ANY GAMING EQUIPMENT OR

TRADITIONAL FORMS OF INDIAN GAMING - MEANS:

- (A) GAMING ACTIVITIES SUCH AS "STICK" OR "BONE" GAMES PLAYED AS PART OF TRIBAL CEREMONIES, CELEBRATIONS, OR POW-WOWS.
- (B) GAMES SUCH AS RODEOS OR HORSE RACES, INCLUDING THOSE FOR WHICH PURSES OR PRIZES ARE AWARDED, THAT ARE PLAYED AS PART OF TRIBAL CEREMONIES, CELEBRATIONS, OR POW-WOWS.

TRIBAL COUNCIL OR COUNCIL- MEANS THE TRIBAL COUNCIL OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI, ESTABLISHED UNDER THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI CONSTITUTION AS THE GOVERNING BODY OF THE TRIBE.

TRIBE MEANS, AND **TRIBAL-** SHALL REFER TO, THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI.

TRIBAL CHAIRPERSON- MEANS THE DULY ELECTED CHAIRPERSON OF THE TRIBAL COUNCIL.

TRIBAL COURT- MEANS THE HURON POTAWATOMI TRIBAL COURT.

CHAPTER III ESTABLISHMENT, ADMINISTRATION & POWERS OF COMMISSION

SECTION 3.01 ESTABLISHMENT OF GAMING COMMISSION. THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI TRIBAL COUNCIL HEREBY ESTABLISHES THE HURON POTAWATOMI GAMING COMMISSION (HEREINAFTER THE "GAMING COMMISSION" OR "COMMISSION") AS AN INDEPENDENT GOVERNMENTAL SUBDIVISION OF THE TRIBE.

SECTION 3.02 GOVERNMENTAL ATTRIBUTES OF THE COMMISSION. AS A POLITICAL SUBDIVISION OF THE TRIBE, THE COMMISSION IS EMPOWERED WITH ALL THE RIGHTS, PRIVILEGES AND IMMUNITIES OF THE TRIBE, INCLUDING BUT NOT LIMITED TO THE SOVEREIGN IMMUNITY OF THE TRIBE FROM SUIT ABSENT EXPRESS CONSENT FROM TRIBAL COUNCIL. THE INDIVIDUAL

MEMBERS OF THE COMMISSION ARE OFFICERS OF THE TRIBAL GOVERNMENT AND SHALL BE IMMUNE FROM SUIT WHEN ACTING IN THEIR OFFICIAL CAPACITY TO THE FULLEST EXTENT PERMITTED BY LAW.

SECTION 3.03 DELEGATION OF REGULATORY AUTHORITY. THE TRIBAL COUNCIL DELEGATES TO THE GAMING COMMISSION SOLE AUTHORITY AND RESPONSIBILITY TO REGULATE ALL GAMING CONDUCTED WITHIN THE TRIBE'S RESERVATION, AS EXPRESSLY PROVIDED BY THIS ACT, WHICH AUTHORITY INCLUDES WITHOUT LIMITATION THE AUTHORITY TO REGULATE GAMING OPERATIONS, GAMING ESTABLISHMENTS, AND MANAGEMENT CONTRACTORS, AND TO LICENSE VENDORS OF GOODS OR SERVICES, LABOR ORGANIZATIONS, PRIMARY MANAGEMENT OFFICIALS, KEY EMPLOYEES, AND ALL OTHER PERSONS SUBJECT TO THE COMMISSION'S LICENSING AUTHORITY PURSUANT TO THIS ACT. THE COMMISSION SHALL ENSURE THAT ALL GAMING CONDUCTED WITHIN THE TRIBE'S RESERVATION IS CONDUCTED IN CONFORMANCE WITH THIS ACT, THE REGULATIONS, THE COMPACT, THE IGRA, REGULATIONS PROMULGATED BY THE NIGC, AND OTHER APPLICABLE TRIBAL AND FEDERAL LAWS.

SECTION 3.04 INDEPENDENCE OF COMMISSION. IN ALL MATTERS SUBJECT TO ITS REGULATORY AUTHORITY, THE COMMISSION SHALL BE AND SHALL ACT INDEPENDENTLY AND AUTONOMOUSLY FROM THE TRIBAL COUNCIL. NO PRIOR OR SUBSEQUENT REVIEW BY THE TRIBAL COUNCIL OF ANY ACTIONS OF THE COMMISSION SHALL BE REQUIRED OR PERMITTED, EXCEPT AS MAY BE OTHERWISE EXPLICITLY PROVIDED IN THIS ACT. NOTWITHSTANDING THE FOREGOING, THE COMMISSION SHALL BE SUBJECT TO ALL TRIBAL LAW, INCLUDING GENERALLY-APPLICABLE TRIBAL ADMINISTRATIVE POLICIES AND PROCEDURES THAT ARE NOT IN CONFLICT WITH THIS ACT, EXCEPT TO THE EXTENT THAT AN EXCEPTION FOR THE COMMISSION IS EXPRESSLY PROVIDED. THE COMMISSION FISCAL YEAR SHALL BE THE FISCAL YEAR OF THE TRIBE.

SECTION 3.05 COMMISSION FUNDING. COMMISSION FUNDING SHALL BE IN AN AMOUNT ADEQUATE FOR THE COMMISSION TO PROPERLY FULFILL ALL OF ITS REGULATORY RESPONSIBILITIES UNDER THIS ACT. THE TRIBAL COUNCIL SHALL NOT REDUCE THE COMMISSION'S ANNUAL BUDGET DURING ANY FISCAL YEAR, BUT MAY APPROVE REQUESTS BY THE COMMISSION TO SUPPLEMENT THE BUDGET WHEN NECESSARY. THE AMOUNT OF THE COMMISSION FUNDING SHALL BE ESTABLISHED ANNUALLY FOR THE SUBSEQUENT FISCAL YEAR THROUGH A DETAILED ANNUAL BUDGET TO BE PREPARED BY THE COMMISSION FOR TRIBAL COUNCIL APPROVAL, AS PROVIDED IN SUBSECTION 3.14(i) OF THIS ACT. THE COMMISSION BUDGET SHALL TAKE INTO ACCOUNT ANY UNEXPENDED FUNDS RETAINED BY THE COMMISSION AT THE END OF THE PRIOR FISCAL YEAR, EXCLUDING FUNDS THAT ARE OBLIGATED FOR COSTS OR EXPENSES INCURRED DURING THE PRIOR FISCAL YEAR.

SECTION 3.06 COMPOSITION OF COMMISSION.

(A) THE COMMISSION SHALL BE COMPOSED OF A CHAIRPERSON AND FOUR (4) COMMISSIONERS APPOINTED BY THE TRIBAL COUNCIL UNDER THE PROCEDURES SET FORTH IN SECTION 3.07.

(B) AT LEAST THREE (3) MEMBERS OF THE COMMISSION SHALL BE ENROLLED MEMBERS OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI.

SECTION 3.07 QUALIFICATIONS; APPOINTMENT OF COMMISSIONERS.

- (A) QUALIFICATIONS. NO PERSON SHALL SERVE ON THE COMMISSION IF THAT PERSON IS:
- (1) UNDER THE AGE OF TWENTY-ONE (21);
 - (2) A MEMBER OR OFFICER OF THE TRIBAL COUNCIL;
 - (3) A JUDGE OR EMPLOYEE OF THE TRIBAL COURT;
 - (4) EMPLOYED BY ANY GAMING OPERATION;
 - (5) RESIDES IN THE SAME HOUSEHOLD WITH, A PERSON EMPLOYED AS A PRIMARY MANAGEMENT OFFICIAL OF ANY GAMING OPERATION;
 - (6) HAS A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE GAMING OPERATION, INCLUDING ANY MANAGEMENT CONTRACTOR, OR A DIRECT FINANCIAL INTEREST IN ANY SUPPLIER OF GAMING GOODS OR SERVICES. FOR PURPOSES OF THIS SECTION, (I) DIRECT FINANCIAL INTEREST SHALL NOT INCLUDE THE RIGHT TO PER CAPITA DISTRIBUTIONS OF GAMING REVENUES PURSUANT TO THE IGRA BUT SHALL INCLUDE DIRECT OWNERSHIP OF STOCK IN A PUBLICLY TRADED COMPANY AND (II) INDIRECT FINANCIAL INTEREST SHALL NOT INCLUDE OWNERSHIP OF ANY MUTUAL FUNDS THAT HOLD SUCH STOCK.
 - (7) EMPLOYED OR OTHERWISE SERVES IN A POSITION WITH RESPONSIBILITIES THAT CREATE A CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF INTEREST WITH THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION, AS DETERMINED BY THE TRIBAL COUNCIL; OR
 - (8) UNABLE TO OBTAIN, OR MAINTAIN, ELIGIBILITY TO HOLD A GAMING COMMISSIONERS LICENSE UNDER SUBSECTION (C).
- (B) ADDITIONAL QUALIFICATIONS. IN ADDITION TO THE QUALIFICATIONS PRESCRIBED IN (A), AT LEAST FIVE (5) YEARS EXPERIENCE IN GAMING REGULATION, FINANCIAL AUDITS OF GAMING BUSINESSES, LAW, OR LAW ENFORCEMENT IS REQUIRED FOR PERSONS WHO ARE NOT TRIBAL MEMBERS AND IS PREFERRED FOR TRIBAL MEMBERS.
- (C) ELIGIBILITY DETERMINATIONS; GAMING COMMISSIONER LICENSE. BEFORE ANY PERSON MAY TAKE OFFICE AS A MEMBER OF THE COMMISSION, THE TRIBAL COUNCIL SHALL ARRANGE TO HAVE A COMPREHENSIVE BACKGROUND INVESTIGATION PERFORMED ON EACH PERSON TO BE APPOINTED. THE COUNCIL SHALL ONLY APPOINT A GAMING COMMISSIONER AFTER IT DETERMINES THAT ALL OF THE APPLICABLE QUALIFICATIONS AND LICENSING STANDARDS FOR SERVICE ON THE COMMISSION HAVE BEEN MET IN ACCORDANCE WITH THE STANDARDS AND PROCEDURES SET FORTH IN THIS SECTION.
- (1) ALL PERSONS APPOINTED TO SERVE ON THE COMMISSION SHALL CONSENT TO, AND FULLY COOPERATE IN THE CONDUCT OF, A COMPREHENSIVE BACKGROUND INVESTIGATION.
 - (2) NOMINEES TO THE COMMISSION SHALL COMPLETE A LICENSE APPLICATION AND SHALL BE SUBJECT TO THE SAME BACKGROUND INVESTIGATION PROCESS AND LICENSING STANDARDS THAT APPLY TO PRIMARY

MANAGEMENT OFFICIALS UNDER CHAPTER VII OF THIS ACT. SUCH BACKGROUND INVESTIGATION SHALL BE PERFORMED AT THE DIRECTION OF THE COUNCIL.

- (3) THE INVESTIGATOR'S REPORT TO THE TRIBAL COUNCIL SHALL DESCRIBE THE INVESTIGATIVE PROCESS AND SHALL INCLUDE FINDINGS VERIFYING THAT THE APPLICANT MEETS ALL QUALIFICATIONS AND LICENSING STANDARDS TO THE EXTENT THAT SUCH FINDINGS CAN BE MADE WITH REASONABLE CERTAINTY. REGARDING ANY FINDING THAT CANNOT BE MADE WITH REASONABLE CERTAINTY, THE INVESTIGATOR'S REPORT SHALL FULLY DISCLOSE ALL FACTS AND INFORMATION OBTAINED THROUGH THE BACKGROUND INVESTIGATION THAT ARE RELEVANT TO THE QUALIFICATION OR LICENSING STANDARD AND SHALL INCLUDE COPIES OF ALL DOCUMENTS RELATED THERETO.
- (4) UPON COMPLETION OF THE BACKGROUND INVESTIGATION, THE COUNCIL SHALL REVIEW THE REPORT AND FINDINGS OF THE INVESTIGATION IN CLOSED SESSION. THE COUNCIL SHALL MAKE A PRELIMINARY DETERMINATION IN OPEN SESSION, AS PROVIDED IN SUB-SECTION (D), TO EITHER APPROVE OR DENY AN APPOINTMENT; PROVIDED THAT, THE BACKGROUND INVESTIGATION REPORT AND ALL INFORMATION CONTAINED THEREIN SHALL REMAIN CONFIDENTIAL AND SHALL NOT BE INCLUDED IN THE PUBLIC RECORD OF THE COUNCIL SESSION UNLESS THE APPOINTEE CONSENTS IN WRITING TO HAVE THE INFORMATION INCLUDED IN THE PUBLIC RECORD.

- (D) FINAL DETERMINATION; CONFIRMATION OF APPOINTMENT. FOLLOWING REVIEW OF THE INVESTIGATIVE REPORT AND FINDINGS, THE COUNCIL SHALL MAKE A FINAL DETERMINATION, NOT SUBJECT TO APPEAL OR FURTHER REVIEW, AS TO WHETHER THE APPOINTEE MEETS THE APPLICABLE QUALIFICATIONS AND LICENSING STANDARDS FOR APPOINTMENT TO THE COMMISSION AND SHALL, BY MAJORITY VOTE, EITHER CONFIRM THE APPOINTMENT OR DENY THE APPOINTMENT.

SECTION 3.08. TERM OF OFFICE. COMMISSIONERS SHALL SERVE THREE (3) YEAR TERMS. COMMISSIONERS MAY SERVE SUCCESSIVE TERMS OF OFFICE WITHOUT LIMITATION.

SECTION 3.09. HOLD-OVER POLICY. A COMMISSIONER SHALL CONTINUE TO SERVE IN HIS OR HER POSITION AS COMMISSIONER, WITH FULL AUTHORITY, AFTER THE COMPLETION OF HIS OR HER TERM UNTIL SUCH TIME AS A REPLACEMENT IS APPOINTED AND SWORN INTO OFFICE.

SECTION 3.10. RESIGNATION. COMMISSION MEMBERS MAY, AT ANY TIME PRIOR TO THE INITIATION OF REMOVAL PROCEEDINGS UNDER SECTION 3.11, RESIGN FROM THE COMMISSION BY SUBMITTING, IN WRITING, A SIGNED AND DATED LETTER OF RESIGNATION TO THE COMMISSION SECRETARY OR CHAIRPERSON AND THE TRIBAL COUNCIL SECRETARY OR CHAIRPERSON. THE RESIGNATION SHALL BE EFFECTIVE AS OF THE DATE TENDERED UNLESS STATED IN THE RESIGNATION LETTER. A COPY OF THE RESIGNATION LETTER WILL BE FORWARDED TO THE TRIBAL COUNCIL SECRETARY.

SECTION 3.11. REMOVAL. THE COMMISSION MAY, BY MAJORITY VOTE, REQUEST THAT THE TRIBAL COUNCIL INITIATE A PROCEDURE FOR THE REMOVAL OF A COMMISSION MEMBER AND THE TRIBAL COUNCIL MAY, ON ITS OWN INITIATIVE, INITIATE A REMOVAL PROCEDURE FOR ANY MEMBER OF THE COMMISSION BY VOTING TO INITIATE REMOVAL PROCEEDINGS BY SIMPLE MAJORITY OF THE TRIBAL COUNCIL FOR ANY OF THE FOLLOWING REASONS:

- (A) NONFEASANCE, INCLUDING THE PERSISTENT FAILURE TO PERFORM THE DUTIES OF THE OFFICE, INCLUDING FAILURE TO ATTEND A SIGNIFICANT NUMBER OF MEETINGS;
- (B) MISFEASANCE, INCLUDING ANY SUBSTANTIAL OR REPEATED FAILURE TO EXERCISE AUTHORITY OR DISCHARGE RESPONSIBILITIES IN CONFORMITY WITH THIS ACT, REGULATIONS, THE IGRA, OR THE COMPACT;
- (C) MALFEASANCE, INCLUDING (I) A CONVICTION OR A PLEA OF GUILTY OR NOLO CONTENDRE REGARDING ANY FELONY CRIMINAL OFFENSE OR ANY OTHER CRIMINAL OFFENSE INVOLVING DISHONESTY OR MORAL TURPITUDE, (II) A SUBSTANTIAL VIOLATION OF THE CODE OF ETHICS (III) A KNOWING VIOLATION OF THIS ACT, THE REGULATIONS, THE LIQUOR CONTROL CODE, OR OTHER APPLICABLE TRIBAL LAW THAT ASSIGNS DUTIES OR RESPONSIBILITIES SPECIFICALLY TO THE COMMISSION; (IV) MISCONDUCT IN OFFICE THAT THREATENS THE INTEGRITY OR PUBLIC IMAGE OF THE COMMISSION AND (V) ANY CONDUCT OR OMISSION WHICH WOULD BE CAUSE FOR DENIAL, REVOCATION OR FAILURE TO RENEW A PRIMARY MANAGEMENT OFFICIAL'S LICENSE ;
- (D) FAILURE TO MAINTAIN THE NECESSARY QUALIFICATIONS FOR OFFICE PRESCRIBED IN SECTION 3.07;
- (E) PHYSICAL OR MENTAL DISABILITY WHICH PREVENTS THE PERFORMANCE OF DUTIES.

IF THE TRIBAL COUNCIL HAS REASON TO BELIEVE THAT CAUSE FOR REMOVAL OF AN APPOINTED COMMISSIONER EXISTS, THE TRIBAL COUNCIL SHALL DIRECT THAT AN INVESTIGATION BE CONDUCTED BY A QUALIFIED, INDEPENDENT INVESTIGATOR. IF, IN THE COUNCIL'S DETERMINATION, THE INVESTIGATION SUBSTANTIATES THE EXISTENCE OF CAUSE FOR REMOVAL, THE COUNCIL SHALL NOTIFY THE COMMISSIONER OF THE TIME AND PLACE FOR A HEARING BEFORE THE COUNCIL, WHICH NOTICE SHALL ALSO FULLY DESCRIBE THE PURPOSE FOR THE HEARING AND ALL CLAIMS AND ALLEGATIONS TO BE ADDRESSED AT THE HEARING. THE NOTICE OF HEARING SHALL AFFORD THE COMMISSIONER SUBJECT TO REMOVAL NOT LESS THAN FOURTEEN (14) BUSINESS DAYS TO PREPARE FOR THE HEARING. ANY INVESTIGATION AND HEARING UNDER THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROCEDURES PRESCRIBED IN CHAPTER X, EXCEPT THAT THE HEARING SHALL BE CONDUCTED BY AND BEFORE THE TRIBAL COUNCIL.

SECTION 3.12. VACANCIES; APPOINTMENT TO FILL VACANCY.

- (A) VACANCIES ON THE COMMISSION SHALL BE FILLED BY TRIBAL COUNCIL APPOINTMENT FOR THE BALANCE OF THE UNEXPIRED TERM.

- (B) THE TRIBAL COUNCIL SHALL PROVIDE NOTICE OF THE VACANCY TO THE BAND MEMBERSHIP AND AN OPPORTUNITY TO RESPOND PRIOR TO FILLING THE VACANCY.
- (C) THE TRIBAL COUNCIL WILL MAKE A FINAL DETERMINATION REGARDING THE ELIGIBILITY OF EACH PROSPECTIVE NOMINEE TO THE COMMISSION IN ACCORDANCE WITH THE QUALIFICATIONS AND PROCEDURES DESCRIBED IN SECTION 3.07.
- (D) THE TRIBAL COUNCIL WILL ENDEAVOR TO FILL ANY VACANCY ON THE COMMISSION WITHIN FORTY-FIVE (45) DAYS OF THE VACANCY, OR AS SOON THEREAFTER AS POSSIBLE, IN A MANNER PRESCRIBED BY TRIBAL COUNCIL PROCEDURES.

SECTION 3.13 ETHICS REQUIREMENTS FOR COMMISSIONERS. GAMING COMMISSIONERS SHALL COMPLY WITH ALL REQUIREMENTS OF ANY GENERAL CODE OF ETHICS ADOPTED BY THE TRIBAL COUNCIL AS WELL AS THE FOLLOWING ETHICAL STANDARDS OF CONDUCT:

- (A) NO MEMBER OF THE GAMING COMMISSION SHALL HAVE ANY INTEREST, FINANCIAL OR OTHERWISE, DIRECT OR INDIRECT, OR ENGAGE IN ANY BUSINESS OR TRANSACTION OR PROFESSIONAL ACTIVITY, OR INCUR ANY OBLIGATION OF ANY NATURE, WHICH IS IN CONFLICT WITH THE PROPER DISCHARGE OF HIS/HER DUTIES AS A GAMING COMMISSIONER.
- (B) NO MEMBER OF THE GAMING COMMISSION SHALL USE THE POSITION TO SECURE SPECIAL PRIVILEGE OR EXEMPTIONS FOR HIMSELF/HERSELF OR OTHERS.
- (C) NO MEMBER OF THE GAMING COMMISSION SHALL DIRECTLY, OR INDIRECTLY, GIVE OR RECEIVE OR AGREE TO RECEIVE ANY COMPENSATION, GIFT, REWARD, OR GRATUITY FROM ANY SOURCES FOR ANY MATTER CONNECTED WITH, OR RELATED TO, THE DISCHARGE OF HIS/HER DUTIES AS A GAMING COMMISSIONER UNLESS OTHERWISE PROVIDED BY LAW AND/OR REGULATION.
- (D) NO MEMBER OF THE GAMING COMMISSION SHALL ACCEPT EMPLOYMENT OR ENGAGE IN ANY BUSINESS OR PROFESSION WHICH HE/SHE MIGHT REASONABLY EXPECT WOULD REQUIRE OR INDUCE HIM/HER TO DISCLOSE CONFIDENTIAL INFORMATION OF THE TRIBE, GAMING COMMISSION AND/OR GAMING OPERATION; ACQUIRED BY HIM/HER BY REASON OF OFFICIAL POSITION, NOR OTHERWISE USE SUCH INFORMATION FOR PERSONAL GAIN OR BENEFIT (FINANCIAL OR PROPRIETARY).
- (E) NO MEMBER OF THE GAMING COMMISSION SHALL DISCLOSE CONFIDENTIAL INFORMATION GAINED BY REASON OF OFFICIAL POSITION; NOR OTHERWISE USE SUCH INFORMATION FOR PERSONAL GAIN OR BENEFIT.

- (F) NO MEMBER OF THE GAMING COMMISSION SHALL TRANSACT ANY BUSINESS IN AN OFFICIAL CAPACITY WITH ANY BUSINESS ENTITY OF WHICH HE/SHE IS AN OFFICER, AGENT, EMPLOYEE, OR MEMBER, OR IN WHICH HE/SHE OWNS AN INTEREST.
- (G) NO MEMBER OF THE GAMING COMMISSION NOR ANY FIRM, CORPORATION, OR ASSOCIATION, OR OTHER BUSINESS ENTITY IN WHICH SUCH COMMISSIONER IS AN AGENT, DIRECTOR OR OFFICER, OR IN WHICH HE/SHE OWNS A CONTROLLING INTEREST, OR ANY INTEREST ACQUIRED AFTER THE ACCEPTANCE OF TRIBAL APPOINTMENT SELL GOODS OR SERVICES TO ANY GAMING ESTABLISHMENT WHICH IS LICENSED BY THE NHBP GAMING COMMISSION.
- (H) EACH MEMBER OF THE GAMING COMMISSION WHO IS AN OFFICER, AGENT, MEMBER OF, ATTORNEY FOR, OR WHO OWNS AN INTEREST IN ANY FIRM, CORPORATION, ASSOCIATION, OR OTHER BUSINESS ENTITY WHICH IS SUBJECT TO TRIBAL REGULATION SHALL FILE A SWORN STATEMENT WITH THE TRIBAL CHAIRMAN'S OFFICE DISCLOSING THE NATURE AND EXTENT OF HIS RELATIONSHIP OR INTEREST; SAID STATEMENT TO BE KEPT IN CONFIDENCE AND TO BE DISCLOSED ONLY TO THE MEMBERS OF CONFIDENCE AND TO BE DISCLOSED ONLY TO THE MEMBERS OF THE COUNCIL COMMITTEE WHICH MAY BE ORGANIZED FOR THE PURPOSE OF ASCERTAINING A BREACH OF THIS CODE, AND THE SAME ALSO TO BE DISCLOSED TO ANY OTHER AUTHORITY HAVING THE POWER OF REMOVAL OF ANY PUBLIC OFFICER OR SERVANT.
- (I) ALL MEMBERS OF THE GAMING COMMISSION SHALL ACT IN A FAIR, IMPARTIAL, AND COURTEOUS MANNER IN ALL DEALINGS WITH THE PUBLIC.
- (J) NO MEMBER OF THE GAMING COMMISSION SHALL ACCEPT ANY GIFT, DISCOUNT, OR OTHER FAVOR THAT THE LICENSEE WOULD NOT GIVE FREELY TO THE GENERAL PUBLIC. ANY GIFT, DISCOUNT OR FAVOR RECEIVED SHALL BE DISCLOSED IN WRITING AND REPORTED TO THE COMMISSION CHAIR, ITS EXECUTIVE DIRECTOR AND THE TRIBAL COUNCIL.
- (K) PERSONAL SOLICITATION FOR OR PAYMENT TO ANY PARTISAN, POLITICAL ORGANIZATION FOR ANY PARTISAN, POLITICAL PURPOSE OR ANY COMPULSORY ASSESSMENT OR INVOLUNTARY CONTRIBUTION IN ANY OFFICIAL CAPACITY IS PROHIBITED.
- (L) IT IS THE RESPONSIBILITY OF EACH MEMBER OF THE GAMING COMMISSION TO MAINTAIN THE FACT, AS WELL AS THE PERCEPTION, OF KEEPING AN "ARMS LENGTH DISTANCE" FROM MANAGEMENT AND EMPLOYEES OF FIREKEEPERS CASINO AND OTHER PERSONS LICENSED BY THE GAMING COMMISSION. IN ORDER TO MAINTAIN THIS REQUIRED OBJECTIVITY, COMMISSION MEMBERS SHOULD NOT UNNECESSARILY FRATERNIZE WITH CASINO TEAM MEMBERS AND SHOULD NOT DISCUSS ANY ASPECT

OF GAMING COMMISSION OPERATIONS WITH MANAGEMENT AND EMPLOYEES OF FIREKEEPERS CASINO OR OTHER LICENSEES. ALL PERSONAL OR ROMANTIC RELATIONSHIPS INVOLVING GAMING COMMISSIONERS BEYOND WHAT WOULD REASONABLY BE DESCRIBED AS A “CASUAL SOCIAL RELATIONSHIP” MUST BE PROMPTLY DISCLOSED TO THE GAMING COMMISSION CHAIR, THE GAMING COMMISSION EXECUTIVE DIRECTOR AND THE TRIBAL COUNCIL. WHEN CIRCUMSTANCES WARRANT, THE GAMING COMMISSION OR THE TRIBAL COUNCIL MAY DIRECT AN INDIVIDUAL GAMING COMMISSIONER TO EITHER TERMINATE A RELATIONSHIP WITH ANY LICENSEE OR RESIGN HIS/HER POSITION ON THE GAMING COMMISSION.

SECTION 3.14 COMPENSATION OF COMMISSIONERS. THE CHAIRMAN AND COMMISSIONERS SHALL BE COMPENSATED AT RATES ESTABLISHED BY THE COUNCIL. THE TRIBAL COUNCIL SHALL REVIEW THE RATES OF COMPENSATION FOR COMMISSIONERS ON AN ANNUAL BASIS AND SHALL MAKE ADJUSTMENTS TO SUCH RATES AS THE COUNCIL DETERMINES TO BE APPROPRIATE TO ADDRESS INCREASES IN THE COST OF LIVING OR WAGE DEFLATION. THE COUNCIL SHALL NOT REDUCE THE RATE OF COMPENSATION FOR ANY COMMISSIONER DURING A COMMISSIONER’S TERM OF OFFICE. COMMISSIONERS SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL EXPENSES INCURRED ON COMMISSION BUSINESS, INCLUDING NECESSARY TRAVEL EXPENSES, SUBJECT TO BUDGETARY LIMITATIONS AND IN ACCORDANCE WITH ANY WRITTEN GUIDELINES THE COUNCIL MAY ESTABLISH.

SECTION 3.15 POWERS AND DUTIES OF THE COMMISSION.

- (A) GENERAL. THE COMMISSION SHALL BE RESPONSIBLE FOR ENSURING THAT ALL GAMING CONDUCTED WITHIN THE TRIBE’S RESERVATION IS CONDUCTED IN COMPLIANCE WITH THIS ACT, THE REGULATIONS, THE INDIAN GAMING REGULATORY ACT, AND THE COMPACT. IN EXERCISING ITS REGULATORY AUTHORITY, THE COMMISSION SHALL AVOID UNNECESSARY INTERFERENCE WITH THE AUTHORITY AND DISCRETION OF ANY GAMING OPERATIONS OR MANAGEMENT CONTRACTOR TO MANAGE A GAMING ESTABLISHMENT.
- (B) LICENSING. THE COMMISSION, THROUGH ITS LICENSING DEPARTMENT, SHALL HAVE THE POWER TO CONDUCT INVESTIGATIONS AND DETERMINE THE ELIGIBILITY OF APPLICANTS FOR LICENSES REQUIRED TO OPERATE, MANAGE, CONDUCT BUSINESS WITH, OR BE EMPLOYED AT ANY GAMING OPERATION IN ACCORDANCE WITH THE STANDARDS AND PROCEDURES SET FORTH IN CHAPTERS VI-VIII OF THIS ACT AND THE REGULATIONS. THE COMMISSION, THROUGH ITS EXECUTIVE DIRECTOR AND LICENSING DEPARTMENT, SHALL ALSO HAVE THE POWER TO LIMIT, REVOKE, TERMINATE, CONDITION, SUSPEND, OR RESTRICT ANY LICENSE WHEN THE SAME WILL FURTHER THE PURPOSES AND REQUIREMENTS OF THIS ACT.
- (C) REGULATORY AUTHORITY. THE COMMISSION SHALL HAVE THE POWER AND DUTY TO DEVELOP, PROPOSE, AND PROMULGATE REGULATIONS REGARDING:
 - (1) THE LICENSING OF GAMING ESTABLISHMENTS;

- (2) BACKGROUND INVESTIGATIONS AND LICENSING OF WORK PERMIT EMPLOYEES, KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS;
- (3) BACKGROUND INVESTIGATIONS AND LICENSING OF VENDORS OF ALL GOODS OR SERVICES AND LABOR ORGANIZATIONS;
- (4) CONDUCTING OR CAUSING TO BE CONDUCTED ANNUAL INDEPENDENT AUDITS OF ALL OPERATIONS;
- (5) STANDARDS AND PROCEDURES ESTABLISHING INDEPENDENT REPORTING REQUIREMENTS FOR THE SURVEILLANCE DEPARTMENT AS REQUIRED BY SECTION 9.09 AND OTHER STANDARDS AS ARE NECESSARY TO ASSURE THAT THE INDEPENDENCE OF SURVEILLANCE FUNCTIONS ARE MAINTAINED;
- (6) THE DISTRIBUTION OF COMPLIMENTARY ITEMS;
- (7) PERMITTED GAMES AND THE CONDUCT THEREOF;
- (8) COMPLIANCE WITH APPLICABLE STANDARDS AND PROCEDURES FOR TESTING GAMING EQUIPMENT OR SUPPLIES;
- (9) AUDIO AND VIDEO SURVEILLANCE STANDARDS AND PROCEDURES;
- (10) STANDARDS AND PROCEDURES FOR MINIMUM INTERNAL CASH, PLAYING CARDS, AND CHIP AND TOKEN CONTROL;
- (11) COMPLIANCE WITH THE BANK SECRECY ACT AND APPLICABLE PROVISIONS OF THE INTERNAL REVENUE CODE;
- (12) RESOLUTION OF GAMING-RELATED DISPUTES INVOLVING PATRONS AFTER ALL REMEDIES AVAILABLE AT THE GAMING ESTABLISHMENT ARE EXHAUSTED;
- (13) THE DEVELOPMENT AND MAINTENANCE OF A LIST OF EXCLUDED PERSONS;
- (14) COMMISSION REPORTING, RECORD-KEEPING, AUDITING, INVESTIGATION, AND ENFORCEMENT PROCEDURES;
- (15) FINES AND OTHER PENALTIES FOR VIOLATIONS OF THIS ACT, THE REGULATIONS, AND OTHER APPLICABLE LAW; AND
- (16) OTHER ACTIVITIES AS REQUIRED BY LAW OR AS DEEMED PRUDENT BY THE COMMISSION.

(D) RULEMAKING PROCESS. THE COMMISSION SHALL GIVE NOTICE OF ITS INTENT TO ADOPT A REGULATION BY POSTING A COPY OF THE NOTICE IN THE TRIBAL ADMINISTRATION OFFICES AND BY DELIVERING A COPY OF THE NOTICE BY U.S. MAIL OR OTHER APPROPRIATE MEANS TO THE TRIBAL COUNCIL SECRETARY, THE GENERAL COUNSEL, AND THE GENERAL MANAGER OF ANY GAMING OPERATION. THE NOTICE SHALL INCLUDE A COPY OF THE PROPOSED REGULATION AND A DESCRIPTION OF THE NATURE AND EFFECT OF THE PROPOSED REGULATION. IN ADDITION, THE NOTICE SHALL INCLUDE THE FOLLOWING STATEMENTS:

- (1) COMMENTS ON THE PROPOSED REGULATION MAY BE SUBMITTED NO LATER THAN SIXTY (60) DAYS FROM THE DATE OF THE NOTICE; AND
- (2) THE COMMISSION SHALL REVIEW ALL COMMENTS RECEIVED DURING THE COMMENT PERIOD AND, BASED ON SUCH COMMENTS, SHALL MAKE SUCH CHANGES TO THE PROPOSED REGULATION AS THE COMMISSION DEEMS NECESSARY OR APPROPRIATE.

THE COMMISSION SHALL FULLY CONSIDER AND ADDRESS ALL COMMENTS

RECOMMENDING CHANGES TO THE PROPOSED REGULATION THAT ARE BASED ON SOUND ANALYSIS OR ARE SUPPORTED BY RELIABLE DATA AND INFORMATION. THE COMMISSION SHALL APPROVE THE REGULATION AND SHALL, BY OFFICIAL ACTION, SET THE EFFECTIVE DATE OF THE REGULATION AND PUBLISH AND POST COPIES OF A NOTICE OF ADOPTION OF THE REGULATION IN THE SAME MANNER AS FOR THE NOTICE OF INTENT TO ADOPT THE REGULATION. THE NOTICE OF ADOPTION SHALL SUMMARIZE THE FINAL REGULATION AND THE CHANGES TO THE PROPOSED REGULATION. TO THE EXTENT PRACTICABLE, THE NOTICE OF ADOPTION SHALL INCLUDE WRITTEN RESPONSES TO ALL SUBSTANTIVE COMMENTS, PROVIDED THAT THE COMMISSION MAY OFFER A SINGLE RESPONSE TO SUBSTANTIALLY SIMILAR COMMENTS. THE NOTICE OF ADOPTION SHALL STATE THE EFFECTIVE DATE OF THE REGULATION AND SHALL ANNOUNCE THAT COPIES OF THE REGULATION ARE AVAILABLE FROM THE COMMISSION. COPIES OF THE NOTICE AND THE FINAL REGULATION SHALL BE DELIVERED TO ALL PERSONS WHO WERE SENT A COPY OF THE NOTICE OF INTENT.

- (E) OTHER POWERS OF COMMISSION. IN ADDITION TO AND IN CONJUNCTION WITH THE ENUMERATED REGULATORY POWERS SET FORTH ABOVE IN THIS ACT, THE COMMISSION SHALL ALSO HAVE THE POWER TO:
- (1) HEAR APPEALS OF DECISIONS BY THE EXECUTIVE DIRECTOR TO SUSPEND, RESTRICT, OR REVOKE A LICENSE FOR –
 - (I) ANY DIRECT AND IMMEDIATE THREAT TO THE HEALTH, WELFARE, OR SAFETY OF THE PUBLIC;
 - (II) THE FAILURE TO MAKE PROMPT AND SATISFACTORY PROGRESS TO CORRECT A PROBLEM THAT WAS THE BASIS FOR A LICENSE SUSPENSION OR OTHER DISCIPLINARY MEASURE;
 - (III) REPEATED OR SUBSTANTIAL VIOLATIONS OF THIS ACT, THE REGULATIONS, THE IGRA, OR THE COMPACT;
 - (IV) THE FAILURE TO MAINTAIN ELIGIBILITY FOR THE LICENSE; AND
 - (V) THE FAILURE TO REMAIN ELIGIBLE FOR A GAMING LICENSE IN ANY OTHER JURISDICTION WHERE THE PERSON IS AN APPLICANT FOR OR MAINTAINS A LICENSE, PERMIT OR OTHER APPROVAL RELATED TO GAMING.
 - (2) AUTHORIZE THE EXECUTIVE DIRECTOR TO INITIATE CIVIL ACTIONS IN COURT TO ENFORCE PROVISION OF THIS ACT, THE REGULATIONS OR THE IGRA;
 - (3) TO COMPROMISE, NEGOTIATE OR SETTLE ANY DISPUTE TO WHICH THE COMMISSION IS A PARTY RELATING TO THE COMMISSION’S AUTHORIZED ACTIVITIES;
 - (4) THROUGH ITS INVESTIGATORS OR OTHER AUTHORIZED AGENTS, AT ANY TIME, ENTER THE GAMING ESTABLISHMENT OR OTHER PLACES OF BUSINESS OF ANY LICENSED GAMING FACILITY IN ORDER TO GAIN ACCESS TO, INSPECT, EXAMINE, COPY, AND AUDIT ALL RECORDS, EQUIPMENT, SUPPLIES OR OTHER ITEMS CONCERNING ANY ASPECT OF THE OPERATION CONDUCTED WITHIN THE RESERVATION;
 - (5) THROUGH THE EXECUTIVE DIRECTOR AND THE ITS INVESTIGATORS AND/OR AUDITORS, TO INVESTIGATE, REVIEW, DECIDE, ADJUDICATE, ENFORCE, AND

TO UNDERTAKE SUCH OTHER REGULATORY ACTIVITIES REGARDING ANY MATTERS SUBJECT TO THE COMMISSION'S JURISDICTION AS NECESSARY FOR THE COMMISSION TO CARRY OUT ITS EXPRESS DUTIES AND RESPONSIBILITIES UNDER THIS ACT;

- (6) CONDUCT SUCH HEARINGS AS THE COMMISSION MAY DEEM APPROPRIATE IN CARRYING OUT ITS DUTIES, INCLUDING ADMINISTERING OATHS OR AFFIRMATIONS TO WITNESSES AND ISSUING SUBPOENAS TO COMPEL THE PRODUCTION OF RECORDS AND THE APPEARANCE OF WITNESSES AT SUCH HEARINGS;
- (7) TO PROVIDE INFORMATION RECEIVED THROUGH AUDITS OR OTHER INVESTIGATIONS THAT INDICATES A VIOLATION OF TRIBAL, FEDERAL OR APPLICABLE STATE LAWS OR REGULATIONS TO THE APPROPRIATE LAW ENFORCEMENT OFFICIALS AND TO COOPERATE WITH SUCH AGENCIES IN THE INVESTIGATION AND PROSECUTION OF CHARGES BROUGHT AS A RESULT OF VIOLATIONS OF LAW;
- (8) TO REQUEST ASSISTANCE FROM AND UTILIZE THE SERVICES OF PUBLIC AND PRIVATE ENTITIES, INCLUDING THE TRIBAL COURT AND OTHER COURTS, THE TRIBAL POLICE AND OTHER LAW ENFORCEMENT AGENCIES, AND THE TRIBAL PROSECUTOR AND GENERAL COUNSEL IN EXERCISING ITS POWERS AND CARRYING OUT ITS RESPONSIBILITIES;
- (9) TO COORDINATE WITH THE MICHIGAN GAMING CONTROL BOARD REGARDING MATTERS OF COMPLIANCE WITH THE EXPRESS REQUIREMENTS OF THE COMPACT, PROVIDED THAT IN EXERCISING SUCH POWER THE COMMISSION SHALL RESPECT THE ROLE AND RESPONSIBILITY OF THE TRIBAL COUNCIL TO REPRESENT THE TRIBE'S INTERESTS AS A PARTY TO THE COMPACT AND TO ENGAGE IN GOVERNMENT-TO-GOVERNMENT CONSULTATION WITH THE STATE OF MICHIGAN AND ITS AGENCIES;
- (10) TO COORDINATE WITH THE NATIONAL INDIAN GAMING COMMISSION REGARDING MATTERS OF COMPLIANCE WITH THE EXPRESS REQUIREMENTS OF THE INDIAN GAMING REGULATORY ACT AND THE NIGC REGULATIONS, INCLUDING MATTERS RELATING TO LICENSING OF PRIMARY MANAGEMENT OFFICIALS AND KEY EMPLOYEES AND THE PAYMENT OF FEES TO THE NIGC, PROVIDED THAT IN EXERCISING SUCH POWER THE COMMISSION SHALL RESPECT THE ROLE AND RESPONSIBILITY OF THE TRIBAL COUNCIL TO ENGAGE IN GOVERNMENT-TO-GOVERNMENT CONSULTATION WITH THE UNITED STATES AND ITS AGENCIES.

- (F) MONITORING AND INVESTIGATION. THE COMMISSION HAS THE AUTHORITY AND DUTY TO MONITOR ALL OPERATIONS FOR COMPLIANCE WITH THIS ACT AND THE REGULATIONS, THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI LIQUOR CODE, ANY OTHER TRIBAL LAW THAT EXPRESSLY DELEGATES RESPONSIBILITIES TO THE COMMISSION, THE IGRA, AND THE COMPACT, SUBJECT TO ANY LIMITS ON THE COMMISSION'S POWER SET FORTH IN SUCH LAWS. THE COMMISSION SHALL HAVE THE POWER TO REQUIRE THE EXECUTIVE DIRECTOR TO UNDERTAKE SUCH INVESTIGATIONS AND INSPECTIONS AS THE COMMISSION DEEMS APPROPRIATE, REVIEW THE RESULTS OF SUCH RELATED INVESTIGATIONS, AND INITIATE

ENFORCEMENT ACTIONS AS IT DEEMS NECESSARY IN ACCORDANCE WITH SECTION 3.15(G)

- (G) ACCESS TO RECORDS AND INFORMATION. THE COMMISSION, THROUGH ITS EXECUTIVE DIRECTOR AND OTHER AUTHORIZED COMMISSION PERSONNEL SHALL HAVE ACCESS TO ALL AREAS OF ANY GAMING OPERATION AND TO ALL RECORDS, FILES, INFORMATION, AND DATA OF ANY GAMING OPERATION, WHEREVER LOCATED, AND MAY INTERVIEW ANY EMPLOYEE, AGENT OR REPRESENTATIVE OF ANY GAMING OPERATION WITH RESPECT TO MATTERS RELATING TO THE OPERATION OF ANY GAMING OPERATION. ADVANCE NOTICE TO THE GAMING OPERATION OR ANY EMPLOYEE, AGENT, OR REPRESENTATIVE OF THE GAMING OPERATION SHALL NOT BE REQUIRED FOR THE COMMISSION TO EXERCISE THE AUTHORITY DESCRIBED IN THIS PARAGRAPH.
- (G) ENFORCEMENT AUTHORITY. WHEN INFORMATION RECEIVED BY THE COMMISSION THROUGH INSPECTIONS, AUDITS OR INVESTIGATIONS INDICATES A VIOLATION OF THIS ACT, THE REGULATIONS, THE TERMS OR CONDITIONS OF ANY LICENSE, OR ANY OTHER APPLICABLE TRIBAL OR FEDERAL LAWS, THE COMMISSION THROUGH ITS EXECUTIVE DIRECTOR MAY, AS WARRANTED UNDER THE CIRCUMSTANCES:
- (1) REFER THE MATTER TO APPROPRIATE LAW ENFORCEMENT OFFICIALS OR OTHER APPROPRIATE GOVERNMENTAL AGENCIES;
 - (2) PURSUE FURTHER INVESTIGATION OF THE MATTER; OR
 - (3) INITIATE PROCEEDINGS TO FINE THE PERSON(S) RESPONSIBLE FOR THE VIOLATION, OR TO SUSPEND, RESTRICT, OR REVOKE SUCH PERSON'S LICENSE, IN ACCORDANCE WITH THE PROCEDURES IN THIS ACT AND THE REGULATION; OR
 - (4) CONSULT WITH REPRESENTATIVES OF THE GAMING OPERATION TO CORRECT THE VIOLATION, OR RESOLVE THE MATTER, WITH OR WITHOUT FORMAL PROCEEDINGS, AT THE DISCRETION OF THE COMMISSION

ANY ENFORCEMENT ACTION TAKEN BY THE COMMISSION SHALL BE FAIR AND REASONABLE UNDER THE CIRCUMSTANCES, SHALL BE PROPORTIONATE TO THE VIOLATION, AND SHALL BE DESIGNED TO PROMOTE THE GOALS OF CORRECTION AND IMPROVEMENT, UNLESS THE NATURE OR SEVERITY OF THE VIOLATION IS SUCH THAT THE GOALS OF CORRECTION AND IMPROVEMENT WOULD BE UNREALISTIC. ANY ENFORCEMENT ACTION TAKEN BY THE COMMISSION MUST BE WITHIN ITS POWERS, RELATED TO ITS GAMING REGULATORY RESPONSIBILITIES, AND SHALL BE CONDUCTED IN ACCORDANCE WITH THE HEARING PROCEDURES DESCRIBED IN CHAPTER X AND IS SUBJECT TO APPEAL PURSUANT TO CHAPTER XI OF THIS ACT.

- (H) CONDUCT OF AUDIT. THE COMMISSION SHALL CAUSE TO BE CONDUCTED ANNUALLY AN INDEPENDENT AUDIT OF GAMING OPERATIONS AND SHALL ENSURE THAT THE RESULTING AUDIT REPORTS ARE SUBMITTED TO THE NIGC, (WITHIN THE ESTABLISHED TIME FRAME AS REQUIRED BY NIGC). ALL GAMING RELATED CONTRACTS FOR THE PURCHASE OF SUPPLIES, SERVICES, OR CONCESSIONS IN AN AMOUNT IN EXCESS OF \$25,000.00 ANNUALLY, EXCEPT CONTRACTS FOR PROFESSIONAL LEGAL OR ACCOUNTING SERVICES, AND ANY OTHER MATTER THE

COMMISSION DEEMS NECESSARY OR APPROPRIATE SHALL BE SPECIFICALLY INCLUDED WITHIN THE SCOPE OF SUCH AUDIT.

- (I) ESTABLISHMENT OF BUDGET. THE COMMISSION SHALL ESTABLISH AN ANNUAL BUDGET FOR ITS OPERATIONS, WHICH SHALL BE PRESENTED TO THE TRIBAL COUNCIL FOR REVIEW AND APPROVAL IN ACCORDANCE WITH DEADLINES PRESCRIBED BY THE TRIBAL COUNCIL . THE COMMISSION SHALL HAVE THE AUTHORITY TO EXPEND FUNDS WITHIN THE APPROVED BUDGET WITHOUT FURTHER AUTHORIZATION FROM THE TRIBAL COUNCIL, SUBJECT TO GENERALLY APPLICABLE TRIBAL ACCOUNTING AND PROCUREMENT POLICIES.

SECTION 3.16 COMMISSION MEETINGS.

- (A) REGULAR MEETINGS. THE COMMISSION SHALL CONDUCT A REGULAR MEETING ONCE A MONTH AT THE COMMISSION OFFICE OR AT ANY OTHER DESIGNATED MEETING PLACE. THE COMMISSION SHALL PROVIDE BY RESOLUTION THE TIME AND PLACE FOR REGULAR MEETINGS. A MEETING AGENDA SHALL BE DISTRIBUTED TO ALL COMMISSION MEMBERS AT LEAST 48 HOURS IN ADVANCE OF THE REGULAR MEETING, WHICH SHALL BE SUBJECT TO CHANGE BY A MAJORITY VOTE OF THE COMMISSION AT SUCH MEETING.
- (B) SPECIAL MEETINGS. SPECIAL MEETINGS SHALL BE CALLED BY THE COMMISSION CHAIR AS NECESSARY TO CARRY OUT THE OFFICIAL DUTIES OF THE COMMISSION. NOTICE OF EACH SPECIAL MEETING MAY BE GIVEN TO EACH COMMISSION MEMBER BY HAND DELIVERY, TELEPHONE, MAIL, OR SUCH OTHER METHOD AS THE COMMISSION MAY ESTABLISH. NOTICE OF THE SPECIAL MEETING AND A PROPOSED AGENDA MUST SHALL BE DELIVERED TO COMMISSION MEMBERS AT LEAST 48 HOURS IN ADVANCE OF SUCH MEETING AND SHALL INCLUDE THE DATE, TIME AND PLACE OF THE MEETING. THE AGENDA FOR THE SPECIAL MEETING SHALL BE LIMITED TO THE MATTERS STATED IN THE NOTICE OF THE MEETING UNLESS ALL MEMBERS ARE PRESENT AT THE MEETING AND A MAJORITY AGREES TO THE CHANGE TO THE AGENDA.
- (C) EMERGENCY MEETINGS. AN EMERGENCY MEETING MAY BE CALLED BY THE CHAIR OF THE COMMISSION WITH LESS THAN 24 HOURS NOTICE; PROVIDED, THAT THE BUSINESS PROPOSED TO BE TAKEN UP AT THE EMERGENCY MEETING CANNOT REASONABLY WAIT FOR A SPECIAL OR REGULAR MEETING. THE CHAIR OF THE COMMISSION SHALL MAKE EVERY REASONABLE EFFORT TO PROVIDE ALL COMMISSIONERS WITH AS MUCH PRIOR NOTICE OF THE MEETING AS POSSIBLE UNDER THE CIRCUMSTANCES. THE AGENDA FOR THE EMERGENCY MEETING SHALL BE LIMITED TO THE BUSINESS PROPOSED IN THE MEETING NOTICE.
- (D) WAIVER OF NOTICE. THE NOTICE REQUIREMENTS REGARDING ANY SPECIAL OR REGULAR MEETING MAY BE WAIVED IF ALL MEMBERS ARE PRESENT AT SUCH MEETING AND CONSENT TO THE CALLING OF THE MEETING.

- (E) MEETINGS OPEN TO THE PUBLIC. ALL MEETINGS OF THE COMMISSION SHALL BE OPEN TO THE PUBLIC; PROVIDED, HOWEVER, THAT THE COMMISSION MAY, IN ITS DISCRETION, CLOSE ANY PORTION OF ANY MEETING TO THE PUBLIC WHEN DISCUSSING ANY INFORMATION WHICH THE COMMISSION DEEMS CONFIDENTIAL PURSUANT TO THE PROVISIONS OF THIS ACT, SUCH AS HEARINGS TO DETERMINE THE SUITABILITY OF AN APPLICANT FOR A LICENSE.

- (F) ALTERNATIVE MEETING ARRANGEMENTS. SPECIAL AND EMERGENCY MEETINGS MAY BE CONDUCTED BY A TELEPHONE CONFERENCE, VIDEO CONFERENCE, WEB CONFERENCE OR SIMILAR MEANS AS THE COMMISSION CHAIRMAN DEEMS NECESSARY, SUBJECT TO SUCH REQUIREMENTS AS THE COMMISSION MAY ESTABLISH. COMMISSION MEMBERS MAY PARTICIPATE IN ANY MEETING BY MEANS OF SPEAKERPHONE OR TELEPHONE CONFERENCE, VIDEO CONFERENCE, OR SIMILAR MEANS PROVIDED THAT ALL MEMBERS PARTICIPATING IN THE MEETING CAN HEAR AND BE HEARD BY EACH OTHER. A MEMBER'S PARTICIPATION IN A MEETING DESCRIBED IN THIS SUBSECTION WITHOUT OBJECTION AT THE COMMENCEMENT OF THE MEETING SHALL BE DEEMED CONSENT TO THE MANNER IN WHICH SUCH MEETING IS CONDUCTED.

- (G) MEETING PROCEDURES. THE COMMISSION SHALL PRESCRIBE RULES OF PROCEDURE REGARDING THE CONDUCT OF ITS MEETINGS, PROVIDED THAT SUCH RULES MAY NOT CONFLICT WITH THIS ACT OR OTHER APPLICABLE TRIBAL LAW. ANY QUESTION REGARDING MEETING PROCEDURE THAT IS NOT ADDRESSED BY THIS ACT, OTHER APPLICABLE TRIBAL LAW, OR BY RULES OF PROCEDURE ESTABLISHED BY THE COMMISSION, MAY BE RESOLVED BY CONSULTING ROBERTS RULES OF ORDER.

SECTION 3.17 QUORUM. A QUORUM OF THE COMMISSION SHALL CONSIST OF THREE (3) COMMISSIONERS. ALL DECISIONS SHALL BE MADE BY A MAJORITY VOTE OF A QUORUM OF THE COMMISSION, UNLESS INDICATED OTHERWISE IN THIS ACT.

SECTION 3.18 OFFICERS.

- (A) TRIBAL COUNCIL WILL DESIGNATE A CHAIRPERSON FOR THE COMMISSION. THE COMMISSION WILL SELECT AMONG ITS MEMBERS, A VICE-CHAIRPERSON AND A SECRETARY. THE TERM OF OFFICE FOR OFFICER POSITIONS SHALL BE FOR THE TERM OF THAT COMMISSION POSITION AND MEMBERS MAY SERVE MORE THAN ONE TERM IN THAT CAPACITY.

- (B) THE VICE-CHAIRPERSON SHALL ASSUME THE DUTIES OF THE CHAIRPERSON IN THE CHAIRPERSON'S ABSENCE. THE SECRETARY SHALL MAINTAIN AN OFFICIAL RECORD OF ALL COMMISSION MEETINGS AND ALL OTHER RECORDS REQUIRED TO BE MAINTAINED BY THE COMMISSION.

SECTION 3.19 COMMISSION OFFICES. THE COMMISSION SHALL MAINTAIN A PERMANENT ADMINISTRATIVE OFFICE. SUCH OFFICE SHALL SERVE AS THE COMMISSION'S MAIN BUSINESS OFFICE AND SHALL BE THE SITE AT WHICH COMMISSION RECORDS AND DOCUMENTS ARE

MAINTAINED AND STORED ON A PERMANENT BASIS. NO PERSON EXCEPT A COMMISSIONER OR OTHER AUTHORIZED EMPLOYEE OR AGENT OF THE COMMISSION MAY POSSESS A KEY TO OR MAY ENTER ANY COMMISSION OFFICE WITHOUT THE PERMISSION OF THE COMMISSION. NO PERSON MAY ACCESS SUCH RECORDS EXCEPT A COMMISSIONER, A PERSON DULY AUTHORIZED BY THE COMMISSION OR AN ATTORNEY FOR THE COMMISSION OR TRIBE.

SECTION 3.20 COMMISSION RECORD-KEEPING. THE COMMISSION SHALL MAINTAIN COMPLETE RECORDS REGARDING THE FOLLOWING, WITH DUE REGARD FOR THE CONFIDENTIALITY OF SELECTED RECORDS:

- (A) APPLICATIONS, FINANCIAL STATEMENTS, FINGERPRINTS, CONTRACTS, LICENSES, SUSPENSION AND CANCELLATION NOTICES AND CORRESPONDENCES OF ALL APPLICANTS, INCLUDING MANAGEMENT CONTRACTORS, OR PERSONS HAVING A DIRECT OR INDIRECT FINANCIAL INTEREST IN A MANAGEMENT CONTRACT, AND PERSONS HAVING MANAGEMENT RESPONSIBILITY FOR A MANAGEMENT CONTRACT, KEY EMPLOYEES, PRIMARY MANAGEMENT OFFICIALS, GAMING OPERATIONS, AND VENDORS OF GAMING GOODS OR SERVICES;
- (B) COMMISSION LICENSES;
- (C) MEETING MINUTES FROM ALL COMMISSION MEETINGS;
- (D) TRANSCRIPT OR MINUTES FROM ALL HEARINGS CONDUCTED BY THE COMMISSION;
- (E) COMPACT COMPLIANCE;
- (F) REPORTS RELATING TO CUSTOMER DISPUTES, COMPLAINTS OR OTHER ISSUES THAT AFFECT THE INTEGRITY OF THE GAMING OPERATION;
- (G) COMMISSION BUDGET AND EXPENDITURES;
- (H) COMMUNICATIONS AND CORRESPONDENCE WITH THE TRIBAL COUNCIL, TRIBAL AGENCIES AND OFFICIALS, AND STATE AND FEDERAL AGENCIES AND OFFICIALS;
- (I) GAMING DEVICE LIST PURSUANT TO SECTION 9.06 OF THIS ACT; AND
- (J) ANY OTHER RECORDS OR DOCUMENTS THE COMMISSION DEEMS NECESSARY OR APPROPRIATE.

SECTION 3.21 REPORTS. THE COMMISSION SHALL MAKE MONTHLY REPORTS TO THE TRIBAL COUNCIL. SUCH REPORTS SHALL CONTAIN THE FOLLOWING INFORMATION:

- (A) NUMBER AND TYPES OF LICENSES ISSUED DURING THE PREVIOUS MONTH;
- (B) NUMBER AND TYPES OF LICENSE DENIED, SUSPENDED, RESTRICTED, OR REVOKED DURING THE PREVIOUS QUARTER AND COMMENTARY HELPFUL TO EXPLAIN SUCH

ACTIONS WHERE APPROPRIATE;

- (C) REPORT OF ANY EVENTS OF NON-COMPLIANCE OR VIOLATIONS OF THIS ACT, THE REGULATIONS, THE COMPACT, IGRA, THE LIQUOR CONTROL CODE, AND LICENSES (OTHER THAN EMPLOYEE LICENSES); PROVIDED, HOWEVER, THAT SUCH REPORTS SHALL NOT INCLUDE CONFIDENTIAL INFORMATION CONCERNING ANY PENDING REGULATORY OR CRIMINAL INVESTIGATION;
- (D) A SUMMARY OF ANY COMMISSION TRAVEL AND TRAINING;
- (E) ALL OTHER INFORMATION WHICH THE COMMISSION DEEMS RELEVANT IN ORDER TO KEEP THE COUNCIL ADEQUATELY INFORMED ON ALL CURRENT GAMING REGULATORY MATTERS.

NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE THE COMMISSION OR COMMISSION STAFF TO PROVIDE THE COUNCIL WITH ANY CONFIDENTIAL INFORMATION PERTAINING TO A PENDING REGULATORY OR CRIMINAL INVESTIGATION.

CHAPTER IV EXECUTIVE DIRECTOR; ORGANIZATION OF THE COMMISSION.

SECTION 4.01 EXECUTIVE DIRECTOR: APPOINTMENT; QUALIFICATIONS; REMOVAL AND SUSPENSION.

- (A) APPOINTMENT OF THE EXECUTIVE DIRECTOR. THE EXECUTIVE DIRECTOR SHALL BE HIRED BY THE GAMING COMMISSION AND SHALL REPORT TO THE CHAIRPERSON OF THE GAMING COMMISSION UNDER THE GENERAL SUPERVISION OF THE COMMISSION.
- (B) QUALIFICATIONS. THE DIRECTOR SHALL POSSESS THE FOLLOWING QUALIFICATIONS:
 - (1) AT LEAST FIVE (5) YEARS RESPONSIBLE ADMINISTRATIVE EXPERIENCE AND TRAINING IN PUBLIC OR BUSINESS ADMINISTRATION, OR POSSESS BROAD SKILLS IN MANAGEMENT AND REGULATORY ENFORCEMENT AND PREFER TO HAVE AN MBA, J.D. OR OTHER ADVANCED DEGREE. THE DIRECTOR'S EXPERIENCE AND TRAINING MUST BE OF SUFFICIENT SCOPE, DEPTH AND RELEVANCY TO ENABLE HIM/HER TO DIRECT THE WORK OF THE GAMING COMMISSION (AGENCY).
 - (2) MUST MEET THE QUALIFICATIONS FOR AND OBTAIN THE SAME LICENSE THAT COMMISSION MEMBERS MUST OBTAIN;
 - (3) MUST DEVOTE HIS OR HER ENTIRE TIME AND ATTENTION TO THE DUTIES OF THE EXECUTIVE DIRECTOR AND THE OPERATION OF THE COMMISSION.
- (C) COMPENSATION. THE DIRECTOR SHALL BE ENTITLED TO AN ANNUAL SALARY

DETERMINED BY THE GAMING COMMISSION. THE SALARY ESTABLISHED FOR THE EXECUTIVE DIRECTOR AND OTHER TERMS OF EMPLOYMENT SHALL BE IN ACCORDANCE WITH THE COMMISSION'S APPROVED BUDGET AND APPLICABLE PERSONNEL POLICIES AND PROCEDURES.

- (D) REMOVAL, SUSPENSION. THE COMMISSION MAY, BY MAJORITY VOTE, REQUEST THAT THE TRIBAL COUNCIL INITIATE A PROCEDURE FOR THE REMOVAL OF THE EXECUTIVE DIRECTOR FOR ANY OF THE REASONS STATED IN SECTION 3.11 REGARDING REMOVAL OF A COMMISSION MEMBER PROVIDED THAT IF THE REASON FOR SEEKING THE REMOVAL INVOLVES THE FAILURE TO MAINTAIN OR REMAIN ELIGIBLE FOR A LICENSE OR FOR ANY OTHER REASON THAT THREATENS THE INTEGRITY OR PUBLIC IMAGE OF THE COMMISSION, THE COMMISSION MAY SUSPEND THE EXECUTIVE DIRECTOR, WITH PAY, PENDING THE OUTCOME OF THE REMOVAL PROCEEDING.
- (E) VACANCY. IF THERE IS A VACANCY FOR ANY REASON IN THE POSITION OF EXECUTIVE DIRECTOR, THE COMMISSION SHALL ASSIGN THE DUTIES OF THE EXECUTIVE DIRECTOR TO A DEPARTMENT MANAGER WITHIN THE COMMISSION ON AN INTERIM BASIS UNTIL THE COMMISSION FILLS THE VACANCY IN THE POSITION OF EXECUTIVE DIRECTOR.

SECTION 4.02 COMMISSION DEPARTMENTS- THE COMMISSION SHALL BE ORGANIZED UNDER THE EXECUTIVE DIRECTOR INTO THE FOLLOWING DEPARTMENTS, WHICH SHALL BE UNDER THE MANAGEMENT AND SUPERVISION OF THE EXECUTIVE DIRECTOR:

- (A) ADMINISTRATION- SHALL PERFORM THE ADMINISTRATIVE FUNCTIONS OF THE COMMISSION TO INCLUDE;
 - (1) MAINTAINING OFFICE RECORDS
 - (2) COORDINATES ALL ADMINISTRATIVE FUNCTIONS FROM THE COMMISSION TO OTHER REGULATORY AGENCIES, LAW ENFORCEMENT AND INTELLIGENCE AGENCIES WHILE MAINTAINING STRONG COMMUNICATIONS WITH THE GAMING OPERATION.
- (B) LICENSING. THE LICENSING DEPARTMENT SHALL PERFORM ALL OF THE FOLLOWING COMMISSION DUTIES AND RESPONSIBILITIES:
 - (1) RECEIVING AND PROCESSING ALL LICENSE APPLICATIONS;
 - (2) CONDUCTING BACKGROUND INVESTIGATIONS REGARDING ANY APPLICANT FOR A LICENSE AND ALL OTHER SUITABILITY INVESTIGATIONS ON BEHALF OF THE COMMISSION THAT ARE REQUIRED OR PERMITTED UNDER THIS ACT
 - (3) SUCH OTHER MATTERS AS THE COMMISSION MAY ASSIGN TO THE DEPARTMENT.
- (C) AUDITING AND COMPLIANCE-. THE DEPARTMENT SHALL PERFORM THE FOLLOWING COMMISSION DUTIES AND RESPONSIBILITIES:
 - (1) CONDUCTS AUDITS TO VERIFY EACH GAMING ESTABLISHMENT'S COMPLIANCE WITH ALL AUDIT AND FINANCIAL OVERSIGHT REQUIREMENTS

- REGARDING OPERATIONAL AND GAMING REVENUES;
 - (2) MONITORING THROUGH AUDIT ACTIVITIES, EACH GAMING ESTABLISHMENT'S COMPLIANCE WITH THE ACT, THE REGULATIONS, TRIBAL MINIMUM INTERNAL CONTROLS, THE LIQUOR ORDINANCE, IGRA, AND THE COMPACT;
 - (3) RECOMMENDING THE INITIATION OF COMPLIANCE OR ENFORCEMENT ACTIONS RESULTING FROM A LICENSEE'S FAILURE TO COMPLY WITH THE ACT, THE REGULATIONS, INCLUDING THE TRIBAL MINIMUM INTERNAL CONTROLS, THE LIQUOR ORDINANCE, THE IGRA, AND THE COMPACT; AND
 - (4) SUCH OTHER MATTERS AS THE COMMISSION MAY ASSIGN TO THE DEPARTMENT.
- (D) INVESTIGATIONS- THE DEPARTMENT SHALL PERFORM THE FOLLOWING COMMISSION DUTIES AND RESPONSIBILITIES:
- (1) ENSURING ALL INCIDENTS WITHIN THE SCOPE OF COMMISSION DUTIES ARE PROPERLY INVESTIGATED.
 - (2) RESPONSIBLE FOR COLLECTING, ORGANIZING AND PRESENTING VARIOUS TYPES OF INFORMATION IN AN UNBIASED MANNER, IN ORDER TO DERIVE A CONCLUSION IN REGARDS TO AN EVENT OR A SERIES OF EVENTS.
 - (3) MONITORS THE PROPERTY, IDENTIFYING POTENTIAL SECURITY AND/OR SAFETY HAZARDS, AND REPORTING APPROPRIATELY, TO ENSURE THE SAFETY AND PROTECTION OF GUESTS, EMPLOYEES, GAMING REVENUES, ASSETS AND THE ENTIRE FACILITY.
 - (4) COORDINATES WITH THE AUDITING AND COMPLIANCE DEPARTMENT TO INVESTIGATE POTENTIAL VIOLATIONS OF THE ACT, REGULATIONS, INCLUDING TRIBAL MINIMUM INTERNAL CONTROLS, THE COMPACT AND OTHER LAWS IDENTIFIED THROUGH AUDIT ACTIVITIES;
 - (5) COORDINATES WITH THE SURVEILLANCE DEPARTMENT AND SECURITY DEPARTMENT ON SECURITY-RELATED MATTERS.
 - (6) SUCH OTHER MATTERS AS THE COMMISSION MAY ASSIGN TO THE DEPARTMENT.
- (E) INFORMATION TECHNOLOGIES- THE DEPARTMENT SHALL PERFORM THE FOLLOWING COMMISSION DUTIES AND RESPONSIBILITIES:
- (1) MANAGES THE DAY TO DAY OPERATION OF ALL COMMISSION COMPUTER SYSTEMS, NETWORK AND INTERFACES WITH ALL CASINO DEPARTMENTS, REGARDING CURRENT INFORMATION TECHNOLOGY.
 - (2) MONITORS THE FUNCTIONALITY OF TECHNICAL SLOT MACHINE COMPONENTS FOR CERTIFICATION BY THE GAMING COMMISSION. SUCH AS; EPROMS, FLASH DRIVES, AND OTHER SOFTWARE CONFIGURATIONS.
 - (3) CONDUCTS INFORMATION TECHNOLOGIES AUDITS FOR THE COMMISSION AND OPERATIONS, WHICH INCLUDES ANALYSIS OF INTERNAL AND EXTERNAL IT AUDITS.
 - (4) SUCH OTHER MATTERS AS THE COMMISSION MAY ASSIGN TO THE DEPARTMENT.

SECTION 4.03 POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR. THE EXECUTIVE DIRECTOR SHALL HAVE THE AUTHORITY AND THE DUTY TO CARRY OUT ON BEHALF OF THE COMMISSION THE ADMINISTRATIVE AND EXECUTIVE REQUIREMENTS OF THE COMMISSION UNDER THIS ACT, THE REGULATIONS, AND THE TRIBAL LIQUOR ORDINANCE, INCLUDING WITHOUT LIMITATION:

- (A) COMMISSION ADMINISTRATION. THE EXECUTIVE DIRECTOR SHALL PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMISSION, INCLUDING MANAGING AND SUPERVISING ALL COMMISSION STAFF, CONSULTANTS, AND CONTRACTORS, RECORDS MANAGEMENT, AND THE DEVELOPMENT AND OVERSIGHT OF THE COMMISSION BUDGET.
- (B) COMMISSION STAFF. THE EXECUTIVE DIRECTOR SHALL BE RESPONSIBLE FOR PERSONNEL MATTERS, INCLUDING THE RECRUITMENT, HIRING, SUPERVISION, AND DISCIPLINE OF COMMISSION STAFF, WHOSE POSITIONS SHALL BE ESTABLISHED BY WRITTEN POSITION DESCRIPTIONS SUBJECT TO THE APPROVAL OF THE COMMISSION AND ALL APPLICABLE HIRING AND EMPLOYMENT LAWS AND POLICIES OF THE TRIBE. ALL EMPLOYEE SUSPENSIONS AND TERMINATIONS MAY BE APPEALED TO THE COMMISSION, SUBJECT TO SUCH STANDARDS AND PROCEDURES AS THE COMMISSION MAY ESTABLISH.
- (C) CONTRACTING. THE EXECUTIVE DIRECTOR MAY NEGOTIATE AND ENTER INTO CONTRACTS FOR THE ACQUISITION OF GOODS AND SERVICES REQUIRED BY THE COMMISSION AND MAY OTHERWISE EXPEND COMMISSION FUNDS AS NEEDED FOR THE OPERATION OF THE COMMISSION, SUBJECT TO SUCH REQUIREMENTS AS THE COMMISSION MAY ESTABLISH; PROVIDED THAT THE EXECUTIVE DIRECTOR SHALL ENSURE THAT ALL SUCH CONTRACTS AND EXPENDITURES ARE WITHIN THE COMMISSION BUDGET AND ANY CONTRACTS WHICH REQUIRE THE GAMING COMMISSION OR TRIBE TO WAIVE ITS SOVEREIGN IMMUNITY FROM SUIT OR CONSENT TO THE JURISDICTION OF ANY COURT OR DISPUTE RESOLUTION PROCESS SHALL REQUIRE APPROVAL BY THE TRIBAL COUNCIL.
- (D) OVERSIGHT OF COMMISSION OPERATIONS. THE EXECUTIVE DIRECTOR SHALL BE RESPONSIBLE OVERSEEING FOR THE DAY-TO-DAY OPERATIONS OF THE COMMISSION, INCLUDING MAINTAINING OVERSIGHT OF THE ADMINISTRATION, LICENSING, INVESTIGATION, INFORMATION TECHNOLOGIES, AUDITING/COMPLIANCE DEPARTMENTS, AND SUCH OTHER DEPARTMENTS, SECTIONS, OR OFFICES OF THE COMMISSION AS THE COMMISSION SHALL ESTABLISH. IN OVERSEEING COMMISSION OPERATIONS, THE EXECUTIVE DIRECTOR SHALL ENSURE THAT THE FOLLOWING ACTIVITIES ARE PERFORMED EFFECTIVELY AND IN ACCORDANCE WITH APPLICABLE LAW:
 - (1) INVESTIGATIONS OF ANY MATTER WITHIN THE SCOPE OF AUTHORITY OF THE COMMISSION, INCLUDING WITHOUT LIMITATION BACKGROUND INVESTIGATIONS NECESSARY TO DETERMINE THE SUITABILITY OF ANY APPLICANT FOR LICENSE ARE CONDUCTED EFFICIENTLY AND PROFESSIONALLY ;

- (2) ASSISTING THE COMMISSION AS NEEDED, TO ISSUE SUBPOENAS, PREPARE EVIDENCE, AND COOPERATE WITH THE COMMISSION’S LEGAL COUNSEL IN PRESENTING THE COMMISSION’S CASE IN ALL CHALLENGES TO COMMISSION DECISIONS ASSERTED IN ACCORDANCE WITH THE STANDARDS AND PROCEDURES PROVIDED IN THIS ACT AND THE REGULATIONS.
- ;
- (3) MONITOR ALL GAMING OPERATIONS AND GAMING ESTABLISHMENTS AT RANDOM OR PERIODIC INTERVALS WITH OR WITHOUT PRIOR NOTIFICATION TO THE GAMING OPERATION TO DETERMINE COMPLIANCE WITH THIS ACT, THE REGULATIONS, THE LIQUOR ORDINANCE , IGRA, THE COMPACT, AND OTHER APPLICABLE LAW AND UPON RECEIVING ANY CREDIBLE REPORT OF A VIOLATION THEREOF, CONDUCT A TIMELY INVESTIGATION WITH REGARD TO SUCH REPORT.
- (4) ADDRESS AND, AS NEEDED, INVESTIGATE ALL DISPUTES BETWEEN GAMING PATRONS AND GAMING OPERATIONS PURSUANT TO THE STANDARDS AND PROCEDURES SET FORTH IN THIS ACT AND THE REGULATIONS.
- (5) MAINTAIN AND ENFORCE COMPLIANCE WITH A LIST OF PERSONS TO BE EXCLUDED FROM GAMING ESTABLISHMENTS.
- (6) ASSIST THE COMMISSION AS NEEDED IN ENFORCING COMMISSION ORDERS AND DECISIONS AND, IN COORDINATION WITH APPROPRIATE LAW ENFORCEMENT AGENCIES, INVESTIGATE AND PURSUE PROSECUTION OF CRIMINAL VIOLATIONS OF GAMING LAWS AND IN PURSUING CRIMINAL AND CIVIL ENFORCEMENT OF OTHER APPLICABLE TRIBAL, STATE AND FEDERAL LAWS.
- (E) LICENSING. THE EXECUTIVE DIRECTOR MAY GRANT TEMPORARY LICENSES AS AUTHORIZED UNDER THIS ACT AND MAY GRANT ANY OTHER LICENSES ON BEHALF OF THE COMMISSION AS EXPRESSLY PROVIDED BY THE REGULATIONS.
- (F) RECORDS MANAGEMENT. THE EXECUTIVE DIRECTOR SHALL ASSIST THE COMMISSION IN DEVELOPING AND MAINTAINING A SUITABLE RECORDS MANAGEMENT AND RETENTION SYSTEM AND SHALL ENSURE THAT ALL CONFIDENTIAL AND SENSITIVE RECORDS AND INFORMATION ARE MAINTAINED AND PROTECTED FROM UNAUTHORIZED RELEASE.
- (G) EVALUATE THE GAMING REGULATORY SYSTEM. EVALUATE THE EFFECTIVENESS OF THE TRIBE’S GAMING REGULATORY SYSTEM AND RECOMMEND ANY CHANGES THAT MAY BE NECESSARY OR DESIRABLE.
- (H) OTHER DUTIES. PERFORM SUCH OTHER DUTIES AS THE COMMISSION DEEMS NECESSARY AS ARE WITHIN THE SCOPE OF AUTHORITY DELEGATED TO THE COMMISSION UNDER THIS ACT.

CHAPTER V LICENSING; GENERAL PROVISIONS

SECTION 5.01 LICENSES REQUIRED. THE COMMISSION, CONSISTENT WITH IGRA, THE COMPACT, AND THIS ACT, SHALL INSURE THAT THE FOLLOWING CLASSES OF PERSONS ACQUIRE AND MAINTAIN VALID LICENSES PURSUANT TO THIS ACT:

- (A) CLASS II AND CLASS III GAMING ESTABLISHMENTS;
- (B) MANAGEMENT CONTRACTORS;
- (C) PRIMARY MANAGEMENT OFFICIALS;
- (D) KEY EMPLOYEES, WORK PERMITS; AND
- (E) VENDORS OF GOODS OR SERVICES.

SECTION 5.02 AUTHORITY TO REQUIRE LICENSING OF OTHER PERSONS. THE COMMISSION MAY DEVELOP REGULATIONS ESTABLISHING LICENSING OR BACKGROUND INVESTIGATION REQUIREMENTS FOR OTHER GROUPS OF PERSONS, BY CLASSIFYING ADDITIONAL EMPLOYEES OF GAMING OPERATIONS AS “WORK PERMIT EMPLOYEES”, BY REQUIRING LICENSING FOR OTHER CATEGORIES OF EMPLOYEES OF A GAMING OPERATION, OR REQUIRING LICENSING OF PERSONS DOING BUSINESS WITH A GAMING OPERATION IN ADDITION TO VENDORS OF GAMING GOODS OR SERVICES.

SECTION 5.03 GAMING ESTABLISHMENT LICENSE. NO PERSON SHALL CONDUCT CLASS II GAMING OR CLASS III GAMING AT ANY LOCATION WITHIN THE RESERVATION UNLESS SUCH GAMING IS CONDUCTED AT A GAMING ESTABLISHMENT LICENSED BY THE COMMISSION AS SET FORTH IN CHAPTER VI.

SECTION 5.04 MANAGEMENT CONTRACTOR’S LICENSE. NO PERSON SHALL MANAGE A CLASS II OR A CLASS III GAMING OPERATION WITHIN THE RESERVATION UNLESS SUCH PERSON POSSESSES A MANAGEMENT CONTRACTOR’S LICENSE ISSUED BY THE COMMISSION AS SET FORTH IN CHAPTER VIII.

SECTION 5.05. EMPLOYEES OF A GAMING OPERATION. NO PERSON SHALL BE EMPLOYED AS PRIMARY MANAGEMENT OFFICIAL, KEY EMPLOYEE OR WORK PERMIT AT ANY GAMING OPERATION WITHIN THE RESERVATION UNLESS SUCH PERSON IS LICENSED BY THE COMMISSION AS SET FORTH IN CHAPTER VII.

SECTION 5.06. SUPPLIER OF GAMING GOODS OR SERVICES. NO PERSON SHALL SUPPLY ANY GAMING GOODS OR SERVICES TO ANY GAMING OPERATION WITHIN THE RESERVATION UNLESS SUCH PERSON IS LICENSED BY THE COMMISSION AS SET FORTH IN CHAPTER VIII.

SECTION 5.07 GENERAL RIGHTS AND DUTIES OF APPLICANTS.

- (A) NO PROPERTY INTEREST OR PROMISE OF EMPLOYMENT OR CONTRACT. NEITHER THE CONSIDERATION OF THE ISSUANCE OF A LICENSE NOR THE ISSUANCE OF A LICENSE CREATES OR GRANTS TO AN APPLICANT OR A LICENSEE A PROPERTY INTEREST OR DUE PROCESS RIGHTS EXCEPT AS MAY BE EXPLICITLY PROVIDED BY THIS ACT OR OTHER TRIBAL LAWS. THE GRANTING OF A LICENSE BY THE COMMISSION DOES NOT CONSTITUTE A COMMITMENT ON BEHALF OF THE COMMISSION OR ANY OTHER PARTY TO CONTRACT WITH, HIRE OR CONTINUE TO EMPLOY OR CONTRACT WITH THE LICENSEE.
- (B) DUTIES OF APPLICANTS AND LICENSEES. APPLICANTS ARE REQUIRED TO PROVIDE OR PERFORM THE FOLLOWING:
- (1) RESPONSIBILITY TO ESTABLISH QUALIFICATIONS- AN APPLICANT FOR ANY LICENSE OR LICENSE RENEWAL REQUIRED BY THIS ACT HAS THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE THAT ALL STANDARDS AND OTHER REQUIREMENTS APPLICABLE TO SUCH LICENSE ARE MET. NO LICENSE SHALL BE GRANTED TO ANY APPLICANT WHO FAILS TO MEET THE EVIDENTIARY STANDARDS AND ALL APPLICABLE LICENSING STANDARDS AND REQUIREMENTS.
 - (2) DUTY TO DISCLOSE AND COOPERATE- IT SHALL BE THE RESPONSIBILITY AND CONTINUING DUTY OF EACH APPLICANT/LICENSEE TO PROMPTLY FURNISH ALL INFORMATION, DOCUMENTATION, ASSURANCES, CONSENTS, WAIVERS, FINGERPRINT IMPRESSIONS, PHOTOGRAPHS, OR OTHER MATERIALS REQUIRED OR REQUESTED BY THE COMMISSION AND TO COOPERATE WITH THE COMMISSION IN THE PERFORMANCE OF ITS DUTIES. FAILURE TO FURNISH SAME AFTER RECEIPT OF REQUEST SHALL CONSTITUTE GROUNDS FOR DELAYING CONSIDERATION OR DENIAL OF THE APPLICATION.
 - (3) LICENSEE'S CONTINUING DUTY TO PROMPTLY FURNISH INFORMATION. LICENSEES SHALL PROMPTLY NOTIFY THE COMMISSION OF ANY OCCURRENCE OR EVENT IN THEIR LIFE WHICH CONSTITUTES A MATERIAL CHANGE (E.G., ARREST, FILING OF CRIMINAL CHARGES, ADDRESS CHANGE, NAME CHANGE ETC.) IN ANY INFORMATION PROVIDED IN THE LICENSEE'S APPLICATION. THE FAILURE TO PROMPTLY REPORT (WITHIN 72 HOURS OF OCCURRENCE) SUCH INFORMATION OR REFUSAL TO COMPLY WITH A REQUEST BY THE COMMISSION FOR INFORMATION, EVIDENCE, OR TESTIMONY MAY BE CONSIDERED GROUNDS FOR THE SUSPENSION, RESTRICTION, OR REVOCATION OF A LICENSE.
 - (4) AUTHORITY TO SEIZE, REVOKE AND SUSPEND LICENSE. THE COMMISSION MAY SEIZE, REVOKE, RESTRICT, CONDITION, OR SUSPEND ANY LICENSE ISSUED UNDER THIS ACT IN ACCORDANCE WITH THE PROCEDURES PRESCRIBED IN SECTIONS 7.16 THROUGH 7.18 AND CHAPTER X OF THIS ACT AND ANY APPLICABLE REGULATIONS.
 - (5) WAIVER OF LIABILITY FOR DISCLOSURE OF INFORMATION. APPLICANTS/LICENSEES ACCEPT AND ASSUME ALL RISKS OF HARM FROM ANY PUBLIC DISCLOSURE OF INFORMATION RELATED TO THE LICENSING

PROCESS. APPLICANTS/LICENSEES EXPRESSLY WAIVE ANY CLAIMS AGAINST THE COMMISSION AND THE TRIBE AS WELL AS ANY PERSON THAT FURNISHES INFORMATION IN GOOD FAITH TO THE COMMISSION IN ANY MATTER RELATING TO THE LICENSING PROCESS.

- (6) CONSENT TO EXAMINATION OF ACCOUNTS AND RECORDS. EACH APPLICANT/LICENSEE SHALL, IN WRITING, CONSENT TO THE EXAMINATION OF ALL BANK ACCOUNTS, OTHER ACCOUNTS, AND OTHER RECORDS, WHETHER HELD IN THE POSSESSION OR UNDER THE CONTROL OF THE APPLICANT/LICENSEE OR A THIRD PARTY. FURTHERMORE, THE APPLICANT/LICENSEE SHALL AUTHORIZE AND DIRECT ALL THIRD PARTIES IN POSSESSION OR WITH CONTROL OF SUCH ACCOUNTS OR RECORDS TO ALLOW SUCH EXAMINATION THEREOF BY THE COMMISSION AS THE COMMISSION DEEMS NECESSARY.
- (7) CONSENT TO JURISDICTION. ANY PERSON WHO APPLIES FOR A LICENSE UNDER THIS ACT SHALL BE DEEMED TO HAVE GIVEN CONSENT TO THE PERSONAL JURISDICTION OF THE TRIBE, THE COMMISSION AND THE TRIBAL COURT AND TO HAVE WAIVED ALL AVAILABLE DEFENSES AGAINST SUCH JURISDICTION. NOTHING IN THIS ACT SHALL LIMIT THE JURISDICTION OF THE TRIBE, THE COMMISSION OR THE TRIBAL COURT UNDER ANY CIRCUMSTANCES, EXCEPT AS EXPLICITLY STATED HEREIN.
- (8) NON-TRANSFERABILITY OF LICENSE. ALL LICENSES SHALL BE NON-TRANSFERABLE AND SHALL PROHIBIT THE LICENSEE FROM TRANSFERRING ANY RIGHTS OR DUTIES RELATED TO THE LICENSE EITHER DIRECTLY OR INDIRECTLY, WITHOUT THE EXPRESS APPROVAL OF THE COMMISSION.

SECTION 5.08 WITHDRAWAL OF LICENSE APPLICATION. ONCE FILED, AN APPLICATION FOR ANY LICENSE MAY NOT BE WITHDRAWN BY AN APPLICANT WITHOUT THE EXPRESS PERMISSION OF THE COMMISSION. AN APPLICANT MAY REQUEST PERMISSION TO WITHDRAW AN APPLICATION BY SUBMITTING A WRITTEN REQUEST TO THE COMMISSION. THE COMMISSION MAY GRANT OR DENY SUCH A REQUEST IN ITS SOLE DISCRETION.

SECTION 5.09 RIGHT TO CONDITION LICENSE.

- (A) EVERY LICENSE ISSUED BY THE COMMISSION SHALL BE CONDITIONED UPON THE LICENSEE CONTINUING TO REMAIN ELIGIBLE TO HOLD SUCH LICENSE UNDER THE TERMS AND CONDITIONS SET FORTH IN THIS ACT AND ANY SPECIAL CONDITIONS PRESCRIBED BY THE COMMISSION.
- (B) IN THE CASE OF LICENSES APPROVED FOR TRIBAL MEMBERS PURSUANT TO SECTION 7.06(D), THE COMMISSION RESERVES THE RIGHT TO CONDITION THE ISSUANCE OF AND CONTINUING RIGHT TO MAINTAIN ANY LICENSE UPON THE APPLICANT'S AGREEMENT TO COMPLY WITH CERTAIN CONDITIONS ASSOCIATED WITH THE HOLDING OF SUCH LICENSE. SUCH CONDITIONS SHALL BE RELATED TO THE TYPE OF LICENSE SOUGHT AND SHALL BE NARROWLY TAILORED TO ADDRESS ANY SPECIFIC REGULATORY CONCERNS ASSOCIATED WITH THE APPLICANT, AS REVEALED BY THE BACKGROUND INVESTIGATION, INCLUDING THE PARTICULAR JOB RESPONSIBILITIES

OR CONTRACTUAL OBLIGATIONS TO BE PERFORMED BY THE APPLICANT.

SECTION 5.10 TERM OF LICENSE. ALL LICENSES, WITH THE EXCEPTION OF TEMPORARY LICENSES, SHALL BE FOR A TERM OF TWO YEARS AND SHALL EXPIRE ON THE SECOND ANNIVERSARY OF THE EFFECTIVE DATE OF THE LICENSE.

SECTION 5.11 LICENSE FEES. THE COMMISSION SHALL ESTABLISH A SCHEDULE OF FEES FOR EACH TYPE OF LICENSE ISSUED UNDER THIS ACT OR DEFER THE COST TO THE GAMING OPERATION AS AN OPERATIONAL EXPENSE. THE AMOUNT OF SUCH FEES SHALL BE REASONABLY RELATED TO THE RECOVERY OF THE COSTS OF ADMINISTERING THE LICENSING RESPONSIBILITIES UNDER THIS ACT.

CHAPTER VI LICENSING OF GAMING ESTABLISHMENTS

SECTION 6.01 LICENSE REQUIRED. NO PERSON SHALL CONDUCT CLASS II GAMING OR CLASS III GAMING WITHIN THE RESERVATION UNLESS SUCH GAMING IS CONDUCTED AT A GAMING ESTABLISHMENT LICENSED BY THE COMMISSION. IF GAMING IS PROPOSED TO BE CONDUCTED IN MORE THAN ONE GAMING ESTABLISHMENT BY ANY GAMING OPERATION, A SEPARATE FACILITIES GAMING LICENSE SHALL BE REQUIRED FOR EACH SUCH GAMING ESTABLISHMENT WHERE CLASS II GAMING OR CLASS III GAMING IS CONDUCTED.

SECTION 6.02 LICENSE APPLICATION FEES. THE LICENSE APPLICATION AND RENEWAL FEE (IF REQUIRED) SHALL BE AS SET FORTH BY COMMISSION REGULATION.

SECTION 6.03 FACILITIES GAMING APPLICATION PROCEDURES. IN ORDER TO OBTAIN A FACILITIES GAMING LICENSE, THE GAMING OPERATION REQUESTING SUCH LICENSE SHALL SUBMIT AN APPLICATION ON THE FORM PROVIDED BY THE COMMISSION. THE APPLICANT SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION REGARDING THE PERIOD FOR WHICH THE LICENSE IS SOUGHT:

- (A) A DESCRIPTION OF THE PROPOSED GAMING , INCLUDING, BUT NOT LIMITED TO:
 - (1) THE TYPE OF PROPOSED GAMING, ALONG WITH ALL INSTRUCTIONS, POLICIES, PROCEDURES, AND OTHER DOCUMENTS RELATED TO THE PROPOSED GAMING;
 - (2) THE NUMBER AND TYPES OF GAMING EQUIPMENT AND GAMING DEVICES PROPOSED TO BE IN USE WITHIN THE GAMING ESTABLISHMENT; AND
 - (3) THE PROPOSED DAYS AND HOURS OF OPERATION.

- (B) A DESCRIPTION OF THE GAMING ESTABLISHMENT, INCLUDING THE LAYOUT OF THE GAMING EQUIPMENT AND GAMING DEVICES AND THE SURVEILLANCE SYSTEMS THE GAMING ESTABLISHMENT.

- (C) DOCUMENTATION ACCURATELY DESCRIBING THE PROPOSED OR CURRENT LOCATION OF THE GAMING ESTABLISHMENT WHICH VERIFIES THAT SUCH LOCATION IS ON

INDIAN LANDS AND, IF CLASS III GAMING IS PROPOSED, THAT THE LOCATION CONSTITUTES ELIGIBLE INDIAN LANDS.

- (D) A DESCRIPTION OF THE SECURITY, POLICE, FIRE PROTECTION AND OTHER PUBLIC SAFETY SERVICES THAT WILL BE AVAILABLE IN THE GAMING ESTABLISHMENT.
- (E) COPIES OF THE PROPOSED SYSTEM OF INTERNAL CONTROLS AND ACCOUNTING PROCEDURES FOR THE GAMING OPERATION.
- (G) THE EMERGENCY OPERATION PLAN FOR THE GAMING ESTABLISHMENT, AND;
- (H) SCHEDULE OF ALL PERMITS AND APPROVALS REQUIRED UNDER APPLICABLE TRIBAL HEALTH, ENVIRONMENTAL PROTECTION AND BUILDING CODES, INCLUDING DOCUMENTS VERIFYING THE CURRENT STATUS OF SUCH PERMITS AND APPROVALS.

SECTION 6.04 THRESHOLD CRITERIA THAT MUST BE MET BY GAMING ESTABLISHMENTS. IN ORDER TO BE ELIGIBLE TO BE ISSUED A FACILITIES GAMING LICENSE, THE APPLICANT MUST SUBMIT DOCUMENTATION SUFFICIENT TO PERMIT THE COMMISSION TO DETERMINE THAT THE FOLLOWING CRITERIA ARE MET:

- (A) THE GAMING ESTABLISHMENT IS OR WILL BE LOCATED ON INDIAN LANDS AND, IF APPLICABLE, ELIGIBLE INDIAN LANDS;
- (B) THE PROPOSED GAMING ESTABLISHMENT IS DULY AUTHORIZED BY TRIBAL LAW AND BY THE GAMING OPERATION;
- (C) THE TRIBE OR A TRIBAL ENTITY WILL HAVE THE SOLE PROPRIETARY INTEREST IN THE GAMING ESTABLISHMENT, NOTWITHSTANDING THE GRANT TO OTHER PERSONS OF ANY SECURITY INTERESTS IN TANGIBLE PERSONAL PROPERTY OF THE GAMING ESTABLISHMENT;
- (D) THE GAMING ESTABLISHMENT'S BUILDINGS AND FACILITIES HAVE ADEQUATE, SAFE, AND OPERATIONAL PLUMBING, ELECTRICAL, HEATING, COOLING AND VENTILATION SYSTEMS IN PLACE;
- (E) THE GAMING ESTABLISHMENT'S BUILDINGS AND FACILITIES HAVE BEEN INSPECTED AND APPROVED FOR COMPLIANCE WITH ALL APPLICABLE LAW BY A QUALIFIED AND DULY AUTHORIZED BUILDING AND FIRE INSPECTOR;
- (F) THE GAMING ESTABLISHMENT IS EQUIPPED WITH SECURITY AND SURVEILLANCE EQUIPMENT MEETING OR EXCEEDING THE TRIBAL MINIMUM INTERNAL CONTROL STANDARDS ESTABLISHED BY THE REGULATIONS;
- (G) THE SYSTEM OF INTERNAL CONTROLS AND ACCOUNTING PROCEDURES FOR THE GAMING OPERATION WILL MEET OR EXCEED THE REQUIREMENTS OF THE TRIBAL MINIMUM INTERNAL CONTROLS , INCLUDING REQUIREMENTS TO ENSURE THAT

FINANCIAL STATEMENTS AND CHARTS OF ACCOUNT FOR ALL GAMING REVENUES WILL BE PRESERVED AND SUBJECT TO AUDIT;

- (H) THE EMERGENCY OPERATION PLAN FOR THE GAMING ESTABLISHMENT IS SUFFICIENT AND ADEQUATE TO ENSURE THE HEALTH AND SAFETY OF THE GENERAL PUBLIC IN COMPLIANCE WITH APPLICABLE FEDERAL AND TRIBAL LAW;
- (I) THE GAMING ESTABLISHMENT'S BUILDINGS AND FACILITIES MEET ALL OTHER REQUIREMENTS OF APPLICABLE FEDERAL AND TRIBAL LAW; AND
- (J) THE GAMING OPERATION HAS PAID ALL APPLICABLE LICENSE FEES AND COSTS.

SECTION 6.05 FACILITIES GAMING LICENSE APPLICATION PROCEDURES.

- (A) UPON RECEIPT OF A COMPLETE APPLICATION FOR A FACILITIES GAMING LICENSE, THE COMMISSION SHALL:
 - (1) REVIEW THE PROPOSED FACILITIES GAMING LICENSE APPLICATION TO ENSURE THAT ALL THRESHOLD STANDARDS REQUIRED BY THIS ACT ARE MET.
 - (2) REVIEW THE SYSTEM OF INTERNAL CONTROLS AND ACCOUNTING PROCEDURES TO BE USED BY THE GAMING OPERATION.
 - (3) REVIEW THE LAYOUT OF THE GAMES AND SURVEILLANCE SYSTEMS FOR THE GAMING ESTABLISHMENT, INCLUDING ANY INSTRUCTIONS, POLICIES, PROCEDURES, INTERNAL CONTROLS OR OTHER DOCUMENTS RELATED TO THE LAYOUT OF GAMES AND SURVEILLANCE SYSTEMS.
 - (4) REVIEW THE EMERGENCY OPERATION PLAN FOR COMPLIANCE WITH THE REQUIREMENTS OF APPLICABLE TRIBAL AND FEDERAL LAWS.
 - (5) REVIEW THE SCHEDULE OF PERMITS AND APPROVALS REQUIRED UNDER APPLICABLE TRIBAL LAW AND CONSULT AS NEEDED WITH THE CODE ENFORCEMENT OFFICER RESPONSIBLE FOR REVIEW AND APPROVAL OF SUCH PERMITS AND APPROVALS.
 - (6) REVIEW ALL ASPECTS OF THE GAMING ESTABLISHMENT TO ENSURE THAT IT WILL BE IN COMPLIANCE WITH THE PROVISIONS OF FEDERAL AND TRIBAL LAWS AND REGULATIONS AND THE COMPACT.
 - (7) TAKE ANY ADDITIONAL STEPS NECESSARY TO ENSURE THE INTEGRITY OF GAMING AT THE GAMING ESTABLISHMENT AND BY THE GAMING OPERATION.
- (B) THE COMMISSION SHALL MAKE ITS BEST EFFORT TO APPROVE THE FACILITIES GAMING LICENSE APPLICATION WITHIN 30 DAYS FOLLOWING THE RECEIPT OF A COMPLETE APPLICATION. THE COMMISSION SHALL APPROVE THE GAMING ESTABLISHMENT LICENSE APPLICATION UNLESS THE COMMISSION DETERMINES THAT THE GAMING ESTABLISHMENT FAILS TO MEET THE APPLICABLE LICENSING STANDARDS UNDER FEDERAL OR TRIBAL LAW OR THE COMPACT OR THAT, BASED ON REASONABLE GROUNDS, THE GAMING ESTABLISHMENT WILL BE OPERATED IN VIOLATION OF FEDERAL OR TRIBAL LAW OR THE COMPACT.

- (C) THE COMMISSION SHALL, AT LEAST 14 CALENDAR DAYS PRIOR TO THE DATE THE COMMISSION INTENDS TO HOLD THE HEARING TO CONSIDER THE LICENSE APPLICATION, POST NOTICE OF THE APPLICATION IN A PROMINENT, PUBLIC LOCATION IN TRIBAL GOVERNMENT BUILDINGS AND AT THE GAMING ESTABLISHMENT. THE COMMISSION SHALL ALSO PUBLISH THE NOTICE AT LEAST TWICE IN A LOCAL NEWSPAPER SERVING THE RESERVATION. THE COMMISSION SHALL HOLD A PUBLIC HEARING TO CONSIDER THE APPLICATION IN WHICH THE APPLICANT, ITS ATTORNEY, AND ANY PERSON PROTESTING THE APPLICATION SHALL HAVE THE RIGHT TO PRESENT SWORN ORAL AND DOCUMENTARY EVIDENCE RELEVANT TO THE APPLICATION. THE COMMISSION MAY CLOSE THE HEARING OR PORTIONS THEREOF TO THE EXTENT PERMITTED BY APPLICABLE TRIBAL LAW OR TO CONSIDER THOSE PORTIONS OF THE APPLICATION CONTAINING CONFIDENTIAL OR PROPRIETARY INFORMATION. AT THE CONCLUSION OF THE HEARING, THE COMMISSION SHALL DETERMINE WHETHER TO GRANT OR DENY THE APPLICATION BASED UPON THE COMMISSION'S DETERMINATION OF THE BEST INTERESTS OF THE BAND AND COMPLIANCE WITH THIS ACT.

- (C) IF THE COMMISSION DENIES AN APPLICATION FOR A GAMING ESTABLISHMENT LICENSE, THE COMMISSION SHALL PROMPTLY NOTIFY THE APPLICANT OF THE SPECIFIC REASONS FOR SUCH DENIAL, PROVIDE A DESCRIPTION OF ANY CORRECTIVE ACTIONS THAT THE COMMISSION DETERMINES WILL CURE THE DEFICIENCIES IN THE APPLICATION, AND INFORM THE APPLICANT OF ITS RIGHT TO APPEAL THE DETERMINATION IN ACCORDANCE WITH ARTICLE XI.

SECTION 6.06 CONDITIONS APPLICABLE TO A FACILITIES GAMING LICENSE. ANY GAMING OPERATION THAT HOLDS A FACILITIES GAMING LICENSE SHALL COMPLY WITH SUCH REASONABLE CONDITIONS AS MAY BE PRESCRIBED BY THE COMMISSION, INCLUDING THE FOLLOWING:

- (A) THE GAMING OPERATION SHALL OPERATE AND MAINTAIN THE GAMING ESTABLISHMENT IN A MANNER THAT MEETS THE REQUIREMENTS SET FORTH UNDER SECTION 9.11 OF THIS ACT.

- (B) PRIOR TO INITIATING ANY PUBLIC USE OF THE BUILDING OR FACILITIES AT THE GAMING ESTABLISHMENT, THE GAMING OPERATION SHALL HAVE RECEIVED ALL REQUIRED PERMITS, APPROVALS, AND CERTIFICATE(S) OF OCCUPANCY UNDER ARTICLE VI OF THE HEALTH, ENVIRONMENTAL PROTECTION, AND BUILDING CODES ORDINANCE AND OTHER APPLICABLE TRIBAL LAW AND SHALL COMPLY WITH ALL CONDITIONS IMPOSED THROUGH SUCH PERMITS, APPROVALS, AND CERTIFICATES.

- (C) THE GAMING OPERATION SHALL COMPLY WITH ALL INTERNAL REVENUE SERVICE REPORTING AND FILING REQUIREMENTS.

- (D) PRIOR TO INITIATING OF ANY GAMING AT THE GAMING ESTABLISHMENT, ALL PRIMARY MANAGEMENT OFFICIALS, KEY EMPLOYEES AND OTHER EMPLOYEES

REQUIRED UNDER THIS ACT OR THE REGULATIONS TO BE LICENSED SHALL OBTAIN THE APPROPRIATE LICENSES REQUIRED IN CHAPTER VII.

- (E) THE GAMING ESTABLISHMENT SHALL BE SUBJECT TO PATROL BY THE GAMING OPERATION'S SECURITY PERSONNEL, THE TRIBAL POLICE, AND, TO THE EXTENT EXPRESSLY AUTHORIZED BY THE TRIBE, LOCAL AND STATE LAW ENFORCEMENT DEPARTMENTS. THE LICENSEE SHALL COOPERATE AT ALL TIMES WITH ALL SECURITY PERSONNEL AND LAW ENFORCEMENT OFFICERS.
- (F) THE GAMING ESTABLISHMENT SHALL BE OPEN TO INSPECTION BY THE COMMISSIONERS, COMMISSION STAFF AND OTHER DULY AUTHORIZED TRIBAL AUTHORITIES AT ALL TIMES.
- (G) THE GAMING OPERATION MAY NOT DISCRIMINATE BY REASON OF RACE, COLOR, NATIONAL ORIGIN, SEX, AGE, PHYSICAL OR MENTAL DISABILITY, SEXUAL ORIENTATION OR CREED; PROVIDED, THAT NOTHING HEREIN SHALL PROHIBIT THE LICENSEE FROM COMPLYING WITH CONTRACTING AND EMPLOYMENT PREFERENCE REQUIREMENTS REGARDING NOTTAWASEPPI HURON BAND OF THE POTAWATOMI MEMBERS AND OTHER NATIVE AMERICANS PURSUANT TO APPLICABLE TRIBAL AND FEDERAL LAW.
- (H) LICENSEES MAY NOT ACCEPT FOR CASHING ANY PUBLIC ASSISTANCE CHECK FROM ANY FEDERAL, STATE OR TRIBAL AGENCY INCLUDING SOCIAL SECURITY CHECKS.
- (I) LICENSEES MAY NOT PERMIT ANY PERSON UNDER THE AGE OF TWENTY-ONE TO BE EMPLOYED IN ANY PRIMARY MANAGEMENT OFFICIAL OR KEY EMPLOYEE POSITION.

SECTION 6.07 TERMS OF LICENSE. A GAMING ESTABLISHMENT LICENSE SHALL BE VALID FOR A PERIOD OF ONE YEAR FROM THE DATE OF ISSUANCE.

SECTION 6.08 POSTING OF LICENSES. THE GAMING ESTABLISHMENT LICENSE MUST BE POSTED IN A CONSPICUOUS LOCATION AT ALL TIMES ON THE PREMISES OF EACH GAMING ESTABLISHMENT.

SECTION 6.09 GAMING FACILITY LICENSE RENEWALS.

- (A) EACH FACILITIES GAMING LICENSE MUST BE RENEWED ANNUALLY.
- (B) IN ORDER TO OBTAIN A RENEWAL OF A LICENSE, THE GAMING OPERATION SHALL SUBMIT A WRITTEN RENEWAL APPLICATION TO THE COMMISSION ON THE FORM PROVIDED BY THE COMMISSION AT LEAST FORTY-FIVE DAYS PRIOR TO THE DATE THE CURRENT LICENSE WILL EXPIRE.
- (C) THE COMMISSION SHALL APPROVE APPLICATIONS FOR A RENEWAL LICENSE WITHIN 30 DAYS FOLLOWING THE COMMISSION'S RECEIPT OF A COMPLETE APPLICATION (AND REQUIRED DOCUMENTS) UNLESS THE COMMISSION DETERMINES THAT THE GAMING ESTABLISHMENT FAILS TO MEET THE APPLICABLE LICENSING STANDARDS

UNDER FEDERAL OR TRIBAL LAW OR THE COMPACT OR THAT, BASED ON REASONABLE GROUNDS, THE GAMING ESTABLISHMENT WILL BE OPERATED IN VIOLATION OF FEDERAL OR TRIBAL LAW OR THE COMPACT. THE COMMISSION MAY, IN ITS DISCRETION, HOLD A PUBLIC HEARING TO CONSIDER THE APPLICATION IN ACCORDANCE WITH THE PROCEDURES DESCRIBED IN CHAPTER X; PROVIDED THAT THE COMMISSION MAY CLOSE THE HEARING OR PORTIONS THEREOF TO THE EXTENT PERMITTED BY APPLICABLE TRIBAL LAW.

- (D) IF THE COMMISSION DENIES A RENEWAL APPLICATION, THE COMMISSION SHALL, WITHIN SEVEN CALENDAR DAYS, NOTIFY THE APPLICANT OF THE SPECIFIC REASONS FOR SUCH DENIAL, PROVIDE A DESCRIPTION OF ANY CORRECTIVE ACTIONS THAT THE COMMISSION DETERMINES WILL CURE THE DEFICIENCIES IN THE APPLICATION, AND INFORM THE APPLICANT OF ITS RIGHT TO APPEAL THE DETERMINATION IN ACCORDANCE WITH CHAPTER XI.

CHAPTER VII LICENSING OF PRIMARY MANAGEMENT OFFICIALS, KEY EMPLOYEES AND WORK PERMIT EMPLOYEES OF GAMING OPERATIONS

SECTION 7.01 APPLICATION FOR A GAMING EMPLOYEE LICENSE. THE COMMISSION SHALL REQUIRE EACH PROSPECTIVE PRIMARY MANAGEMENT OFFICIAL, KEY EMPLOYEE OR WORK PERMIT EMPLOYEES TO SUBMIT A SWORN APPLICATION TO THE COMMISSION ON THE FORMS AND IN THE MANNER REQUIRED BY THE COMMISSION. THE APPLICATION SHALL INCLUDE, AT A MINIMUM, THE FORMS, INFORMATION, OTHER REQUIREMENTS DESCRIBED HEREUNDER.

- (A) APPLICATION FORM. THE APPLICATION FORM SHALL REQUIRE, AT A MINIMUM, THE FOLLOWING INFORMATION:
- (1) FULL NAME, OTHER NAMES USED (ORAL OR WRITTEN), SOCIAL SECURITY NUMBER(S), BIRTH DATE, PLACE OF BIRTH, CITIZENSHIP, GENDER, AND ALL LANGUAGES (SPOKEN OR WRITTEN);
 - (2) CURRENTLY AND FOR THE PREVIOUS TEN (10) YEARS:
 - (I) BUSINESS AND EMPLOYMENT POSITIONS HELD,
 - (II) OWNERSHIP INTERESTS IN THOSE BUSINESSES,
 - (III) BUSINESS AND RESIDENCE ADDRESSES; AND
 - (IV) DRIVERS LICENSE NUMBERS, INCLUDING ISSUING STATE;
 - (3) THE NAMES AND CURRENT ADDRESSES OF AT LEAST THREE PERSONAL REFERENCES, INCLUDING ONE PERSONAL REFERENCE WHO WAS ACQUAINTED WITH THE APPLICANT DURING EACH PERIOD OF RESIDENCE LISTED UNDER PARAGRAPH (B) OF THIS SUBSECTION; AND
 - (4) CURRENT BUSINESS AND RESIDENCE TELEPHONE NUMBERS.
- (B) APPLICATION FORM NOTICES. THE NOTICES SET FORTH BELOW SHALL BE PLACED ON THE FRONT OF EVERY APPLICATION SO THAT THE APPLICANT WILL READ THE

NOTICES PRIOR TO FILING OUT THE APPLICATION FORM.

PRIVACY ACT NOTICE.

IN COMPLIANCE WITH THE PRIVACY ACT OF 1974, THE FOLLOWING INFORMATION IS PROVIDED: SOLICITATION OF THE INFORMATION ON THIS FORM IS AUTHORIZED BY 25 U.S.C. 2701 ET SEQ. THE PURPOSE OF THE REQUESTED INFORMATION IS TO DETERMINE THE ELIGIBILITY OF INDIVIDUALS TO BE GRANTED A GAMING LICENSE. THE INFORMATION WILL BE USED BY THE TRIBAL GAMING REGULATORY AUTHORITIES AND BY THE NATIONAL INDIAN GAMING COMMISSION MEMBERS AND STAFF WHO HAVE NEED FOR THE INFORMATION IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. THE INFORMATION MAY BE DISCLOSED TO APPROPRIATE FEDERAL, TRIBAL, STATE, LOCAL, OR FOREIGN LAW ENFORCEMENT AND REGULATORY AGENCIES WHEN RELEVANT TO CIVIL, CRIMINAL OR REGULATORY INVESTIGATIONS, PROSECUTIONS, OR WHEN PURSUANT TO A REQUIREMENT BY A TRIBE OR THE NATIONAL INDIAN GAMING COMMISSION IN ISSUANCE, DENIAL, OR REVOCATION OF A GAMING LICENSE, OR INVESTIGATIONS OF ACTIVITIES WHILE ASSOCIATED WITH A TRIBE OR A GAMING OPERATION. FAILURE TO CONSENT TO THE DISCLOSURES INDICATED IN THIS NOTICE WILL RESULT IN A TRIBE'S BEING UNABLE TO LICENSE YOU FOR A PRIMARY MANAGEMENT OFFICIAL OR KEY EMPLOYEE POSITION.

THE DISCLOSURE OF YOUR SOCIAL SECURITY NUMBER (SSN) IS VOLUNTARY. HOWEVER, FAILURE TO SUPPLY A SSN MAY RESULT IN ERRORS IN PROCESSING YOUR APPLICATION.

FALSE STATEMENTS NOTICE.

A FALSE STATEMENT ON ANY PART OF YOUR APPLICATION MAY BE GROUNDS FOR DENYING A LICENSE OR THE SUSPENSION OR REVOCATION OF A LICENSE. ALSO, YOU MAY BE PUNISHED BY FINE OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001).

- (C) APPLICATION FORM AUTHORIZATIONS AND ACKNOWLEDGEMENTS. EVERY APPLICATION FORM SHALL REQUIRE THE APPLICANT TO SIGN THE FOLLOWING AUTHORIZATION AND ACKNOWLEDGEMENT:
 - (1) AUTHORIZATION PERMITTING THE COMMISSION TO INVESTIGATE THE APPLICANT'S BACKGROUND, INCLUDING HIS CRIMINAL AND CIVIL RECORDS, CREDIT AND FINANCIAL HISTORY, BUSINESS RELATIONSHIPS AND ACTIVITIES, RECORDS OF ALL PREVIOUS LICENSE APPLICATIONS, AND TAX RECORDS.

- (2) A SIGNED ACKNOWLEDGEMENT THAT THE APPLICANT CONSENTS TO THE PERSONAL JURISDICTION OF THE TRIBE, THE COMMISSION, AND THE TRIBAL COURT AND THAT THE APPLICANT WAIVES ALL AVAILABLE DEFENSES AGAINST SUCH JURISDICTION.
- (C) PERSONAL HISTORY DISCLOSURE. THE PERSONAL HISTORY DISCLOSURE SHALL REQUIRE, AT A MINIMUM, THE FOLLOWING INFORMATION:
- (1) A DESCRIPTION OF ANY EXISTING AND PREVIOUS GAMING-RELATED OR OTHER BUSINESS RELATIONSHIPS WITH ANY INDIAN TRIBE;
 - (2) A DESCRIPTION OF ANY EXISTING AND PREVIOUS BUSINESS RELATIONSHIPS WITH THE GAMING INDUSTRY GENERALLY, INCLUDING OWNERSHIP INTERESTS IN THOSE BUSINESSES;
 - (3) THE NAME AND ADDRESS OF ANY LICENSING OR REGULATORY AGENCY WITH WHICH THE PERSON HAS FILED AN APPLICATION FOR A LICENSE OR PERMIT RELATED TO GAMING, THE CURRENT STATUS OF THE APPLICATION, AND WHETHER OR NOT SUCH LICENSE OR PERMIT WAS GRANTED.
 - (4) A LIST OF ALL FELONY CHARGES AND DISPOSITIONS AGAINST THE APPLICANT, IF ANY, AND FOR EACH FELONY FOR WHICH THERE IS ONGOING PROSECUTION OR A CONVICTION, THE CHARGE, THE NAME AND ADDRESS OF THE COURT INVOLVED, AND THE DATE AND DISPOSITION (IF ANY), INCLUDING IDENTIFICATION OF ANY CONVICTION, OR PLEA OF GUILTY OR NO CONTEST, TO ANY OFFENSE TO INCLUDE; GAMBLING RELATED OFFENSE, FRAUD OR MISREPRESENTATION AT ANY TIME;
 - (5) A LIST OF ALL MISDEMEANOR CHARGES AND DISPOSITIONS AGAINST THE APPLICANT, IF ANY, (EXCLUDING TRAFFIC CHARGES FOR WHICH INCARCERATION WAS NOT A POSSIBLE PUNISHMENT, REFERRED TO HEREUNDER AS “MINOR” TRAFFIC CHARGES), AND FOR EACH MISDEMEANOR CONVICTION OR ONGOING MISDEMEANOR PROSECUTION (EXCLUDING MINOR TRAFFIC CHARGES), THE NAME AND ADDRESS OF THE COURT INVOLVED AND THE DATE AND DISPOSITION, INCLUDING IDENTIFICATION OF ANY CONVICTION, OR PLEA OF GUILTY OR NO CONTEST, TO A GAMBLING RELATED OFFENSE, FRAUD OR MISREPRESENTATION AT ANY TIME;
 - (6) FOR EACH CRIMINAL CHARGE (EXCLUDING MINOR TRAFFIC CHARGES), WHETHER OR NOT THERE IS A CONVICTION, THE CRIMINAL CHARGE, THE NAME AND ADDRESS OF THE COURT INVOLVED, AND THE DATE AND DISPOSITION; AND
 - (7) THE NAME AND ADDRESS OF ANY LICENSING OR REGULATORY AGENCY WITH WHICH THE PERSON HAS FILED AN APPLICATION FOR A BUSINESS OR OCCUPATIONAL LICENSE OR PERMIT, WHETHER OR NOT SUCH LICENSE OR PERMIT WAS GRANTED.
- (D) CURRENT PHOTOGRAPHS. THE APPLICANT SHALL SUBMIT WITH THE APPLICATION ONE (1) CURRENT PHOTOGRAPH OF THE APPLICANT’S FACE OF SUCH QUALITY AND SIZE AS THE COMMISSION SHALL REQUIRE.
- (E) PERSONAL FINANCIAL QUESTIONNAIRE. THE PERSONAL FINANCIAL

QUESTIONNAIRE SHALL INCLUDE A STATEMENT OF ASSETS AND LIABILITIES AND SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION:

- (1) A LIST OF ALL PROFESSIONAL OR BUSINESS LICENSES THE APPLICANT HAS APPLIED FOR, WHETHER OR NOT THOSE LICENSES WERE GRANTED AND THE NAME, ADDRESS AND PHONE NUMBER OF THE REGULATORY AGENCY INVOLVED.
 - (2) THE PERSONAL FINANCIAL QUESTIONNAIRE SHALL ALSO INCLUDE A SWORN STATEMENT TO BE SIGNED BY THE APPLICANT STATING THAT NEITHER THE APPLICANT NOR ANY MEMBER OF HIS IMMEDIATE FAMILY HAS A PAST OR CURRENT FINANCIAL INTEREST, OTHER THAN A SALARY INTEREST, IN ANY GAMING-RELATED ACTIVITY OR BUSINESS ANYWHERE. IF THE APPLICANT HAS ANY RELATIVE WHO HAS SUCH A RELATIONSHIP, THE APPLICANT SHALL FULLY DISCLOSE HIS NAME AND THE NATURE OF THE RELATIONSHIP.
- (F) FINGERPRINT CARDS. ALL APPLICANTS FOR A GAMING EMPLOYEE LICENSE SHALL SUBMIT ONE ORIGINAL FINGERPRINT CARD (VIA LIVESCAN), WHICH SHALL BE PROCESSED IN ACCORDANCE WITH THE REGULATIONS. THE GAMING COMMISSION IS HEREBY DESIGNATED AS THE TRIBAL AGENCY AUTHORIZED TO TAKE THE FINGERPRINTS OF KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS. THE COMMISSION MAY ALSO REQUIRE ONE OR MORE ADDITIONAL FINGERPRINT CARDS, WHICH THE COMMISSION MAY SUBMIT TO BE PROCESSED BY ANY TRIBAL, LOCAL, OR STATE AGENCY'S CRIMINAL HISTORY CHECK SYSTEM AS THE COMMISSION DEEMS NECESSARY.
- (G) OTHER INFORMATION. THE APPLICANT SHALL COMPLETE ANY OTHER FORMS AND DISCLOSE AND SUBMIT ANY AND ALL OTHER INFORMATION REQUIRED BY COMMISSION REGULATIONS OR REASONABLY REQUESTED BY THE COMMISSION.
- (H) APPLICATION FEES AND COSTS. THE APPLICANT SHALL PAY ALL FEES AND COSTS (IF) REQUIRED BY THE COMMISSION TO PROCESS THE APPLICANT'S LICENSE APPLICATION.

SECTION 7.02 BURDEN OF PROOF. THE BURDEN OF PROOF TO ESTABLISH ELIGIBILITY TO OBTAIN OR MAINTAIN AN EMPLOYEE GAMING LICENSE SHALL BE BY CLEAR AND CONVINCING EVIDENCE, WHICH BURDEN SHALL BE UPON THE APPLICANT OR LICENSEE, AS THE CASE MAY BE.

SECTION 7.03 BACKGROUND INVESTIGATION. THE COMMISSION SHALL CONDUCT, OR CAUSE TO BE CONDUCTED, AN INVESTIGATION SUFFICIENT TO MAKE THE DETERMINATIONS REQUIRED UNDER SECTION 7.04. IN CONDUCTING BACKGROUND INVESTIGATIONS, THE COMMISSION SHALL SEEK TO ENSURE THAT GAMING OPERATIONS SHALL NOT EMPLOY PERSONS WHOSE PRIOR ACTIVITIES, OR REPUTATION, HABITS AND ASSOCIATIONS POSE A THREAT TO THE PUBLIC INTEREST OR TO THE EFFECTIVE REGULATION OF GAMING, OR CREATE OR ENHANCE THE DANGERS OF UNSUITABLE, UNFAIR OR ILLEGAL PRACTICES AND METHODS AND ACTIVITIES IN THE CONDUCT OF SUCH GAMING. SUCH INVESTIGATIONS SHALL BE CONDUCTED ACCORDING TO REQUIREMENTS AT LEAST AS STRINGENT AS THOSE SET FORTH AT 25 C.F.R. PARTS 556 AND 558, THE COMPACT, AND THIS CHAPTER 7. THE COMMISSION SHALL ESTABLISH PROCEDURES TO PROTECT CONFIDENTIAL

INFORMATION GENERATED BY THE INVESTIGATION OR SUBMITTED BY THE APPLICANTS FROM ANY UNAUTHORIZED DISCLOSURE. THE BACKGROUND INVESTIGATION SHALL, AT A MINIMUM, CONSIST OF AT LEAST THE FOLLOWING:

- (A) VERIFY THE APPLICANT'S IDENTITY THROUGH PRIMARY SOURCES, SUCH AS GOVERNMENT-ISSUED IDENTIFICATION AND OTHER DOCUMENTS, INCLUDING WITHOUT LIMITATION SOCIAL SECURITY CARDS, DRIVERS LICENSES, BIRTH CERTIFICATES, OR PASSPORTS;
- (B) CONTACT EACH REFERENCE PROVIDED IN THE LICENSE APPLICATION AND, WHEN WARRANTED, CONTACT OTHER REFERENCES AND SOURCES IDENTIFIED IN THE APPLICATION IN ORDER TO VERIFY AND SUPPLEMENT THE INFORMATION SUBMITTED BY THE APPLICANT/LICENSEE AND TO RESOLVE ANY DISCREPANCIES ENCOUNTERED THROUGH THE BACKGROUND INVESTIGATION;
- (C) REVIEW THE APPLICANT'S CREDIT HISTORY AND, WHEN THE APPLICANT IS A PRIMARY MANAGEMENT OFFICIAL OR WHEN OTHERWISE WARRANTED, VERIFY THE FINANCIAL INFORMATION PROVIDED BY THE APPLICANT BY CONTACTING FINANCIAL INSTITUTIONS AND OTHER SOURCES;
- (D) CONDUCT A CIVIL HISTORY CHECK;
- (E) CONDUCT A CRIMINAL HISTORY CHECK THROUGH THE SUBMISSION OF THE APPLICANT'S FINGERPRINTS TO THE NIGC AND BY OBTAINING INFORMATION FROM LAW ENFORCEMENT AGENCIES AND COURTS IN THE JURISDICTIONS WHERE APPLICANT HAS RESIDED REGARDING ALL FELONY CONVICTIONS DURING THE APPLICANT'S LIFETIME AND MISDEMEANOR CONVICTIONS AND CRIMINAL CHARGES.;
- (F) INQUIRE INTO THE APPLICANT'S PREVIOUS OR EXISTING BUSINESS RELATIONSHIPS;
- (G) VERIFY AND EVALUATE THE APPLICANT'S HISTORY AND STATUS WITH OTHER LICENSING AGENCIES.

THE INVESTIGATOR SHALL CREATE AN INVESTIGATIVE REPORT THAT DESCRIBES THE INVESTIGATIVE PROCESS, INFORMATION GAINED, POTENTIAL PROBLEM AREAS, AND ANY DISQUALIFYING INFORMATION. THE GAMING COMMISSION SHALL KEEP CONFIDENTIAL THE IDENTITY OF EACH PERSON INTERVIEWED IN THE COURSE OF THE INVESTIGATION, EXCEPT AS PERMITTED UNDER APPLICABLE FEDERAL OR TRIBAL LAW OR THE COMPACT.

SECTION 7.04 STANDARDS FOR ISSUANCE OF A GAMING EMPLOYEE LICENSE. THE COMMISSION SHALL NOT GRANT A LICENSE TO ANY APPLICANT FOR A GAMING EMPLOYEE LICENSE WHO:

- (A) IS A MEMBER OF THE TRIBAL COUNCIL, A TRIBAL JUDGE, OR A TRIBAL LAW ENFORCEMENT OFFICER;

- (B) IS UNDER THE AGE OF 21, UNLESS SUCH EMPLOYEE QUALIFIES FOR A WORK PERMIT;
- (C) HAS BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NO CONTEST TO A GAMBLING-RELATED OFFENSE, FRAUD OR MISREPRESENTATION;
- (D) HAS, WITHIN THE IMMEDIATELY PRECEDING FIVE (5) YEARS, BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NO CONTEST TO “ANY OFFENSE” NOT SPECIFIED IN PARAGRAPH (C); PROVIDED THAT THIS PROVISION SHALL NOT APPLY IF THE APPLICANT HAS BEEN PARDONED BY THE GOVERNOR OF THE STATE WHERE THE CONVICTION OCCURRED OR, IF THE APPLICANT IS A TRIBAL MEMBER, THE APPLICANT HAS BEEN DETERMINED BY THE COMMISSION TO BE A PERSON WHO IS NOT LIKELY AGAIN TO ENGAGE IN ANY OFFENSIVE OR CRIMINAL COURSE OF CONDUCT AND THE PUBLIC GOOD DOES NOT REQUIRE THAT THE APPLICANT BE DENIED A GAMING EMPLOYEE LICENSE;
- (E) IS DETERMINED BY THE COMMISSION TO HAVE PARTICIPATED IN ORGANIZED CRIME OR UNLAWFUL GAMBLING OR WHOSE PRIOR ACTIVITIES, CRIMINAL RECORDS (INCLUDING A PATTERN OF CONVICTIONS), REPUTATION, HABITS, AND/OR ASSOCIATIONS POSE A THREAT TO THE PUBLIC INTEREST OR TO THE EFFECTIVE REGULATION AND CONTROL OF GAMING, OR CREATE OR ENHANCE THE DANGERS OF UNSUITABLE, UNFAIR, OR ILLEGAL PRACTICES, METHODS AND ACTIVITIES IN THE CONDUCT OF GAMING OR TO THE CARRYING ON OF THE BUSINESS AND FINANCIAL ARRANGEMENTS INCIDENTAL TO THE CONDUCT OF GAMING; OR
- (F) HAS KNOWINGLY AND WILLFULLY PROVIDED MATERIALLY FALSE AND MISLEADING STATEMENTS OR INFORMATION TO THE COMMISSION OR REFUSED TO RESPOND TO QUESTIONS MATERIAL TO THE SUITABILITY DETERMINATION THAT HAVE BEEN ASKED BY THE COMMISSION.
- (G) FOR PURPOSES OF SUBSECTION VII.D.2 (C), THE TERM “ANY OFFENSE” SHALL MEAN ANY CRIMINAL OFFENSE NOT DESCRIBED IN SUBSECTION VII.D.2 (B), WHETHER COMMITTED IN MICHIGAN OR ANY OTHER JURISDICTION, THAT IS, OR WOULD BE, A CRIME UNDER THE PROVISIONS OF THE MICHIGAN PENAL CODE, ACT No. 328 OF THE PUBLIC ACTS OF 1931, AS AMENDED, BEING MCL 750.1 TO 750.568, OR THE CONTROLLED SUBSTANCE PROVISIONS OF THE PUBLIC HEALTH CODE, ACT No. 368 OF THE PUBLIC ACTS OF 1978, AS AMENDED, BEING MCL 333.7101 TO 333.7545, OR ANY OTHER CRIMINAL OFFENSE NOT SPECIFIED IN SUBPARAGRAPH (2) INVOLVING THEFT, DISHONESTY, FRAUD OR MISREPRESENTATION ARISING UNDER THE LAW OF MICHIGAN OR ANOTHER STATE OR JURISDICTION, THAT WAS COMMITTED AS AN ADULT OR PROSECUTED AS AN ADULT OFFENSE, AND WHICH HAS NOT BEEN EFFECTIVELY REMOVED FROM THE EMPLOYEE’S CRIMINAL RECORD BY EXECUTIVE PARDON, STATE COURT ORDER, OR OPERATION OF LAW.
- (H) FOR PURPOSES OF SUBSECTION VII.D.2 (B), THE TERM “FRAUD OR MISREPRESENTATION” SHALL MEAN A CRIMINAL OFFENSE COMMITTED IN MICHIGAN OR ANY OTHER JURISDICTION, INVOLVING, THEFT, FRAUD OR MISREPRESENTATION,

WHICH IS A FELONY OR WOULD BE A FELONY IF COMMITTED IN MICHIGAN, AND WHICH WAS COMMITTED AS AN ADULT OR PROSECUTED AS AN ADULT OFFENSE, AND WHICH HAS NOT BEEN EFFECTIVELY REMOVED FROM THE EMPLOYEE'S CRIMINAL RECORD BY EXECUTIVE PARDON, STATE COURT ORDER, OR OPERATION OF LAW.

SECTION 7.05 TEMPORARY LICENSE.

- (A) **ISSUANCE OF A TEMPORARY LICENSE.** IF THE COMMISSION VERIFIES THAT THE APPLICANT HAS COMPLETED ALL REQUIRED APPLICATION REQUIREMENTS SET FORTH IN SECTION 7.01, THE COMMISSION MAY, IN ITS SOLE DISCRETION, ISSUE A TEMPORARY LICENSE PENDING THE SATISFACTORY COMPLETION OF ALL BACKGROUND INVESTIGATIONS, PROVIDED THAT THE COMMISSION:
- (1) MAKES A PRELIMINARY DETERMINATION BASED THE INFORMATION PROVIDED IN THE APPLICATION AND ANY OTHER INFORMATION THE COMMISSION OBTAINS CONCERNING THE APPLICANT THAT UNDER THE LICENSING STANDARDS SET FORTH IN SECTION 7.04 AND AS OTHERWISE PROVIDED UNDER APPLICABLE LAW OR THE COMPACT THAT GRANTING THE TEMPORARY LICENSE WOULD NOT POSE A THREAT TO THE PUBLIC INTEREST OR TO THE EFFECTIVE REGULATION OF GAMING AND WOULD NOT CREATE OR ENHANCE THE DANGERS OF UNSUITABLE, UNFAIR, OR ILLEGAL PRACTICES AND METHODS AND ACTIVITIES IN THE CONDUCT OF GAMING; AND
 - (2) HAS SUBMITTED THE COMPLETED APPLICATION AND FINGERPRINT CARD TO THE NIGC ALONG WITH ALL OTHER INFORMATION REQUIRED UNDER NIGC REGULATIONS.
- (B) **PERIOD A TEMPORARY LICENSE MAY REMAIN VALID.** THE TEMPORARY LICENSE MAY BE VALID FOR SUCH PERIOD OF TIME AS THE COMMISSION MAY DETERMINE IN ITS SOLE DISCRETION, BUT IN NO EVENT SHALL IT VALID FOR MORE THAN NINETY (90) DAYS FROM THE DATE OF ISSUANCE.
- (C) **CONDITIONS REGARDING TEMPORARY LICENSE.** AN APPLICANT MAY COMMENCE EMPLOYMENT UNDER A TEMPORARY LICENSE, HOWEVER, UPON THE OCCURRENCE OF ANY OF THE FOLLOWING SUCH EMPLOYMENT SHALL TERMINATE IMMEDIATELY AND THE TEMPORARY LICENSE SHALL BE SUMMARILY REVOKED PENDING ANY HEARING REQUESTED BY THE APPLICANT AS PROVIDED UNDER THIS ACT:
- (1) DENIAL OF A LICENSE BY THE COMMISSION UPON RECEIPT OF ANY INFORMATION INDICATING THAT THE APPLICANT DOES NOT MEET THE STANDARDS FOR A LICENSE SET FORTH IN SECTION 7.04;
 - (2) RECEIPT OF OBJECTIONS BY THE NIGC (SUBJECT TO REVIEW BY THE COMMISSION) TO THE ISSUANCE OF A LICENSE;
 - (3) THE FAILURE BY THE COMMISSION TO COMPLETE THE BACKGROUND INVESTIGATION DESCRIBED IN SECTION 7.03 AND SUBMIT TO THE NIGC WITHIN SIXTY (60) DAYS OF THE DATE IT ISSUES A TEMPORARY LICENSE THE INVESTIGATIVE REPORT AND PRELIMINARY DETERMINATION OF ELIGIBILITY MADE UNDER SECTION 7.05; OR
 - (3) A VIOLATION OF ANY OTHER CONDITION THE COMMISSION MAY PLACE ON

TEMPORARY LICENSES IN GENERAL PURSUANT TO THIS ACT OR ON A PARTICULAR TEMPORARY LICENSE.

SECTION 7.06 ACTION ON APPLICATIONS FOR GAMING EMPLOYEE LICENSE; PRELIMINARY DETERMINATIONS

- (A) WITHIN 15 DAYS FOLLOWING THE COMPLETION OF THE BACKGROUND INVESTIGATION DESCRIBED IN SECTION 7.03 BUT NOT MORE THAN 50 DAYS FROM THE DATE IT ISSUES A TEMPORARY LICENSE, THE COMMISSION SHALL REVIEW THE APPLICATION, THE INVESTIGATIVE REPORTS, AND ANY OBJECTIONS TO THE ISSUANCE OF A LICENSE AND ADDITIONAL INFORMATION REGARDING THE APPLICANT THAT THE COMMISSION MAY RECEIVE FROM THE NIGC AND SHALL MAKE A PRELIMINARY DETERMINATION OF ELIGIBILITY UNDER THE STANDARDS SET FORTH IN SECTION 7.04.
- (B) IF THE COMMISSION DETERMINES THAT THE APPLICANT QUALIFIES FOR THE ISSUANCE OF A LICENSE WITHOUT ANY CONDITIONS, THE COMMISSION MAY APPROVE THE APPLICATION ON A PRELIMINARY BASIS AND MAY, IN ITS FURTHER DISCRETION, ISSUE A TEMPORARY LICENSE TO THE APPLICANT IF IT HAS NOT ALREADY DONE SO.
- (C) IF THE COMMISSION DETERMINES THAT AN APPLICANT DOES NOT, OR MAY NOT, QUALIFY FOR THE ISSUANCE OF A LICENSE OR MAY QUALIFY FOR A LICENSE ONLY WITH CERTAIN CONDITIONS, THE COMMISSION SHALL NOTIFY THE APPLICANT THAT THE COMMISSION INTENDS TO DENY THE APPLICATION, OR WILL ONLY CONSIDER APPROVING THE LICENSE WITH CONDITIONS, AS THE CASE MAY BE. UPON THE APPLICANT'S REQUEST, THE COMMISSION SHALL SCHEDULE A HEARING IN ACCORDANCE WITH THE PROCEDURES DESCRIBED IN CHAPTER X. IF FOLLOWING SUCH HEARING, THE COMMISSION DETERMINES THAT THE APPLICANT QUALIFIES FOR THE ISSUANCE OF A LICENSE, THE COMMISSION MAY APPROVE THE APPLICATION ON A PRELIMINARY BASIS, WITH OR WITHOUT CONDITIONS, AND MAY, IN ITS FURTHER DISCRETION, ISSUE A TEMPORARY LICENSE TO THE APPLICANT, IF IT HAS NOT ALREADY DONE SO.
- (D) IF THE APPLICANT IS A TRIBAL MEMBER AND THE APPLICANT'S CRIMINAL HISTORY REVEALS THAT THE APPLICANT WAS CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NO CONTEST TO ANY OFFENSE WITH THE PRECEDING FIVE (5) YEARS, THE COMMISSION MAY, UPON THE APPLICANT'S REQUEST, HOLD A HEARING TO DETERMINE WHETHER SUCH APPLICANT IS NOT LIKELY AGAIN TO ENGAGE IN ANY OFFENSIVE OR CRIMINAL COURSE OF CONDUCT AND THE PUBLIC GOOD DOES NOT REQUIRE THAT THE APPLICANT BE DENIED A GAMING EMPLOYEE LICENSE. IN SUCH CASE, THE COMMISSION WILL NOTIFY THE APPLICANT THAT HE MUST APPEAR FOR A SUITABILITY DETERMINATION HEARING BEFORE THE COMMISSION. THE HEARING SHALL BE HELD IN ACCORDANCE WITH THE PROCEDURES DESCRIBED IN CHAPTER X. IF FOLLOWING SUCH HEARING, THE COMMISSION DETERMINES THAT THE APPLICANT QUALIFIES FOR THE ISSUANCE OF A LICENSE, THE COMMISSION MAY

APPROVE THE ISSUANCE OF A CONDITIONAL LICENSE.

- (E) WITHIN SEVEN BUSINESS DAYS AFTER GRANTING PRELIMINARY APPROVAL OF A LICENSE APPLICATION, THE COMMISSION SHALL PREPARE AND FORWARD TO THE NATIONAL INDIAN GAMING COMMISSION AN INVESTIGATIVE REPORT, WHICH SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING:
- (1) STEPS TAKEN IN CONDUCTING A BACKGROUND INVESTIGATION;
 - (2) RESULTS OBTAINED;
 - (3) CONCLUSIONS REACHED; AND
 - (4) THE BASIS FOR THOSE CONCLUSIONS.

THE COMMISSION SHALL SUBMIT, WITH THE INVESTIGATIVE REPORT, A COPY OF THE COMMISSION'S PRELIMINARY ELIGIBILITY DETERMINATION AND NOTIFY THE NATIONAL INDIAN GAMING COMMISSION OF THE COMMISSION'S INTENTION TO ISSUE THE APPLICANT A LICENSE. THE COMMISSION SHALL REQUEST THAT THE NIGC REVIEW THE APPLICATION AND INVESTIGATIVE REPORT PURSUANT TO IGRA AND ISSUE ANY OBJECTIONS TO THE ISSUANCE OF A LICENSE THE NIGC DETERMINES ARE WARRANTED.

SECTION 7.07 FINAL APPROVAL OF A GAMING LICENSE. FINAL APPROVAL OF A GAMING EMPLOYEE LICENSE MAY ONLY BE GIVEN AFTER ONE OF THE FOLLOWING HAS OCCURRED:

- (A) NOTICE HAS BEEN RECEIVED FROM THE NIGC THAT IT HAS NO OBJECTION TO THE ISSUANCE OF THE LICENSE;
- (B) THIRTY (30) DAYS HAVE ELAPSED SINCE THE NIGC WAS NOTIFIED OF THE GAMING COMMISSION'S INTENT TO ISSUE THE LICENSE AND THE NIGC HAS NOT RESPONDED. IF, WITHIN THAT 30 DAY PERIOD, THE NIGC REQUESTS ADDITIONAL INFORMATION CONCERNING PERSON SEEKING TO BE LICENSED AS A KEY EMPLOYEE OR PRIMARY MANAGEMENT OFFICIAL, THE COMMISSION SHALL RESPOND TO SUCH REQUEST IN A TIMELY MANNER. THE RECEIPT OF SUCH A REQUEST SHALL SUSPEND THE THIRTY (30) DAY PERIOD REFERRED TO IN THIS SECTION UNTIL THE NIGC RECEIVES THE ADDITIONAL INFORMATION REQUESTED; OR
- (C) IF, WITHIN A THIRTY (30) DAY PERIOD AFTER THE NIGC RECEIVES ALL REQUIRED APPLICATIONS AND REPORTS, THE NIGC PROVIDES THE TRIBE WITH A STATEMENT ITEMIZING OBJECTIONS TO THE ISSUANCE OF A LICENSE TO A KEY EMPLOYEE OR TO A PRIMARY MANAGEMENT OFFICIAL FOR WHOM THE COMMISSION HAS SUBMITTED AN APPLICATION AND ALL REQUIRED REPORTS AND DETERMINATIONS TO THE NIGC, THE COMMISSION SHALL, UPON THE APPLICANT'S REQUEST, SCHEDULE AND HOLD A HEARING PURSUANT TO THE PROCEDURES DESCRIBED IN SECTION X TO RECONSIDER THE APPLICATION, TAKING INTO ACCOUNT THE OBJECTIONS ITEMIZED BY THE NIGC. THE COMMISSION SHALL MAKE THE FINAL DECISION WHETHER OR NOT TO ISSUE A LICENSE TO THE APPLICANT; OR

UPON FINAL APPROVAL OF A GAMING EMPLOYEE LICENSE BY THE COMMISSION, THE APPLICANT SHALL BE PROMPTLY NOTIFIED AND THE LICENSE SHALL BE ISSUED WITHOUT DELAY. THE

EFFECTIVE DATE OF THE LICENSE SHALL BE THE DATE OF FINAL APPROVAL, NOTWITHSTANDING ANY PRIOR TEMPORARY LICENSE THAT MAY HAVE BEEN ISSUED.

SECTION 7.08 DENIAL OF LICENSE. IF, FOLLOWING THE HEARING CONDUCTED UNDER THE PROCEDURES DESCRIBED IN CHAPTER X, THE COMMISSION DENIES ANY APPLICATION FOR A LICENSE UNDER THIS CHAPTER, THE COMMISSION SHALL, WITHIN SEVEN CALENDAR DAYS, NOTIFY THE APPLICANT (IN WRITING) THAT THE APPLICATION WAS DENIED AND SPECIFY ALL SPECIFIC REASONS UPON WHICH THE DENIAL IS BASED. THE NOTICE SHALL ALSO INFORM THE APPLICANT OF THE RIGHT TO APPEAL THE DENIAL, AS PROVIDED IN CHAPTER XI. IF THE COMMISSION DENIES A LICENSE, THE COMMISSION SHALL ALSO NOTIFY THE NATIONAL INDIAN GAMING COMMISSION AND PROVIDE THE NIGC WITH COPIES OF ITS ELIGIBILITY DETERMINATION AND INVESTIGATIVE REPORT (IF ANY) FOR INCLUSION IN THE INDIAN GAMING INDIVIDUALS RECORDS SYSTEM.

SECTION 7.09 LICENSING PERIOD. A GAMING EMPLOYEE LICENSE ISSUED PURSUANT TO THIS CHAPTER SHALL BE EFFECTIVE FOR A PERIOD OF TWO YEARS FROM THE DATE OF ISSUANCE. THE LICENSE SHALL DISPLAY ON ITS FACE THE LICENSEE'S PHOTOGRAPH, THE LICENSEE'S NAME, THE GAMING ESTABLISHMENT AT WHICH THE EMPLOYEE IS LICENSED TO WORK, THE LICENSE NUMBER AND THE DATE THAT IT EXPIRES.

SECTION 7.10 RENEWALS. A HOLDER OF A GAMING EMPLOYEE LICENSE SHALL APPLY TO THE COMMISSION FOR A RENEWAL NOT LATER THAN THIRTY (30) DAYS BEFORE THE LICENSE EXPIRES BY COMPLETING ALL FORMS REQUIRED BY THE COMMISSION. EACH APPLICANT FOR A LICENSE RENEWAL SHALL REVISE AND SUPPLEMENT THE INFORMATION PROVIDED TO THE COMMISSION WITH THE APPLICANT'S INITIAL GAMING EMPLOYEE LICENSE APPLICATION ON SUCH FORMS AND SUBJECT TO SUCH REQUIREMENTS AS MAY BE PRESCRIBED BY THE COMMISSION.

SECTION 7.11 DISCLOSURE OF APPLICANT AND LICENSEE INFORMATION AND DOCUMENTS.

- (A) THE COMMISSION MAY, CONSISTENT WITH ITS DUTIES AND RESPONSIBILITIES UNDER THE LAW AND IN AN EFFORT TO PRESERVE AND ENHANCE THE INTEGRITY OF TRIBAL GAMING, DISCLOSE APPLICANT AND LICENSEE INFORMATION, DOCUMENTS, PHOTOGRAPHS, RECORDS, AND OTHER MATERIAL UNDER THE FOLLOWING CIRCUMSTANCES:
 - (1) PURSUANT TO WRITTEN AUTHORIZATION FROM THE APPLICANT OR LICENSEE TO WHOM THE INFORMATION AND DOCUMENTS PERTAIN;
 - (2) PURSUANT TO A WRITTEN REQUEST FROM A DULY AUTHORIZED AGENT OF ANY AGENCY OF THE UNITED STATES, A STATE, OR THE TRIBE, INCLUDING LAW ENFORCEMENT AGENCIES, AND REGULATORY BODIES WHEN AUTHORIZED BY LAW, AND IN ACCORDANCE WITH, THE TERMS AND CONDITIONS DESCRIBED IN ANY REGULATIONS; AND
 - (3) IF ORDERED TO DO SO BY A COURT OF COMPETENT JURISDICTION.

- (B) DISCLOSURE OF APPLICANT OR LICENSEE INFORMATION AND DOCUMENTS BY THE GAMING COMMISSION IS SPECIFICALLY AUTHORIZED UNDER THE FOLLOWING CIRCUMSTANCES:
 - (1) *NATIONAL INDIAN GAMING COMMISSION.* THE COMMISSION IS REQUIRED TO

FORWARD TO THE NIGC, AN INVESTIGATIVE REPORT ON EACH BACKGROUND INVESTIGATION. AN INVESTIGATIVE REPORT SHALL INCLUDE: (1) STEPS TAKEN IN CONDUCTING A BACKGROUND INVESTIGATION; (2) RESULTS OBTAINED; (3) CONCLUSIONS REACHED; AND (4) BASIS FOR THE CONCLUSION. THE COMMISSION SHALL DISCLOSE TO THE NIGC THE REVOCATION OF ANY GAMING LICENSE AND IF THAT LICENSE IS REINSTATED, DISCLOSE THAT AS WELL.

- (2) *MICHIGAN GAMING CONTROL BOARD.* UNDER SECTION 4(L) OF THE COMPACT THE COMMISSION IS REQUIRED, UPON REQUEST, TO PROVIDE REPRESENTATIVES OF THE MICHIGAN GAMING CONTROL BOARD WITH ACCESS TO BACKGROUND INVESTIGATION INFORMATION COMPILED BY THE TRIBE ON ALL KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS .

SECTION 7.12 SUSPENSION OR REVOCATION OF A LICENSE.

- (A) **STANDARD FOR SUSPENSION OF LICENSE FOLLOWING A HEARING.** ANY LICENSE ISSUED UNDER THIS CHAPTER MAY, AFTER NOTICE AND HEARING, BE SUSPENDED BY THE COMMISSION FOR NOT MORE THAN SIXTY (60) DAYS IF THE COMMISSION DETERMINES THAT ANY OF THE FOLLOWING HAVE OCCURRED:
- (1) THE LICENSEE HAS BEEN FORMALLY CHARGED WITH ANY OFFENSE THAT MAY DISQUALIFY THE LICENSEE FROM HOLDING A LICENSE UNDER THIS ACT.
 - (2) THE LICENSEE HAS ENGAGED IN CONDUCT THAT POSES A THREAT TO THE INTEGRITY OF GAMING OR TO THE HEALTH, SAFETY OR WELFARE OF THE GENERAL PUBLIC AT ANY GAMING ESTABLISHMENT, WHETHER WITHIN OR OUTSIDE THE JURISDICTION OF THE TRIBE.
 - (3) THE LICENSEE HAS KNOWINGLY MADE A MATERIAL FALSE OR MISLEADING STATEMENT IN HIS LICENSE APPLICATION.
 - (4) THE LICENSEE HAS PARTICIPATED IN UNAUTHORIZED GAMING, WHETHER OR NOT REGULATED BY THIS ACT.
 - (5) THE LICENSEE HAS FAILED OR REFUSED TO COMPLY WITH THE CONDITIONS OF HIS LICENSE, WITH ANY DUTY IMPOSED ON APPLICANT/LICENSEE UNDER THIS ACT, OR WITH ANY LAWFUL ORDER OF THE COMMISSION, THE TRIBAL COURT, OR THE NIGC.
- (B) **STANDARD FOR SUSPENSION OF LICENSE PENDING A HEARING.** ANY LICENSE ISSUED UNDER THIS CHAPTER MAY BE TEMPORARILY AND IMMEDIATELY SUSPENDED BY THE COMMISSION FOR NOT MORE THAN 30 DAYS PENDING A HEARING IF:
- (1) THE LICENSEE HAS BEEN FORMALLY CHARGED WITH ANY OFFENSE THAT MAY DISQUALIFY THE LICENSEE FROM HOLDING A LICENSE UNDER THIS ACT.
 - (2) THE NIGC NOTIFIES THE COMMISSION THAT IT HAS INFORMATION THAT A LICENSEE EMPLOYED AS A PRIMARY MANAGEMENT OFFICIAL OR KEY EMPLOYEE IS NO LONGER ELIGIBLE TO BE LICENSED; OR
 - (3) THE COMMISSION RECEIVES RELIABLE INFORMATION THAT THE LICENSEE HAS ENGAGED IN CONDUCT THAT POSES AN IMMEDIATE THREAT TO THE INTEGRITY OF GAMING OR TO THE HEALTH, SAFETY OR WELFARE OF THE

GENERAL PUBLIC AT ANY GAMING ESTABLISHMENT , WHETHER WITHIN OR OUTSIDE THE JURISDICTION OF THE TRIBE.

- (C) **STANDARD FOR REVOCATION OF A LICENSE FOLLOWING A HEARING.** ANY LICENSE ISSUED UNDER THIS CHAPTER MAY, AFTER NOTICE AND HEARING, BE REVOKED IF THE COMMISSION DETERMINES THAT THE LICENSEE FAILS TO MEET THE STANDARDS FOR A GAMING EMPLOYEE LICENSE UNDER SECTION 7.04 OF THIS ACT OR UNDER OTHER APPLICABLE LAW OR THAT THE LICENSEE HAS FAILED OR REFUSED TO COMPLY WITH THE CONDITIONS OF HIS OR HER LICENSE, WITH ANY DUTY IMPOSED ON THE LICENSEE UNDER THIS ACT, OR WITH ANY LAWFUL ORDER OF THE COMMISSION, THE TRIBAL COURT, OR THE NIGC.
- (D) **INVESTIGATION OF GROUNDS FOR SUSPENDING A LICENSE.** UPON RECEIPT BY THE COMMISSION OF INFORMATION THAT A LICENSE MAY BE SUSPENDED OR REVOKED BASED ON THE GROUNDS DESCRIBED IN SUBSECTIONS (A), (B), OR (C) THE COMMISSION SHALL PROMPTLY CONDUCT AN INVESTIGATION TO SUBSTANTIATE THE ALLEGATIONS AND TO OBTAIN ANY OTHER RELEVANT INFORMATION THAT MAY PROVE OR DISPROVE GROUNDS FOR SUSPENSION OR REVOCATION.
- (E) **SUSPENSION OF LICENSE PENDING HEARING.** IF UPON COMPLETION OF THE INVESTIGATION, THE COMMISSION DETERMINES THAT GROUNDS EXIST TO SUSPEND THE LICENSE, BUT THE LICENSEE'S ACTIONS DO NOT APPEAR TO PRESENT A DIRECT AND IMMEDIATE THREAT TO THE INTEGRITY OF GAMING OR TO THE PEACE, SAFETY, HEALTH, OR WELFARE OF THE COMMUNITY, THE COMMISSION SHALL ISSUE A NOTICE OF SUSPENSION PENDING HEARING, WHICH SHALL BE SERVED ON THE LICENSEE.
- (F) **SUMMARY SUSPENSION OF LICENSE PRIOR TO HEARING.** IF UPON COMPLETION OF THE INVESTIGATION THE COMMISSION DETERMINES THAT GROUNDS EXIST TO SUSPEND THE LICENSE AND THE LICENSEE'S ACTIONS PRESENT A DIRECT AND IMMEDIATE THREAT TO THE INTEGRITY OF GAMING OR TO THE PEACE, SAFETY, HEALTH, OR WELFARE OF THE COMMUNITY, THE EXECUTIVE DIRECTOR SHALL ISSUE A NOTICE OF SUMMARY SUSPENSION PRIOR TO HEARING, WHICH SHALL BE SERVED UPON THE LICENSEE.
- (G) **REVOCATION OF LICENSE PENDING HEARING.** IF UPON COMPLETION OF THE INVESTIGATION, THE COMMISSION DETERMINES THAT GROUNDS EXIST TO REVOKE A LICENSE, BUT THE LICENSEE'S ACTIONS DO NOT APPEAR TO PRESENT A DIRECT AND IMMEDIATE THREAT TO THE INTEGRITY OF GAMING OR TO THE PEACE, SAFETY, HEALTH, OR WELFARE OF THE COMMUNITY, THE COMMISSION SHALL ISSUE A NOTICE OF REVOCATION PENDING HEARING, WHICH SHALL BE SERVED ON THE LICENSEE.
- (H) **NOTICE AND HEARING REQUIREMENTS.** ANY NOTICE OF SUSPENSION OR REVOCATION UNDER THIS SECTION SHALL:

- (1) INFORM THE LICENSEE OF THE RIGHT TO A HEARING UPON REQUEST;
- (2) STATE IN DETAIL THE GROUNDS UPON WHICH IT IS ISSUED;
- (3) IDENTIFY ANY WITNESSES THE COMMISSION INTENDS TO CALL;
- (4) SUMMARIZE THE FACTS AND EVIDENCE THAT THE COMMISSION INTENDS TO PRESENT TO DEMONSTRATE THAT ADEQUATE CAUSE EXISTS TO SUPPORT THE ACTION AGAINST THE EMPLOYEE'S LICENSE; AND
- (5) INFORM THE EMPLOYEE THAT HE OR SHE HAS THE RIGHT TO PRESENT EVIDENCE TO REBUT THE GROUNDS SPECIFIED IN THE NOTICE, INCLUDING TESTIMONY FROM FACT WITNESSES, OR TO PRESENT EVIDENCE OF MITIGATING CIRCUMSTANCES DEMONSTRATING THAT THE ACTION AGAINST HIS OR HER LICENSE IS NOT WARRANTED.

(I) TIME REQUIREMENT FOR A HEARING. A HEARING BEFORE THE COMMISSION SHALL BE SET FOR A DATE NO LATER THAN FOURTEEN (14) DAYS AFTER THE DATE THE LICENSEE FILES A WRITTEN REQUEST FOR A HEARING. THE LICENSEE SHALL FILE A REQUEST FOR A HEARING WITHIN SEVEN (7) BUSINESS DAYS FROM THE DATE THE LICENSEE RECEIVES A NOTICE. THE COMMISSION MAY, ON ITS OWN, SCHEDULE A HEARING, NOTWITHSTANDING THE LACK OF WRITTEN REQUEST FOR A HEARING FROM THE LICENSEE. THE HEARING SHALL BE CONDUCTED IN ACCORDANCE THE PROCEDURES DESCRIBED IN CHAPTER X.

(J) CONVERSION OF SUSPENSION TO REVOCATION HEARING. IF THE RESULTS OF THE INVESTIGATION DESCRIBED IN SUBSECTION 7.12 (D) INDICATE THAT THERE ARE SUFFICIENT GROUNDS TO REVOKE THE LICENSEE'S LICENSE UNDER THE STANDARD SET FORTH IN SUBSECTION 7.12 (C), THE COMMISSION MAY, IN ITS DISCRETION, CONVERT THE HEARING ON THE SUSPENSION OF THE LICENSE TO A HEARING TO SHOW CAUSE WHY THE LICENSEE'S LICENSE SHOULD BE REVOKED. IF THE COMMISSION DETERMINES TO CONVERT A SUSPENSION HEARING TO A REVOCATION HEARING, IT SHALL PROVIDE THE LICENSEE WITH A NEW NOTICE UNDER SUBSECTION 7.12 (E) AND A NEW OPPORTUNITY TO REQUEST A HEARING UNDER SUBSECTION 7.12 (I), WHICH WOULD ALSO COMMENCE A NEW TIME PERIOD FOR SCHEDULING THE HEARING.

SECTION 7.13 SHOW CAUSE HEARING FOR MANAGER AND PRIMARY MANAGEMENT OFFICIALS. NOTWITHSTANDING THE PROVISIONS IN THE FOREGOING SECTIONS 7.13 (A) – (C), IN THE EVENT THAT THE COMMISSION DETERMINES THAT THERE ARE GROUNDS TO ISSUE A NOTICE OF SUSPENSION OR REVOCATION REGARDING A LICENSEE WHO IS A PRIMARY MANAGEMENT OFFICIAL AND SUCH GROUNDS DO NOT INVOLVE CRIMINAL CONDUCT, THE FOLLOWING PROCEDURES SHALL APPLY IN ADDITION TO THE REQUIREMENTS OF THIS CHAPTER THAT ARE CONSISTENT WITH THIS SECTION:

- (A) PRIOR TO ISSUING ANY NOTICE OF SUSPENSION OR NOTICE OF REVOCATION, THE COMMISSION SHALL ISSUE A NOTICE FOR SHOW CAUSE TO THE LICENSEE.
- (B) IN ADDITION TO THE NOTICE AND HEARING REQUIREMENTS SET FORTH IN SUBSECTION 7.12 (H), THE NOTICE FOR SHOW CAUSE SHALL SUGGEST MEASURES

THE LICENSEE MAY PURSUE TO RESOLVE THE LICENSING PROBLEM.

- (C) THE COMMISSION SHALL PROVIDE THE LICENSEE WITH AN OPPORTUNITY TO MEET WITH COMMISSION REPRESENTATIVES PRIOR TO THE SHOW CAUSE HEARING TO ADDRESS ANY QUESTIONS RELATED TO THE HEARING. SUCH MEETING SHALL, EXCEPT FOR REASONS BEYOND THE CONTROL OF THE LICENSEE OR COMMISSION REPRESENTATIVES, OCCUR WITHIN THREE BUSINESS DAYS FROM THE DATE THE LICENSEE RECEIVES THE NOTICE FOR SHOW CAUSE.
- (D) IF THE LICENSING PROBLEM IS NOT RESOLVED TO THE COMMISSION'S SATISFACTION PRIOR TO THE SHOW CAUSE HEARING, THE COMMISSION MAY PROCEED WITH THE SHOW CAUSE HEARING TO SUSPEND OR REVOKE THE LICENSEE'S LICENSE, AS WARRANTED AND SHALL TAKE WHATEVER ACTION IT DEEMS APPROPRIATE AS A RESULT OF THE HEARING.

SECTION 7.14 REQUIREMENTS REGARDING FILES. THE COMMISSION SHALL CREATE A SEPARATE FILE FOR EACH APPLICANT THAT INCLUDES ALL FORMS, DOCUMENTS, AND INFORMATION SUBMITTED BY THE APPLICANT AND ALL BACKGROUND INFORMATION COMPILED BY THE COMMISSION. ALL REPORTS OBTAINED FROM THE FINGERPRINT PROCESSING SHALL BE INCORPORATED INTO THE APPLICANT'S FILE. THE COMMISSION SHALL RETAIN SUCH FILES FOR NO LESS THAN THREE (3) YEARS FROM THE DATE OF AN APPLICANT'S TERMINATION FROM EMPLOYMENT AND SHALL MAKE SUCH FILES AVAILABLE FOR INSPECTION BY THE NIGC UPON REQUEST. OTHERWISE SUCH FILE SHALL BE CONFIDENTIAL AND SHALL BE MAINTAINED IN SUCH A MANNER AND PURSUANT TO SUCH PROCEDURES AS SHALL SAFEGUARD THE DISCLOSURE OF ANY CONTENTS OF THE FILE EXCEPT AS MAY BE AUTHORIZED BY LAW OR WITH THE EXPRESS CONSENT OF THE APPLICANT OR LICENSEE.

CHAPTER VIII LICENSING OF VENDORS OF GAMING GOODS OR SERVICES

SECTION 8.01 LICENSING OF VENDORS OF GAMING GOODS OR SERVICES. BEFORE ANY PERSON MAY SUPPLY GAMING GOODS OR SERVICES TO A GAMING OPERATION, SUCH PERSON SHALL OBTAIN FROM THE COMMISSION A GAMING VENDORS LICENSE.

SECTION 8.02 REQUIREMENTS FOR GAMING VENDORS LICENSE. EACH PERSON APPLYING FOR A GAMING VENDORS LICENSE MUST COMPLETE THE FOLLOWING FORMS:

- (A) APPLICATION FOR GAMING VENDORS LICENSE;
- (B) DISCLOSURE FORM FOR BUSINESS ENTITY FOR EACH CONTROL PERSON THAT IS A BUSINESS ENTITY;
- (C) PERSONAL HISTORY DISCLOSURE FORM FOR EACH CONTROL PERSON WHO IS A NATURAL PERSON;

- (D) AUTHORIZATION TO RELEASE INFORMATION FOR EACH CONTROL PERSON – BUSINESS ENTITY OR NATURAL PERSON.
- (E) THE COMMISSION MAY REQUIRE ADDITIONAL FORMS OR INFORMATION FROM AN APPLICANT AS IT DEEMS NECESSARY.

SECTION 8.03 APPLICATION FOR GAMING VENDORS LICENSE. ANY APPLICANT FOR A GAMING VENDORS LICENSE SHALL SUBMIT TO THE COMMISSION AN APPLICATION ON A FORM ISSUED BY THE COMMISSION, WHICH SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING INFORMATION:

- (A) NAME OF BUSINESS, ANY OTHER NAMES THE APPLICANT HAS DONE BUSINESS UNDER, BUSINESS ADDRESS (INCLUDING MAIN OFFICE ADDRESS IF DIFFERENT), TELEPHONE NUMBER, AND FEDERAL TAX ID NUMBER (OR SSN IF A SOLE PROPRIETORSHIP OR SINGLE MEMBER LLC);
- (B) IDENTIFICATION OF THE SPECIFIC GAMING GOODS OR SERVICES THE APPLICANT IS PROPOSING TO SELL OR SUPPLY TO THE GAMING OPERATION;
- (C) IDENTIFICATION OF ALL GAMING GOODS OR SERVICES AVAILABLE FROM THE APPLICANT TO ANY PERSON;
- (D) TRADE NAME(S) USED IN CONNECTION WITH GAMING GOODS OR SERVICES, NAMES OF ANY WHOLLY-OWNED SUBSIDIARIES OR OTHER BUSINESSES OWNED BY THE APPLICANT;
- (E) COPIES OF DOCUMENTS ESTABLISHING THE EXISTENCE OF THE APPLICANT AS A BUSINESS ENTITY, SUCH AS A PARTNERSHIP AGREEMENT, TRUST AGREEMENT, OR ARTICLES OF INCORPORATION;
- (F) COPIES OF DOCUMENTS ESTABLISHING THE OWNERSHIP AND CONTROL OF THE APPLICANT BUSINESS AFFAIRS SUFFICIENT TO PERMIT IDENTIFICATION OF ANY AND ALL CONTROL PERSONS OF THE APPLICANT;
- (G) COPIES OF DOCUMENTS DESIGNATING THE PERSON(S) AUTHORIZED TO ACT ON THE APPLICANT’S BEHALF;
- (H) COPIES OF BYLAWS OR OTHER DOCUMENTS THAT PROVIDE THE DAY-TO-DAY OPERATING RULES FOR THE APPLICANT;
- (I) A DESCRIPTION OF ANY EXISTING AND PREVIOUS BUSINESS RELATIONSHIPS INVOLVING INDIAN TRIBES, PARTICULARLY THOSE INCLUDING OWNERSHIP INTERESTS IN THOSE BUSINESSES;
- (J) A DESCRIPTION OF ANY EXISTING AND PREVIOUS BUSINESS RELATIONSHIPS INVOLVING THE GAMING INDUSTRY IN GENERAL, PARTICULARLY INCLUDING OWNERSHIP INTERESTS IN THOSE BUSINESSES;

- (K) THE NAME AND ADDRESS OF ANY LICENSING OR REGULATORY AGENCY WITH WHICH THE APPLICANT OR CONTROL PERSONS HAVE FILED AN APPLICATION FOR A LICENSE OR PERMIT RELATING TO GAMING, WHETHER OR NOT SUCH LICENSE OR PERMIT WAS GRANTED, AND WHETHER SUCH LICENSE OR PERMIT HAS EVER BEEN SUBJECT TO SUSPENSION, REVOCATION OR OTHER SANCTION;
- (L) FOR EACH GAMING OFFENSE AND FOR EACH FELONY FOR WHICH THERE IS AN ONGOING PROSECUTION OR A CONVICTION INVOLVING THE APPLICANT OR A CONTROL PERSON, THE NAME AND ADDRESS OF THE COURT INVOLVED, THE CHARGE, AND THE DATES OF THE CHARGE AND DISPOSITION;
- (M) FOR EACH MISDEMEANOR CONVICTION OR ONGOING MISDEMEANOR PROSECUTION INVOLVING THE APPLICANT OR A CONTROL PERSON WITHIN TEN (10) YEARS OF THE DATE OF THE APPLICATION, THE NAME AND ADDRESS OF THE COURT INVOLVED, AND THE DATES OF THE PROSECUTION AND DISPOSITION;
- (N) COMPLETE FINANCIAL STATEMENTS OR TAX RETURNS, WITH ALL RELEVANT SCHEDULES, FOR THE APPLICANT FOR THE PREVIOUS THREE (3) FISCAL YEARS; AND
- (O) LIST OF CIVIL LAWSUITS TO WHICH THE APPLICANT OR A CONTROL PERSON HAS BEEN A DEFENDANT WITHIN THE PREVIOUS 10 YEARS, INCLUDING THE NAME AND ADDRESS OF THE COURT INVOLVED, THE DATE AND DISPOSITION.
- (P) ANY ADDITIONAL INFORMATION THE COMMISSION DEEMS RELEVANT.
- (Q) THE FOLLOWING NOTICE SHALL BE PLACED ON THE APPLICATION FORM FOR THE APPLICANT AND ALL CONTROL PERSONS: "INCLUSION OF FALSE OR MISLEADING INFORMATION IN THIS APPLICATION MAY BE GROUNDS FOR DENIAL OR REVOCATION OF ANY LICENSE."

SECTION 8.04 BACKGROUND INVESTIGATION. THE COMMISSION SHALL CONDUCT OR CAUSE TO BE CONDUCTED A BACKGROUND INVESTIGATION OF THE APPLICANT AND EACH CONTROL PERSON. CONTROL PERSONS WHO ARE NATURAL PERSONS SHALL BE SUBJECT TO THE SAME BACKGROUND INVESTIGATION AS PRIMARY MANAGEMENT OFFICIALS, EXCEPT THAT A CRIMINAL HISTORY CHECK INVOLVING THE SUBMISSION OF THE FINGERPRINTS OF CONTROL PERSONS WHO ARE NATURAL PERSONS TO THE NIGC SHALL NOT BE REQUIRED. THE BACKGROUND INVESTIGATION SHALL CONSIST OF AT LEAST THE FOLLOWING:

- (A) VERIFY THE APPLICANT'S LEGAL IDENTITY AND STANDING (IF APPLICABLE) AND VERIFY THE IDENTITY OF ALL CONTROL PERSONS WHO ARE NATURAL PERSONS THROUGH PRIMARY SOURCES, SUCH AS GOVERNMENT-ISSUED IDENTIFICATION AND OTHER DOCUMENTS, INCLUDING WITHOUT LIMITATION TO SOCIAL SECURITY CARDS, DRIVERS LICENSES, BIRTH CERTIFICATES, OR PASSPORTS;
- (B) CONTACT EACH REFERENCE PROVIDED IN THE LICENSE APPLICATION AND, WHEN

WARRANTED, CONTACT OTHER REFERENCES AND SOURCES IDENTIFIED IN THE APPLICATION IN ORDER TO VERIFY AND SUPPLEMENT THE INFORMATION SUBMITTED BY THE APPLICANT AND TO RESOLVE ANY DISCREPANCIES ENCOUNTERED THROUGH THE BACKGROUND INVESTIGATION;

- (C) OBTAIN A CREDIT CHECK, (SUCH AS A DUNN & BRADSTREET REPORT) AND, REGARDING CONTROL PERSONS WHO ARE NATURAL PERSONS, AN INDIVIDUAL CREDIT HISTORY REPORT AND VERIFY THE ACCURACY OF FINANCIAL INFORMATION PROVIDED BY THE APPLICANT AND CONTROL PERSONS BY CONTACTING FINANCIAL INSTITUTIONS AND OTHER SOURCES;
- (D) CONDUCT A CIVIL HISTORY CHECK;
- (E) CONDUCT A CRIMINAL HISTORY CHECK REGARDING ALL CONTROL PERSONS WHO ARE NATURAL PERSONS BY OBTAINING INFORMATION FROM LAW ENFORCEMENT AGENCIES AND COURTS IN THE JURISDICTIONS WHERE SUCH PERSONS RESIDED REGARDING ALL ARRESTS, CHARGES, AND CONVICTIONS;
- (F) INQUIRE INTO ANY PREVIOUS OR EXISTING BUSINESS RELATIONSHIPS BY CONTACTING THE ENTITIES OR TRIBES; AND
- (G) VERIFY THE APPLICANT'S HISTORY AND STATUS WITH ANY LICENSING AGENCY.

THE INVESTIGATOR SHALL CREATE AN INVESTIGATIVE REPORT THAT DESCRIBES THE INVESTIGATIVE PROCESS, INFORMATION GAINED, POTENTIAL PROBLEM AREAS, AND ANY DISQUALIFYING INFORMATION. THE COMMISSION SHALL KEEP CONFIDENTIAL THE IDENTITY OF EACH PERSON INTERVIEWED IN THE COURSE OF THE INVESTIGATION, EXCEPT AS PERMITTED UNDER APPLICABLE FEDERAL OR TRIBAL LAW OR THE COMPACT.

SECTION 8.05 LICENSING STANDARDS. A PERSON IS INELIGIBLE TO RECEIVE A GAMING VENDORS LICENSE IF ANY OF THE FOLLOWING EXIST:

- (A) THE APPLICANT, OR ANY CONTROL PERSON, HAS BEEN CONVICTED OF A FELONY WITHIN THE 10 YEARS PRECEDING THE DATE OF THE LICENSE APPLICATION;
- (B) THE APPLICANT, OR ANY CONTROL PERSON, HAS BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NO CONTEST TO ANY GAMBLING-RELATED OFFENSE, THEFT RELATED CRIME OR TO A FELONY OFFENSE INVOLVING FRAUD OR MISREPRESENTATION;
- (C) THE APPLICANT, OR ANY CONTROL PERSON, EMPLOYS A PERSON WHO IS DIRECTLY INVOLVED WITH THE MANAGEMENT OR OPERATIONS OF ANY GAMING OPERATION;
- (D) THE APPLICANT, OR ANY CONTROL PERSON, SUBMITTED AN APPLICATION THAT CONTAINS MATERIALLY FALSE OR MISLEADING INFORMATION;

- (E) THE APPLICANT, OR ANY CONTROL PERSON, IS ASSOCIATED WITH ORGANIZED CRIME;
- (F) THE APPLICANT, OR ANY CONTROL PERSON, IS DETERMINED BY THE COMMISSION TO BE AN ENTITY OR PERSON WHOSE PRIOR ACTIVITIES, REPUTATION, HABITS AND ASSOCIATIONS, INCLUDING ANY CONFLICTS OF INTEREST, POSE A THREAT TO THE PUBLIC INTEREST OR TO THE EFFECTIVE REGULATION AND CONTROL OF GAMING, OR CREATE OR ENHANCE THE DANGERS OF UNSUITABLE, UNFAIR, OR ILLEGAL PRACTICES, METHODS, OR ACTIVITIES IN THE OPERATION OF GAMING OR THE BUSINESS AND FINANCIAL AFFAIRS RELATED THERETO; OR
- (G) THE APPLICANT, IF A SUPPLIER OF GAMING DEVICES, HAS FAILED TO DEMONSTRATE THAT IT WILL PROVIDE DEVICES THAT MEET THE TECHNICAL REQUIREMENTS FOR SUCH DEVICES AS PRESCRIBED IN THE COMPACT, SECTION 9.06, AND AS MAY BE PRESCRIBED IN THE REGULATIONS.

SECTION 8.06 ACTION ON APPLICATIONS FOR GAMING VENDORS; PRELIMINARY DETERMINATIONS

- (A) WITHIN 15 DAYS FOLLOWING THE COMPLETION OF THE BACKGROUND INVESTIGATION(S) DESCRIBED IN THIS CHAPTER, THE COMMISSION SHALL REVIEW THE APPLICATION AND THE INVESTIGATIVE REPORT TO DETERMINE IF THE APPLICANT QUALIFIES FOR A GAMING VENDORS LICENSE.
- (B) IF THE COMMISSION DETERMINES, PURSUANT TO SECTION 8.05, THAT THE APPLICANT QUALIFIES FOR THE ISSUANCE OF A LICENSE WITHOUT ANY CONDITIONS, THE COMMISSION MAY APPROVE THE APPLICATION AND ISSUE A LICENSE.
- (C) IF THE COMMISSION DETERMINES, PURSUANT TO SECTIONS 8.05, THAT AN APPLICANT DOES NOT, OR MAY NOT, QUALIFY FOR THE ISSUANCE OF A LICENSE, OR MAY QUALIFY FOR A LICENSE ONLY WITH CERTAIN CONDITIONS, BECAUSE:
 - (1) THE APPLICANT’S CRIMINAL HISTORY OR PAST ASSOCIATIONS AND/OR HABITS INDICATE THAT THE APPLICANT’S INVOLVEMENT IN SUPPLYING GAMING EQUIPMENT OR GAMING GOODS OR SERVICES MAY CREATE OR ENHANCE THE DANGERS OF UNSUITABLE, UNFAIR, OR ILLEGAL PRACTICES, METHODS AND ACTIVITIES IN THE CONDUCT OF GAMING OR TO THE CARRYING ON OF THE BUSINESS AND FINANCIAL ARRANGEMENTS INCIDENTAL TO THE CONDUCT OF GAMING; OR
 - (2) THE APPLICANT MAY HAVE KNOWINGLY AND WILLFULLY PROVIDED MATERIALLY FALSE AND MISLEADING STATEMENTS OR INFORMATION TO THE COMMISSION OR REFUSED TO RESPOND TO QUESTIONS MATERIAL TO THE SUITABILITY DETERMINATION THAT HAVE BEEN ASKED BY THE COMMISSION;

THE COMMISSION SHALL NOTIFY THE APPLICANT THAT THEIR APPLICATION MAY BE DENIED AND, UPON THE APPLICANT’S REQUEST, SHALL SCHEDULE A HEARING IN

ACCORDANCE WITH THE PROCEDURES DESCRIBED IN CHAPTER X. IF FOLLOWING SUCH HEARING, THE COMMISSION DETERMINES THAT THE APPLICANT QUALIFIES FOR THE ISSUANCE OF A LICENSE, WITH OR WITHOUT CONDITIONS, THE COMMISSION SHALL APPROVE THE APPLICATION WITH OR WITHOUT CONDITIONS..

SECTION 8.07 DENIAL OF LICENSE. IF, FOLLOWING THE HEARING CONDUCTED UNDER THE PROCEDURES DESCRIBED IN CHAPTER X, THE COMMISSION DENIES ANY APPLICATION FOR A GAMING VENDORS LICENSE UNDER THIS CHAPTER OR ISSUES A LICENSE WITH CONDITIONS OR RESTRICTIONS, THE COMMISSION SHALL, WITHIN SEVEN CALENDAR DAYS, NOTIFY THE APPLICANT THAT THE APPLICATION WAS DENIED, SPECIFY THE REASONS FOR THE DENIAL UNDER THE STANDARDS DESCRIBED IN SECTION 8.05, AND INFORM THE APPLICANT OF THE APPLICANTS RIGHT TO APPEAL AS PROVIDED IN CHAPTER XI.

SECTION 8.08 TERMS OF LICENSE. EXCEPT FOR TEMPORARY LICENSES ISSUED PURSUANT TO SECTION 8.12, THE TERMS OF GAMING VENDOR LICENSES ISSUED BY THE COMMISSION SHALL BE TWO (2) YEARS. THE TERM OF LICENSES SHALL COMMENCE ON THE DATE THE LICENSE BECOMES EFFECTIVE, INCLUSIVE OF THE EFFECTIVE DATE OF ANY TEMPORARY LICENSE, AND SHALL EXPIRE AT THE CONCLUSION OF THE SPECIFIED LICENSE TERM ON THE ANNIVERSARY OF THE EFFECTIVE DATE OF THE LICENSE.

SECTION 8.09 RENEWALS. A HOLDER OF A GAMING VENDORS LICENSE SHALL APPLY TO THE COMMISSION FOR A RENEWAL NOT LATER THAN SIXTY (60) DAYS BEFORE ITS CURRENT LICENSE EXPIRES BY COMPLETING ALL FORMS REQUIRED BY THE COMMISSION. EACH APPLICANT FOR A LICENSE RENEWAL SHALL REVISE AND SUPPLEMENT THE INFORMATION PROVIDED TO THE COMMISSION WITH THE LICENSEE'S INITIAL GAMING VENDORS LICENSE APPLICATION ON SUCH FORMS AND SUBJECT TO SUCH REQUIREMENTS AS MAY BE PRESCRIBED BY THE COMMISSION. A TEMPORARY GAMING VENDORS LICENSE MAY BE GRANTED WHERE THE HOLDER OF THE LICENSE HAS TIMELY SOUGHT A LICENSE RENEWAL AND PAID ALL REQUIRED FEES AND COSTS BUT THE LICENSE RENEWAL HAS NOT BEEN APPROVED BY THE COMMISSION.

SECTION 8.10 SUSPENSION; SUMMARY SUSPENSION; REVOCATION OF GAMING VENDORS LICENSES. THE COMMISSION MAY SUSPEND, SUMMARILY SUSPEND, OR REVOKE A GAMING VENDORS LICENSE IN ACCORDANCE WITH THE PROCEDURES DESCRIBED IN SECTION 7.12; PROVIDED THAT ANY DETERMINATION TO SUSPEND OR REVOKE A GAMING VENDORS LICENSE SHALL BE MADE UNDER THE STANDARDS SET FORTH IN SECTION 8.05.

SECTION 8.11 REQUIREMENTS REGARDING FILES. THE COMMISSION SHALL CREATE A SEPARATE FILE FOR EACH APPLICANT THAT INCLUDES ALL FORMS, DOCUMENTS, AND INFORMATION SUBMITTED BY THE APPLICANT AND ALL BACKGROUND INFORMATION COMPILED BY THE COMMISSION. THE COMMISSION SHALL RETAIN SUCH FILES FOR NO LESS THAN THREE (3) YEARS FROM THE DATE OF EXPIRATION OF AN APPLICANT'S LICENSE, INCLUDING ANY RENEWAL.

SECTION 8.12 TEMPORARY LICENSES. THE COMMISSION IS AUTHORIZED TO PROMULGATE REGULATIONS ESTABLISHING THE STANDARDS AND PROCEDURES FOR ISSUANCE OF TEMPORARY LICENSES TO APPLICANTS FOR GAMING VENDORS LICENSES, INCLUDING THE ISSUANCE OF TEMPORARY LICENSES TO PERSONS LICENSED BY DULY ESTABLISHED AND AUTHORIZED

CHAPTER IX REGULATION OF GAMING-RELATED ACTIVITIES

SECTION 9.01 TRIBAL MINIMUM INTERNAL CONTROL STANDARDS. THE COMMISSION SHALL, IN ACCORDANCE WITH THE PROCEDURE DESCRIBED IN SECTION 3.15, DEVELOP AND ADOPT TRIBAL MINIMUM INTERNAL CONTROL STANDARDS (TMICS) APPLICABLE TO GAMING OPERATIONS. THE TMICS SHALL MEET OR EXCEED THE MINIMUM INTERNAL CONTROL STANDARDS (MICS) PRESCRIBED BY THE NIGC, PROVIDED THAT THE TMICS MAY DIFFER FROM THE MICS WITH RESPECT TO STANDARDS THAT THE COMMISSION DETERMINES IMPOSE AN EXCESSIVE BURDEN ON THE GAMING OPERATION WITHOUT FULFILLING A VALID REGULATORY PURPOSE. IN ADOPTING ANY STANDARD UNDER THE TMICS THAT DIFFERS FROM A STANDARD UNDER THE MICS, THE COMMISSION SHALL IN EACH SUCH INSTANCE ESTABLISH AND MAINTAIN FULL, EFFECTIVE, AND REASONABLE REGULATORY CONTROLS OVER THE GAMING OPERATION. UNTIL SUCH TIME AS THE COMMISSION PROMULGATES TMICS THROUGH THE PROCESS PRESCRIBED UNDER SECTION 3.15, THE NIGC MICS IN EFFECT AS OF THE EFFECTIVE DATE OF THIS ACT, SHALL BE THE APPLICABLE TMICS.

SECTION 9.02 SYSTEM OF INTERNAL CONTROL STANDARDS FOR GAMING OPERATIONS. EACH GAMING OPERATION SHALL BE REQUIRED TO DEVELOP A SYSTEM OF INTERNAL CONTROL STANDARDS (SICS) DESIGNED TO ASSURE COMPLIANCE WITH THE TMICS. SUCH SICS SHALL BE PRESENTED FOR APPROVAL BY THE COMMISSION. ANY CHANGES IN THE SICS SHALL BE PRESENTED TO THE COMMISSION FOR APPROVAL PRIOR TO IMPLEMENTING SUCH AMENDED SICS.

SECTION 9.03 MINIMUM PROCEDURES FOR CONTROL OF INTERNAL FISCAL AFFAIRS. THE COMMISSION SHALL PROMULGATE REGULATIONS GOVERNING THE CONTROL OF INTERNAL FISCAL AFFAIRS OF ALL GAMING OPERATIONS. AT A MINIMUM, SUCH REGULATIONS SHALL REQUIRE THE CONSISTENT APPLICATION OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, AND SHALL:

- (A) PRESCRIBE MINIMUM PROCEDURES FOR THE SAFEGUARDING OF A GAMING OPERATION'S ASSETS AND REVENUES, INCLUDING THE RECORDING OF CASH RECEIPTS AND EVIDENCE OF INDEBTEDNESS, AND MANDATORY COUNT PROCEDURES. SUCH REGULATIONS SHALL ESTABLISH A CONTROLLED ENVIRONMENT, ACCOUNTING SYSTEM, AND CONTROL PROCEDURES THAT SAFEGUARD THE ASSETS OF THE GAMING OPERATION, ASSURE THAT OPERATING TRANSACTIONS ARE PROPERLY RECORDED, PROMOTE OPERATIONAL EFFICIENCY, AND ENCOURAGE ADHERENCE TO PRESCRIBED POLICIES;
- (B) PRESCRIBE MINIMUM REPORTING REQUIREMENTS TO THE COMMISSION;
- (C) PROVIDE FOR THE ADOPTION AND USE OF INTERNAL AUDITS CONDUCTED IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES BY INTERNAL AUDITORS LICENSED OR CERTIFIED TO PRACTICE PUBLIC ACCOUNTING IN THE STATE OF MICHIGAN;

- (D) FORMULATE A UNIFORM CODE OF ACCOUNTS AND ACCOUNTING CLASSIFICATIONS TO ASSURE THE CONSISTENCY, COMPARABILITY AND EFFECTIVE DISCLOSURE OF FINANCIAL INFORMATION. SUCH A CODE SHALL REQUIRE THAT RECORDS BE RETAINED THAT REFLECT STATISTICAL DROP (AMOUNT OF CASH WAGERED BY PATRONS), STATISTICAL WIN (AMOUNT OF CASH WON BY THE GAMING OPERATION), AND THE PERCENTAGE OF STATISTICAL WIN TO STATISTICAL DROP, OR PROVIDE SIMILAR INFORMATION FOR EACH TYPE OF GAME IN EACH GAMING ESTABLISHMENT;
- (E) REQUIRE GAMING OPERATIONS TO MAINTAIN ACCOUNTING RECORDS WHICH MEET THE REQUIREMENTS PRESCRIBED IN SUBSECTION 4(H) OF THE COMPACT;
- (F) PRESCRIBE THE INTERVALS AND CIRCUMSTANCES FOR THE GAMING OPERATION TO FURNISH FINANCIAL AND ACCOUNTING INFORMATION TO THE COMMISSION, THE NIGC, OR OTHER ENTITY ENTITLED TO SUCH INFORMATION UNDER APPLICABLE LAW;
- (G) PROVIDE FOR THE MAINTENANCE OF DOCUMENTATION, (E.G., CHECKLISTS, PROGRAMS, REPORTS, ETC.), TO RECORD ALL EFFORTS BY THE GAMING OPERATION AS IT RELATES TO THE REQUIREMENTS OF THIS SECTION; AND
- (H) PROVIDE THAT ALL FINANCIAL STATEMENTS AND DOCUMENTATION REFERRED TO IN THIS SECTION BE MAINTAINED FOR A MINIMUM OF FIVE (5) YEARS.

SECTION 9.04 OVERSIGHT OF INTERNAL FISCAL AFFAIRS. THE COMMISSION SHALL REQUIRE INDEPENDENT FINANCIAL AUDITS OF ALL GAMING OPERATIONS ON AN ANNUAL BASIS. SUCH INDEPENDENT AUDITS MUST APPLY AND REQUIRE THE CONSISTENT APPLICATION OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, AND SHALL:

- (A) BE CONDUCTED BY INDEPENDENT ACCOUNTANTS, KNOWLEDGEABLE IN CASINO AUDITS AND OPERATIONS AND LICENSED OR CERTIFIED TO PRACTICE PUBLIC ACCOUNTING IN THE STATE OF MICHIGAN;
- (B) INCLUDE AN OPINION, QUALIFIED, OR UNQUALIFIED, OR IF APPROPRIATE, DISCLAIM AN OPINION ON THE FINANCIAL STATEMENTS TAKEN AS A WHOLE IN ACCORDANCE WITH STANDARDS OF THE ACCOUNTING PROFESSION ESTABLISHED BY THE RULES AND REGULATIONS OF THE MICHIGAN STATE COUNCIL OF ACCOUNTANCY AND THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS;
- (C) DISCLOSE WHETHER THE ACCOUNTS, RECORDS AND CONTROL PROCEDURES MAINTAINED BY THE GAMING OPERATION CONFORM WITH THIS ACT, THE REGULATIONS, AND THE COMPACT;
- (D) PROVIDE A REVIEW OF THE INTERNAL FINANCIAL CONTROLS OF THE AUDITED GAMING OPERATION TO DISCLOSE ANY DEVIATION FROM THE REQUIREMENTS OF

THIS ACT AND THE REGULATIONS AND REPORT SUCH FINDINGS TO THE COMMISSION AND THE MANAGEMENT OF THE AUDITED GAMING OPERATIONS; AND

- (E) PROVIDE SUCH OTHER INFORMATION AS THE COMMISSION DEEMS NECESSARY OR APPROPRIATE.

SECTION 9.05 COMPLIMENTARY ITEMS.

- (A) THE DISTRIBUTION OF COMPLIMENTARY ITEMS SHALL BE GOVERNED BY REGULATIONS ESTABLISHED BY THE COMMISSION.
- (B) NO KEY EMPLOYEE, PRIMARY MANAGEMENT OFFICIAL, TRIBAL COUNCIL MEMBER, COMMISSIONER, OR ANY PERSON WHO SHARES A RESIDENCE WITH OR IS AN IMMEDIATE FAMILY MEMBER OF SUCH PERSON, SHALL BE GIVEN OR ACCEPT COMPLIMENTARY ITEMS, UNLESS OFFERED TO THE GENERAL PUBLIC.
- (C) COMPLIMENTARY ITEMS SHALL BE INCLUDED IN THE ANNUAL BUDGET FOR THE GAMING OPERATION, WITH MAXIMUM AND TOTAL LIMITS SPECIFIED IN THAT BUDGET.

SECTION 9.06 CERTIFICATION OF GAMING DEVICES. ALL GAMING DEVICES PURCHASED, LEASED OR OTHERWISE ACQUIRED BY THE GAMING OPERATION MUST MEET THE TECHNICAL EQUIPMENT STANDARDS SET FORTH IN SECTION 6 OF THE COMPACT AND AS MAY BE PRESCRIBED IN THE REGULATIONS AND OTHER APPLICABLE LAW. THE COMMISSION SHALL MAINTAIN A COMPLETE LIST OF ALL GAMING DEVICES (WHETHER OR NOT SUCH DEVICES ARE IN USE) LOCATED AT ANY GAMING ESTABLISHMENT OR OTHERWISE IN THE POSSESSION OF THE GAMING OPERATION.

SECTION 9.07 PROHIBITION AGAINST ELECTRONIC AIDS. EXCEPT AS EXPRESSLY PERMITTED BY THE COMMISSION, NO PERSON SHALL POSSESS, WITH THE INTENT TO USE IN CONNECTION WITH GAMING, EITHER INDIVIDUALLY, OR IN CONCERT WITH OTHERS, ANY CALCULATOR, COMPUTER, OR OTHER ELECTRONIC, ELECTRO-MECHANICAL OR MECHANICAL DEVICE TO ASSIST IN PROJECTING THE OUTCOME OR ODDS OF ANY GAME, TO KEEP TRACK OF OR ANALYZE CARDS, OR TO CHANGE PROBABILITIES OF ANY GAME OR ANY PLAYING STRATEGIES THAT MAY BE EMPLOYED WITH REGARD TO A GAME.

SECTION 9.08 PROHIBITION AGAINST EMBEZZLEMENT. ANY LICENSEE WHO SHALL, IN THE OPINION OF THE COMMISSION, HAVING LAWFUL CUSTODY OF OR ACCESS TO GAMING OPERATION PROPERTY, APPROPRIATES, OR ATTEMPTS TO APPROPRIATE, THE SAME TO HIS OR HER OWN USE, WITH INTENT TO DEPRIVE THE GAMING OPERATION THEREOF, OR WHO UNLAWFULLY OR IMPROPERLY DIVERTS, OR ATTEMPTS TO DIVERT, GAMING OR OTHER REVENUE PROPERLY BELONGING TO A GAMING OPERATION, SHALL CONSTITUTE GROUNDS FOR TAKING ADMINISTRATIVE SANCTIONS AGAINST THAT LICENSEE. IF THE COMMISSION FINDS THAT AN EMBEZZLEMENT WAS ATTEMPTED OR OCCURRED, IT MAY PURSUE ADMINISTRATIVE SANCTIONS AGAINST THE LICENSEE, REPORT THE MATTER TO APPROPRIATE LAW ENFORCEMENT AUTHORITIES AND OTHER GAMING REGULATORY AGENCIES FOR FURTHER ACTION AND TAKE SUCH OTHER ACTION AS IT DEEMS NECESSARY OR APPROPRIATE. ADMINISTRATIVE SANCTIONS AGAINST THE LICENSEE

MAY INCLUDE THE IMPOSITION OF FINES, AND THE REVOCATION, SUSPENSION, OR LIMITATION OF, OR REFUSAL TO RENEW, A LICENSE ISSUED BY THE COMMISSION.

SECTION 9.09 SECURITY AND SURVEILLANCE. EACH GAMING ESTABLISHMENT MUST PROVIDE FOR FULL SECURITY AND SURVEILLANCE THROUGHOUT THE GAMING ESTABLISHMENT AT ALL TIMES WHICH MEET OR EXCEED THE REQUIREMENTS FOR SUCH SYSTEMS ESTABLISHED IN THE TMICS. ALL SECURITY AND SURVEILLANCE PERSONNEL IN A GAMING ESTABLISHMENT MUST BE LICENSED BY THE COMMISSION. THE SECURITY AND SURVEILLANCE SECTORS OF ANY GAMING OPERATION SHALL COORDINATE THEIR ACTIVITIES AND COOPERATE WITH EACH OTHER AS NECESSARY TO CARRY OUT THEIR OFFICIAL DUTIES AND TO PROVIDE AMPLE PROTECTION FOR ALL PERSONS AND PROPERTY INVOLVED WITH EACH GAMING OPERATION. THE STRUCTURE AND REPORTING REQUIREMENTS FOR SURVEILLANCE FUNCTIONS IN ANY GAMING ESTABLISHMENT SHALL BE STRUCTURED AND OPERATED IN MANNER WHICH ENSURES THE PROTECTION OF TRIBAL ASSETS AND THE INTEGRITY OF GAMING OPERATIONS. THE TMICS APPLICABLE TO SECURITY AND SURVEILLANCE ACTIVITIES IN ANY GAMING OPERATION SHALL PRESCRIBE REPORTING REQUIREMENTS WITH REGARD TO THE TYPES OF CONDUCT AND ACTIVITIES THAT MAY BE OBSERVED IN A GAMING ESTABLISHMENT, INCLUDING, AT A MINIMUM, REQUIREMENTS THAT CONDUCT OR ACTIVITIES BY ANY PERSON, INCLUDING ANY FAILURE TO ACT WHEN REQUIRED TO DO SO, THAT VIOLATES OR IS NOT IN COMPLIANCE WITH:

- (A) APPLICABLE CRIMINAL LAW SHALL BE PROMPTLY REPORTED TO THE TRIBAL POLICE; AND
- (B) THIS ACT, THE REGULATIONS, OTHER APPLICABLE LAW, OR THE COMPACT SHALL BE PROMPTLY REPORTED TO THE COMMISSION.

SECTION 9.10 WEAPONS IN GAMING ESTABLISHMENTS. A PERSON MAY NOT CARRY A FIREARM OR OTHER WEAPON, AS DESCRIBED IN SECTION 701 OF THE TRIBE'S CRIMINAL CODE, IN A GAMING ESTABLISHMENT, EXCEPT FOR THE FOLLOWING PERSONS WITH VALID AUTHORIZATION UNDER LAW:

- (A) TRIBAL LAW ENFORCEMENT OFFICIALS;
- (B) FEDERAL LAW ENFORCEMENT OFFICERS, AS DEFINED IN 5 U.S.C. §8331;
- (C) STATE, COUNTY, OR TOWNSHIP LAW ENFORCEMENT OFFICERS, AS DEFINED IN SECTION 2 OF MICHIGAN PUBLIC ACT 203 OF 1965, AS AMENDED, TO EXTENT AND UNDER CIRCUMSTANCES DULY AUTHORIZED BY WRITTEN AGREEMENTS APPROVED BY THE TRIBAL COUNCIL; AND
- (D) ARMORED CAR PERSONNEL PICKING UP OR DELIVERING CURRENCY AT SECURED AREAS.

LAW ENFORCEMENT OFFICERS CONDUCTING OFFICIAL DUTIES WITHIN A GAMING ESTABLISHMENT SHALL, TO EXTENT PRACTICABLE, ADVISE TRIBAL POLICE AND THE COMMISSION, OR ITS AGENTS, OF THEIR PRESENCE.

SECTION 9.11 COMPLIANCE WITH LAWS TO PROTECT THE ENVIRONMENT, PUBLIC HEALTH, AND SAFETY. EVERY GAMING ESTABLISHMENT SHALL BE CONSTRUCTED, MAINTAINED, AND OPERATED IN A MANNER THAT ADEQUATELY PROTECTS THE ENVIRONMENT, PUBLIC HEALTH AND SAFETY, AND COMPLIES WITH ALL APPLICABLE TRIBAL LAWS AND APPLICABLE FEDERAL LAWS RELATING TO ENVIRONMENTAL PROTECTION AND PUBLIC HEALTH AND SAFETY. EVIDENCE THAT A GAMING ESTABLISHMENT IS IN COMPLIANCE WITH THIS SUBSECTION SHALL ADDRESS THE FOLLOWING REQUIREMENTS UNDER APPLICABLE LAW:

- (A) EMERGENCY PREPAREDNESS, INCLUDING WITHOUT LIMITATION THE AVAILABILITY OF MEDICAL, FIRE, AND EMERGENCY SERVICES AND EVACUATION PLANS FOR EACH GAMING ESTABLISHMENT;
- (B) FOOD AND WATER SAFETY;
- (C) BUILDING CONSTRUCTION & MAINTENANCE;
- (D) THE HANDLING AND STORING OF HAZARDOUS AND TOXIC MATERIALS; AND
- (E) SANITATION AND WASTE DISPOSAL.

SECTION 9.12 UNCLAIMED WINNINGS.

- (A) ANY WINNINGS, WHETHER PROPERTY OR CASH, WHICH ARE DUE AND PAYABLE TO A PARTICIPANT IN ANY GAMING ACTIVITY, AND WHICH REMAIN UNCLAIMED, SHALL BE HELD IN SAFEKEEPING FOR THE BENEFIT OF SUCH PARTICIPANT IF HIS OR HER IDENTITY IS KNOWN. SUCH WINNINGS SHALL BE HELD FOR THREE (3) MONTHS OR SUCH LONGER PERIOD AS THE COMMISSION DEEMS REASONABLE IN CONSIDERATION OF ALL RELEVANT FACTS AND CIRCUMSTANCES. THE COMMISSION SHALL MAKE, OR REQUIRE THE GAMING OPERATION TO MAKE, SUCH EFFORTS AS ARE REASONABLE UNDER THE CIRCUMSTANCES TO LOCATE SUCH PARTICIPANT. AT THE END OF THE SAFEKEEPING PERIOD, SUCH WINNINGS SHALL REVERT TO THE OWNERSHIP OF THE GAMING OPERATION AND SHALL BE TRANSFERRED TO THE ACCOUNT OR PLACE DESIGNATED BY THE GAMING OPERATION.
- (B) IN THE EVENT THE IDENTITY OF A PARTICIPANT ENTITLED TO UNCLAIMED WINNINGS IS UNKNOWN, THE COMMISSION SHALL USE, OR REQUIRE THE GAMING OPERATION TO USE, ITS BEST EFFORTS TO LEARN THE IDENTITY OF SUCH INDIVIDUAL AND SHALL FOLLOW THE PROCEDURE SET FORTH IN SECTION 9.13 IF THE COMMISSION IS ABLE TO IDENTIFY SUCH INDIVIDUAL WITH REASONABLE CERTAINTY; PROVIDED, HOWEVER, IF AFTER THIRTY (30) DAYS FROM THE TIME THE WINNINGS WERE PAYABLE, THE COMMISSION HAS BEEN UNABLE TO IDENTIFY THE INDIVIDUAL ENTITLED THERETO, SUCH WINNINGS SHALL REVERT TO THE OWNERSHIP OF THE GAMING OPERATION.

SECTION 9.13 RESOLUTION OF DISPUTES BETWEEN THE GAMING PUBLIC AND THE GAMING OPERATION. DISPUTES BETWEEN A PATRON AND A GAMING OPERATION SHALL BE RESOLVED AS

FOLLOWS:

- (A) THE GAMING OPERATION SHALL DEVELOP WRITTEN PROCEDURES AND DESIGNATE KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS WHO ARE AUTHORIZED TO ADDRESS AND RESOLVE COMPLAINTS BY, OR DISPUTES WITH, PATRONS. THE GAMING OPERATION SHALL PROVIDE A COPY OF THE APPROVED PROCEDURES TO THE COMMISSION AND SHALL PROMPTLY PROVIDE THE COMMISSION WITH ANY AMENDMENTS THERETO.
- (B) AT A MINIMUM, SUCH PROCEDURES SHALL PROVIDE PATRONS WITH THE OPPORTUNITY TO PRESENT COMPLAINTS, VERBALLY OR IN WRITING, TO THE PERSON(S) DESIGNATED BY THE GAMING OPERATION TO RESOLVE COMPLAINTS BY PATRONS.
- (C) IF THE COMPLAINT INVOLVES A DISPUTE REGARDING AT LEAST FIVE HUNDRED DOLLARS (\$500) OR AN EQUIVALENT VALUE IN GOODS OR SERVICES AND THE DISPUTE COULD NOT BE RESOLVED UNDER THE INTERNAL PROCEDURES DESCRIBED IN PARAGRAPH (A) TO THE SATISFACTION OF THE PATRON, THE PATRON MAY FILE A WRITTEN COMPLAINT WITH THE COMMISSION. THE COMMISSION SHALL PROVIDE THE PATRON WITH A COMPLAINT FORM TO FURNISH THE COMMISSION WITH SUFFICIENT INFORMATION TO CONDUCT AN INVESTIGATION.
- (D) THE COMMISSION SHALL HAVE A PROCESS IN PLACE, THROUGH REGULATIONS, TO REVIEW AND, IF NECESSARY, HOLD HEARINGS UNDER THE PROCEDURES DESCRIBED IN CHAPTER X, TO RESOLVE PATRON COMPLAINTS.
- (E) THE COMMISSION'S RESOLUTION OF A PATRON COMPLAINT SHALL BE FINAL AND SHALL NOT BE SUBJECT TO FURTHER APPEAL.

SECTION 9.13 EXCLUDED PERSONS.

- (A) EXCLUSION LIST; CREATION; EFFECT. SUBJECT TO THE REQUIREMENTS OF THIS SECTION, THE COMMISSION SHALL ESTABLISH AND MAINTAIN AN EXCLUSION LIST. THE EXCLUSION LIST SHALL INCLUDE THE NAMES OF ALL NATURAL PERSONS THAT THE COMMISSION HAS DETERMINED WILL NOT UNDER ANY CIRCUMSTANCES BE ALLOWED TO ENTER ANY GAMING ESTABLISHMENT OR PARTICIPATE IN ANY CLASS II OR CLASS III GAMING.
- (B) INFORMATION TO BE INCLUDED ON THE EXCLUSION LIST. THE FOLLOWING INFORMATION, TO THE EXTENT KNOWN, SHALL BE PROVIDED FOR EACH EXCLUDED PERSON:
 - (1) FULL NAME, DATE OF BIRTH, AND ALL ALIASES;
 - (2) A PHYSICAL DESCRIPTION;
 - (3) THE EFFECTIVE DATE THE PERSON'S NAME WAS PLACED ON THE LIST;
 - (4) A PHOTOGRAPH, IF AVAILABLE;

- (5) THE PERSON'S OCCUPATION AND HIS CURRENT HOME AND BUSINESS ADDRESS;
- (6) THE SPECIFIC REASON FOR EXCLUSION;
- (7) THE DATE, IF ANY, THE EXCLUSION WILL EXPIRE; AND
- (8) SUCH OTHER INFORMATION AS MAY BE DEEMED NECESSARY BY THE COMMISSION.

(C) CRITERIA FOR EXCLUSION OR EJECTION AND PLACEMENT ON AN EXCLUSION LIST.

THE COMMISSION MAY, BASED UPON THE RECOMMENDATION OF THE MANAGER, SUBJECT TO THE HEARING PROCEDURES DESCRIBED IN CHAPTER X, PLACE A PERSON ON THE EXCLUSION LIST IF:

- (1) SUCH PERSON HAS BEEN CONVICTED OF, OR PLED GUILTY OR NOLO CONTENDRE TO, ANY FELONY , ANY GAMING-RELATED CRIME, OR ANY OTHER CRIME INVOLVING DISHONESTY, INCLUDING WITHOUT LIMITATION, THEFT, ROBBERY, BURGLARY, EMBEZZLEMENT, OR A CONSPIRACY TO COMMIT OR BE AN ACCESSORY TO ANY SUCH CRIME;
- (2) SUCH PERSON HAS VIOLATED OR CONSPIRED TO VIOLATE ANY PROVISIONS OF THE THIS ACT, THE INDIAN GAMING REGULATORY ACT, THE COMPACT, OR OTHER APPLICABLE LAW;
- (3) SUCH PERSON HAS A NOTORIOUS OR UNSAVORY REPUTATION THAT WOULD LIKELY UNDERMINE PUBLIC CONFIDENCE AND TRUST IN THE INTEGRITY OF GAMING. DESCRIPTIONS OR EXAMPLES OF THE TYPES OF CONDUCT, HABITS, AND ASSOCIATIONS THAT WOULD PRODUCE SUCH A REPUTATION SHALL BE INCLUDED IN THE REGULATIONS;
- (4) THE PERSON'S NAME APPEARS ON ANY VALID AND CURRENT EXCLUSION LIST FROM ANOTHER JURISDICTION AND THE REASON FOR SUCH PERSON'S EXCLUSION IN THE OTHER JURISDICTION WOULD ALSO BE LIKELY TO RESULT IN EXCLUSION FROM GAMING ESTABLISHMENTS LOCATED WITHIN THE COMMISSION'S JURISDICTION;
- (5) DUE TO A DEMONSTRABLE GAMBLING PROBLEM, THE PERSON PROVIDES A WRITTEN AND SIGNED REQUEST TO BE EXCLUDED, WITH SUFFICIENT INFORMATION TO ALLOW THE COMMISSION TO POSITIVELY IDENTIFY THE PERSON..
- (6) THE PERSON HAS BEEN DENIED ANY FORM OF LICENSE BY THE COMMISSION OR HAS HAD A LICENSE REVOKED OR NOT RENEWED BY THE COMMISSION.

(D) PROCEDURE FOR ENTRY OF NAMES.

- (1) IT SHALL BE THE DUTY OF THE MANAGER OF EACH GAMING ESTABLISHMENT TO INFORM THE COMMISSION IN WRITING OF THE NAME OF EACH PERSON THAT THE MANAGER REASONABLY BELIEVES MEETS THE CRITERIA FOR PLACEMENT ON THE EXCLUSION LIST, AS ESTABLISHED BY (C) ABOVE. THE COMMISSION SHALL NOTIFY THE MANAGER IN WRITING, FOLLOWING THE INVESTIGATION AND HEARING DESCRIBED IN THIS SUBSECTION WHETHER OR NOT THE COMMISSION CONCURS WITH THE MANAGER'S RECOMMENDATION TO PLACE A PERSON'S NAME ON THE EXCLUSION LIST.

- (2) UPON RECEIPT OF A RECOMMENDATION FROM THE MANAGER OF THE GAMING ESTABLISHMENT, THE EXECUTIVE DIRECTOR OF THE COMMISSION SHALL CONDUCT OR CAUSE TO BE CONDUCTED AN INVESTIGATION REGARDING EVERY PERSON WHOSE NAME IS RECOMMENDED TO BE PLACED ON THE EXCLUSION LIST. UPON A DETERMINATION BY THE EXECUTIVE DIRECTOR THAT THERE ARE ADEQUATE GROUNDS TO ADD A PERSON'S NAME TO THE EXCLUSION LIST UNDER THE CRITERIA LISTED IN SUBSECTION (C) ABOVE, THE EXECUTIVE DIRECTOR SHALL PREPARE AND SUBMIT TO THE COMMISSION AN INVESTIGATIVE REPORT AND RECOMMENDATION REGARDING WHETHER OR NOT THE PERSON'S NAME SHOULD BE ADDED TO THE EXCLUSION LIST. THE INVESTIGATIVE REPORT SHALL INCLUDE ALL IDENTIFYING INFORMATION CONCERNING THE PERSON AND SHALL FULLY DESCRIBE THE GROUNDS UPON WHICH THE RECOMMENDATION IS BASED. PURSUANT TO CHAPTER X, WRITTEN NOTICE OF THE RECOMMENDATION SHALL BE GIVEN TO THE PERSON WHO IS THE SUBJECT OF THE RECOMMENDATION AND THAT PERSON MUST BE INFORMED OF THE OPPORTUNITY TO PRESENT EVIDENCE AND TESTIMONY TO THE COMMISSION CONCERNING THE RECOMMENDATION.
- (3) IF THE COMMISSION DETERMINES THAT THE PERSON'S NAME SHOULD NOT BE ADDED TO THE EXCLUSION LIST, THE PERSON'S NAME SHALL NOT BE ADDED TO THE LIST AND SUCH PERSON SHALL NOT BE DENIED ACCESS TO THE GAMING ESTABLISHMENT. IF THE COMMISSION DETERMINES THAT THE PERSON'S NAME SHOULD BE ADDED TO THE EXCLUSION LIST, OR SUCH PERSON FAILS TO APPEAR AT THE HEARING OR FAILS TO PRESENT ANY RELEVANT EVIDENCE OR TESTIMONY TO REBUT THE INVESTIGATIVE REPORT AND RECOMMENDATION FROM THE EXECUTIVE DIRECTOR, SUCH PERSON'S NAME SHALL BE PROMPTLY ADDED TO THE EXCLUSION LIST. THE COMMISSION SHALL PROMPTLY NOTIFY THE PERSON IN WRITING OF THE COMMISSION'S DETERMINATION TO ADD OR NOT TO ADD THE PERSON'S NAME TO THE EXCLUSION LIST. THE COMMISSION MAY PLACE A PERSON'S NAME ON THE EXCLUSION LIST EITHER PERMANENTLY OR TEMPORARILY. IF A PERSON IS PLACED ON THE EXCLUSION LIST TEMPORARILY, THE COMMISSION SHALL INFORM THE PERSON IN THE NOTICE OF THE COMMISSION'S DECISION OF THE PERIOD OF TIME THAT PERSON'S NAME WILL BE ON THE EXCLUSION LIST.
- (E) REMOVAL FROM THE EXCLUSION LIST. ANY PERSON WHO HAS BEEN PLACED ON THE EXCLUSION LIST MAY PETITION THE COMMISSION IN WRITING AT ANY TIME, BUT NOT MORE FREQUENTLY THAN ANNUALLY, TO REMOVE THE PERSON'S NAME FROM THE LIST.
- (F) DUTY TO EXCLUDE. IT SHALL BE THE DUTY OF THE COMMISSION AND THE MANAGER OF EACH GAMING ESTABLISHMENT TO EXCLUDE OR EJECT FROM A GAMING ESTABLISHMENT ANY PERSON WHOSE NAME APPEARS ON THE EXCLUSION LIST. ANY PRIMARY MANAGEMENT OFFICIAL OR KEY EMPLOYEE OF A GAMING OPERATION WHO KNOWS OR HAS REASON TO KNOW THAT AN EXCLUDED PERSON

TAKE SUCH OTHER ENFORCEMENT ACTION THE COMMISSION IS AUTHORIZED TO TAKE UNDER THIS ACT.

SECTION 10.03 NOTICE OF HEARING.

- (A) EXCEPT AS PROVIDED OTHERWISE IN THIS ACT OR THE REGULATIONS, THE COMMISSION SHALL PROVIDE WRITTEN NOTICE TO THE APPLICANT, LICENSEE, OR EXCLUDED PERSON OF THE HEARING AT LEAST FOURTEEN (14) BUSINESS DAYS PRIOR TO THE DATE SET FOR THE HEARING. THE DAY THE AFFECTED PARTY RECEIVES THE NOTICE SHALL BE CONSIDERED A FULL DAY'S NOTICE UNDER THIS SECTION. THE NOTICE SHALL BE SENT BY REGISTERED OR CERTIFIED MAIL, OR MAY BE PERSONALLY SERVED UPON THE AFFECTED PARTY. THE NOTICE SHALL STATE THE DATE, TIME AND PLACE OF THE HEARING. THE NOTICE SHALL ALSO CONTAIN AN INDICATION OF THE ACTION(S) BEING CONSIDERED BY THE COMMISSION, INCLUDING, BUT NOT LIMITED TO:
- (1) WHETHER THE COMMISSION IS HOLDING THE HEARING FOR THE PURPOSE OF OBTAINING FURTHER INFORMATION FROM THE AFFECTED PARTY;
 - (2) WHETHER THE COMMISSION WILL BE CONSIDERING THE GRANT OR DENIAL OF THE LICENSE APPLICATION;
 - (3) WHETHER THE COMMISSION WILL BE EXAMINING ANY ALLEGED VIOLATIONS OF THE ACT, THE COMPACT, THE IGRA, THE CONDITIONS OF ANY LICENSE ISSUED BY THE COMMISSION, ANY COMMISSION ORDER, OR ANY OTHER APPLICABLE LAWS, REGULATIONS OR AGREEMENTS; OR
 - (4) WHETHER ANY OTHER SANCTIONS OR PENALTIES WILL BE CONSIDERED.

THE NOTICE SHALL ALSO CONTAIN A SHORT, PLAIN STATEMENT OF THE REASONS THE COMMISSION DETERMINES THE HEARING IS NECESSARY.

SECTION 10.04 EX PARTE COMMUNICATIONS.

- (A) NO EX PARTE COMMUNICATION RELATIVE TO THE ACTION(S) BEING CONSIDERED BY THE COMMISSION, OR A THREAT OR OFFER OF REWARD SHALL BE MADE, BEFORE A DECISION IS RENDERED, TO ANY MEMBER OF THE COMMISSION BY OR ON BEHALF OF THE AFFECTED PARTY OR SUCH PERSON'S ATTORNEY.
- (B) NOTHING IN THIS SECTION SHALL PROHIBIT THE AFFECTED PARTY OR SUCH PERSON'S ATTORNEY FROM COMMUNICATING WITH THE COMMISSION'S LEGAL COUNSEL, ITS INVESTIGATORS OR OTHER AUTHORIZED AGENTS.
- (C) ANY MEMBER OF THE COMMISSION WHO RECEIVES AN EX PARTE COMMUNICATION SHALL IMMEDIATELY REPORT SUCH COMMUNICATION TO THE COMMISSION'S LEGAL COUNSEL.
- (D) FOR PURPOSES OF THIS SECTION ONLY, THE ACTION(S) BEING CONSIDERED BY THE COMMISSION SHALL BE THOSE MATTERS IDENTIFIED IN THE WRITTEN NOTICE REGARDING THE HEARING AS WELL AS ANY OTHER MATTERS THAT ARE ACTUALLY

CONSIDERED BY THE COMMISSION DURING A HEARING. ALL MATTERS IDENTIFIED IN THE WRITTEN NOTICE SHALL BE SUBJECT TO THE PROHIBITION AGAINST EX PARTE COMMUNICATIONS. ALL MATTERS NOT IDENTIFIED IN THE WRITTEN NOTICE THAT ARE CONSIDERED BY THE COMMISSION DURING A HEARING BECOME SUBJECT TO THE PROHIBITION AGAINST EX PARTE COMMUNICATIONS AS SOON AS THEY ARE DISCUSSED DURING THE HEARING.

- (E) THE COMMISSION SHALL HAVE THE POWER TO IMPOSE ANY SANCTION PURSUANT TO THIS CHAPTER UPON ITS DETERMINATION THAT AN AFFECTED PARTY HAS MADE AN EX PARTE COMMUNICATION IN VIOLATION OF THIS SECTION.

SECTION 10.05 APPEARANCE THROUGH COUNSEL.

- (A) AFFECTED PARTIES TO ALL HEARINGS GOVERNED BY THIS CHAPTER MAY APPEAR PERSONALLY OR THROUGH AN ATTORNEY, EXCEPT THAT A PARTY MUST PERSONALLY ATTEND ANY HEARING ON THE MERITS UNLESS HIS ATTENDANCE HAS BEEN WAIVED, IN WRITING, BY THE COMMISSION.
- (B) WHEN AN AFFECTED PARTY HAS APPEARED THROUGH AN ATTORNEY, SERVICE OF ALL NOTICES, MOTIONS, ORDERS, DECISIONS AND OTHER PAPERS SHALL THEREAFTER SHALL BE MADE UPON THE ATTORNEY, UNLESS THE AFFECTED PARTY REQUESTS OTHERWISE IN WRITING.
- (C) WHEN AN AFFECTED PARTY IS REPRESENTED BY AN ATTORNEY, THE ATTORNEY SHALL SIGN ALL MOTIONS, NOTICES, REQUESTS, AND OTHER PAPERS ON BEHALF OF THE AFFECTED PARTY, INCLUDING A REQUEST FOR SUBPOENAS.
- (D) ANY ATTORNEY APPEARING BEFORE THE COMMISSION MUST BE DULY ADMITTED AND AUTHORIZED TO PRACTICE BEFORE THE TRIBAL COURT. THE AFFECTED PARTY MUST NOTIFY THE COMMISSION OF THEIR INTENT TO BE REPRESENTED BY AN ATTORNEY FIVE (5) DAYS PRIOR TO THE DATE OF THE HEARING.

SECTION 10.06 DISCOVERY PROCEDURES FOR ENFORCEMENT HEARINGS.

- (A) THE COMMISSION'S LEGAL COUNSEL AND THE AFFECTED PARTY SHALL EXCHANGE A LIST OF PERSONS THAT EACH PARTY INTENDS TO CALL AS WITNESSES NO LATER THAN FIVE (5) BUSINESS DAYS BEFORE A SCHEDULED HEARING. THE DAY THE LIST IS RECEIVED SHALL BE CONSIDERED A FULL DAY'S NOTICE UNDER THIS SECTION. EACH WITNESS SHALL BE IDENTIFIED BY NAME, IF KNOWN, POSITION, AND BUSINESS ADDRESS. IF NO BUSINESS ADDRESS IS AVAILABLE, A HOME ADDRESS FOR THE WITNESS SHALL BE PROVIDED. ANY WITNESS NOT IDENTIFIED IN ACCORDANCE WITH THIS SECTION MAY BE PROHIBITED FROM TESTIFYING AT A HEARING IN THE COMMISSION'S DISCRETION UNLESS GOOD CAUSE IS DEMONSTRATED.
- (B) THE COMMISSION'S LEGAL COUNSEL AND THE AFFECTED PARTY SHALL EXCHANGE A COPY OF ALL DOCUMENTS OR TANGIBLE THINGS THAT THEY INTEND TO OFFER AS

- (A) THE CHAIR OF THE COMMISSION, OR OTHER HEARING OFFICER DESIGNATED IN WRITING BY THE CHAIR, SHALL PRESIDE OVER ALL HEARINGS, AND SHALL CALL THE PROCEEDINGS TO ORDER, CONTROL THE PRESENTATION OF EVIDENCE, THE APPEARANCE OF WITNESSES, AND THE ORDER OF THE PROCEEDINGS.
- (B) THE COMMISSION MAY REQUIRE ANY PERSON, INCLUDING, BUT NOT LIMITED TO, ANY APPLICANT, LICENSEE, EXCLUDED PERSON OR ANY AGENT, EMPLOYEE OR REPRESENTATIVE OF ANY APPLICANT OR LICENSEE, TO APPEAR AND TESTIFY BEFORE IT WITH REGARD TO ANY MATTER WITHIN ITS JURISDICTION AT SUCH TIME AND PLACE AS IT MAY DESIGNATE. SUCH TESTIMONY SHALL BE UNDER OATH AND MAY INCLUDE ANY MATTERS WHICH THE COMMISSION DEEMS RELEVANT TO THE DISCHARGE OF THE COMMISSION'S OFFICIAL DUTIES. TESTIMONY SHALL BE RECORDED AND MAY BE USED BY THE COMMISSION AS EVIDENCE IN ANY PROCEEDING OR MATTER BEFORE THE COMMISSION. FAILURE TO APPEAR AND TESTIFY FULLY AT THE TIME AND PLACE DESIGNATED SHALL RESULT IN SANCTIONS. FAILURE TO APPEAR MAY CONSTITUTE GROUNDS FOR:
 - (1) THE REFUSAL TO GRANT A LICENSE TO THE PERSON SUMMONED, AND/OR THAT PERSON'S PRINCIPAL, OR EMPLOYER;
 - (2) THE REVOCATION OR SUSPENSION OF A LICENSE HELD BY THE PERSON SUMMONED, AND/OR THAT PERSON'S PRINCIPAL, OR EMPLOYER; OR
 - (3) THE INFERENCE THAT THE TESTIMONY OF THE PERSON SUMMONED WOULD HAVE BEEN ADVERSE TO THAT PERSON AND/OR THAT PERSON'S PRINCIPAL OR EMPLOYER.
- (C) ANY PARTY TO THE HEARING MAY CALL AND EXAMINE WITNESSES. THE COMMISSION SHALL EXERCISE ITS DISCRETION TO LIMIT THE TESTIMONY OF WITNESSES WHERE THAT TESTIMONY IS IRRELEVANT, ARGUMENTATIVE OR REPETITIVE.
- (D) THE COMMISSION SHALL HAVE THE AUTHORITY TO EJECT FROM THE HEARINGS ANY PERSON WHO IS DISRUPTIVE, DISORDERLY, OR WHO SHOWS A LACK OF PROPER RESPECT FOR THE COMMISSION OR THE NATURE OF THE PROCEEDINGS.
- (E) PERSONS SHALL BE PERMITTED TO SPEAK ONLY WHEN RECOGNIZED BY THE CHAIR.
- (F) ANY MEMBER OF THE COMMISSION MAY ASK QUESTIONS OF WITNESSES, AND MAY REQUEST OR ALLOW ADDITIONAL EVIDENCE AT ANY TIME.
- (G) ANY PARTY TO THE HEARING MAY CONDUCT CROSS-EXAMINATIONS REASONABLY REQUIRED FOR A FULL AND TRUE DISCLOSURE OF THE FACTS.
- (H) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, ALL HEARINGS HELD UNDER THIS ACT SHALL BE CLOSED TO THE PUBLIC.
- (I) THE COMMISSION, IN ITS DISCRETION, HAS THE AUTHORITY TO SEQUESTER WITNESSES.

SECTION 10.10 EVIDENCE.

- (A) IN HEARINGS GOVERNED BY THIS CHAPTER, THE COMMISSION SHALL NOT BE BOUND BY TECHNICAL RULES RELATING TO EVIDENCE AND WITNESSES. THE COMMISSION SHALL ADMIT ALL TESTIMONY HAVING REASONABLE PROBATIVE VALUE, BUT SHALL EXCLUDE IMMATERIAL, IRRELEVANT OR UNDULY REPETITIOUS TESTIMONY. THE COMMISSION SHALL GIVE EFFECT TO THE RULES OF PRIVILEGE UNLESS SUCH PRIVILEGE IS WAIVED. BASIC PRINCIPLES OF RELEVANCY, MATERIALITY AND PROBATIVE FORCE SHALL GOVERN THE PROOF OF ALL QUESTIONS OF FACT. OBJECTIONS TO EVIDENTIARY OFFERS AND OFFERS OF PROOF OF EVIDENCE NOT ADMITTED MAY BE MADE AND SHALL BE NOTED IN THE RECORD.
- (B) ALL EVIDENCE, INCLUDING RECORDS AND DOCUMENTS IN THE POSSESSION OF THE COMMISSION OR WHICH THE COMMISSION DESIRES TO AVAIL ITSELF, SHALL BE DULY OFFERED AND MADE A PART OF THE RECORD IN THE CASE. EVERY PARTY SHALL BE AFFORDED ADEQUATE OPPORTUNITY TO REBUT OR OFFER COUNTERVAILING EVIDENCE.
- (C) THE COMMISSION MAY TAKE OFFICIAL NOTICE OF ANY GENERALLY RECOGNIZED FACT OR ANY ESTABLISHED TECHNICAL OR SCIENTIFIC FACT; BUT PARTIES SHALL BE NOTIFIED EITHER BEFORE OR DURING THE HEARING OR BY FULL REFERENCE IN PRELIMINARY REPORTS OR OTHERWISE, OF THE FACTS SO NOTICED, AND THEY SHALL BE AFFORDED AN OPPORTUNITY TO CONTEST THE VALIDITY OF THE OFFICIAL NOTICE.
- (D) DOCUMENTARY EVIDENCE MAY BE RECEIVED IN THE FORM OF COPIES OR EXCERPTS, IF THE ORIGINAL IS NOT READILY AVAILABLE. UPON REQUEST, PARTIES SHALL BE GIVEN AN OPPORTUNITY TO COMPARE THE COPY TO THE ORIGINAL.
- (E) THE RECORD IN A HEARING GOVERNED BY THESE RULES SHALL INCLUDE:
 - (1) ALL APPLICATIONS, INTERMEDIATE RULINGS AND EXHIBITS AND APPENDICES THERETO.
 - (2) EVIDENCE RECEIVED OR CONSIDERED, STIPULATIONS AND ADMISSIONS, INCLUDING BUT NOT LIMITED TO CONFIDENTIAL EVIDENCE RECEIVED PURSUANT TO SECTION 10.08 OF THIS ACT.
 - (3) A STATEMENT OF MATTERS OFFICIALLY NOTICED.
 - (4) QUESTIONS AND OFFERS OF PROOF, OBJECTIONS, AND RULINGS THEREON.
 - (5) ANY DECISION, OPINION, FINDINGS OR REPORT BY THE COMMISSION.
 - (6) A TRANSCRIPT PREPARED BY A DULY CERTIFIED COURT REPORTER.

SECTION 10.11 COMMISSION DECISIONS.

- (A) ALL DECISIONS TO BE MADE BY THE COMMISSION UNDER THIS ACT OR THE REGULATIONS SHALL, WHEN NECESSARY TO SUPPORT THE DECISION, INCLUDE

FINDINGS OF FACT AND DETERMINATIONS OF LAW. ALL SUCH DECISIONS, FINDINGS, AND DETERMINATIONS SHALL BE MADE BY A MAJORITY VOTE OF THE COMMISSION ON THE RECORD IN AN OPEN MEETING, EXCEPT AS MAY BE OTHERWISE AUTHORIZED BY TRIBAL LAW.

- (B) A COPY OF ANY COMMISSION DECISION DIRECTLY AFFECTING AN APPLICANT, LICENSEE, EXCLUDED PERSON, OTHER INTERESTED PARTY SHALL BE SERVED BY REGISTERED OR CERTIFIED MAIL, BY PERSONAL SERVICE, OR BY OTHER MEANS ESTABLISHED BY REGULATION.

SECTION 10.12 SANCTIONS. IF ANY PARTY OR ITS ATTORNEY FAILS TO COMPLY WITH ANY COMMISSION ORDER, OR ANY OTHER APPLICABLE LAWS, REGULATIONS OR AGREEMENTS, INCLUDING, BUT NOT LIMITED TO ANY AGREEMENT, REGARDING ANY MATTER, INCLUDING, BUT NOT LIMITED TO, DISCOVERY MATTERS AND THE FAILURE TO APPEAR AT A HEARING AT THE SCHEDULED TIME, THE COMMISSION UPON MOTION OR UPON ITS OWN INITIATIVE, MAY IN ITS DISCRETION IMPOSE UPON SUCH PARTY OR ATTORNEY, OR BOTH, APPROPRIATE SANCTIONS IN REGARD TO THE FAILURE(S) AS ARE JUST, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

- (A) AN ORDER PROHIBITING THE USE OF ANY WITNESS, DOCUMENT OR TANGIBLE THING WHICH SHOULD HAVE BEEN DISCLOSED, PRODUCED, EXHIBITED OR EXCHANGED PURSUANT TO THESE RULES OR ANY COMMISSION ORDER;
- (B) AN ORDER THAT DESIGNATED FACTS SHALL BE TAKEN TO BE ESTABLISHED;
- (C) AN ORDER THAT THE NONCOMPLIANT PARTY MAY NOT SUPPORT OR OPPOSE DESIGNATED CLAIMS OR DEFENSES;
- (D) AN ORDER STRIKING ANY PLEADINGS OR PARTS THEREOF, OR STAYING FURTHER PROCEEDINGS OR DISMISSING THE PROCEEDING OR ANY PART THEREOF, OR ENTERING A JUDGMENT BY DEFAULT AGAINST THE NONCOMPLIANT PARTY; OR
- (E) A FINDING AGAINST THE NONCOMPLIANT PARTY.

CHAPTER XI APPEALS

SECTION 11.01 RIGHT OF APPEAL; APPEALS PROCEDURES. AN APPLICANT, LICENSEE, EXCLUDED PERSON OR OTHER PERSON DIRECTLY AFFECTED BY ANY DECISION OR FINDING OF THE COMMISSION PURSUANT TO SECTION 10.12 OF THIS ACT, OR ANY LICENSING DECISION OF THE COMMISSION UNDER THIS ACT, SHALL HAVE THE RIGHT TO FILE A REQUEST FOR A REHEARING BEFORE THE COMMISSION. ANY SUCH REQUEST OF REHEARING MUST BE FILED WITH THE COMMISSION IN WRITING ON OR BEFORE THE TENTH (10TH) DAY FOLLOWING RECEIPT BY SUCH AFFECTED PERSON OF THE WRITTEN FINDING OF THE COMMISSION. THE COMMISSION SHALL CERTIFY THE HEARING RECORD WITHIN THIRTY (30) DAYS OF THE DATE OF THE FILING OF THE REQUEST FOR REHEARING. IN ANY CASE WHICH COME BEFORE THE COMMISSION FOR FINAL

- (D) CLAIMING, COLLECTING OR TAKING, OR ATTEMPTING TO CLAIM, COLLECT OR TAKE, MONEY OR ANYTHING OF VALUE IN OR FROM A GAME WITH INTENT TO DEFRAUD OR CLAIMING, COLLECTING OR TAKING AN AMOUNT GREATER THAN THE AMOUNT ACTUALLY WON IN SUCH GAME;
- (E) KNOWINGLY TO ENTICE OR INDUCE ANOTHER TO GO TO ANY PLACE WHERE GAMING IS CONDUCTED OR OPERATED IN VIOLATION OF THE PROVISIONS OF THIS ACT, WITH THE INTENT THAT THE OTHER PERSON PLAY OR PARTICIPATE IN SUCH GAMING;
- (F) REDUCING THE AMOUNT WAGERED OR CANCELING A WAGER AFTER ACQUIRING KNOWLEDGE OF THE OUTCOME OF A GAME OR OTHER EVENT WHICH IS THE SUBJECT OF THE BET OR WAGER, INCLUDING PINCHING BETS;
- (G) MANIPULATING, WITH INTENT TO CHEAT OR DEFRAUD, ANY COMPONENT OR PART OF A GAME IN A MANNER CONTRARY TO THE DESIGNED AND NORMAL OPERATIONAL PURPOSE FOR SUCH COMPONENT OR PART, WITH KNOWLEDGE THAT SUCH MANIPULATION WILL AFFECT THE OUTCOME OF THE GAME, OR WITH KNOWLEDGE OF ANY EVENT THAT AFFECTS THE OUTCOME OF THE GAME;
- (H) DEFRAUDING THE TRIBE, ANY LICENSEE OR ANY PARTICIPANT IN ANY GAMING;
- (I) PARTICIPATING IN ANY GAMING NOT AUTHORIZED UNDER THIS ACT AND, WHEN APPLICABLE, THE COMPACT;
- (J) KNOWINGLY PROVIDING FALSE INFORMATION, OMISSION OR MAKING ANY FALSE STATEMENT WITH RESPECT TO AN APPLICATION FOR EMPLOYMENT OR FOR ANY LICENSE, CERTIFICATION, OR DETERMINATION PROVIDED FOR IN THIS ACT;
- (K) KNOWINGLY PROVIDING FALSE OR MISLEADING INFORMATION OR MAKING ANY FALSE OR MISLEADING STATEMENT TO THE TRIBE, THE COMMISSION OR THE EXECUTIVE DIRECTOR IN CONNECTION WITH ANY CONTRACT FOR SERVICES OR PROPERTY RELATED TO GAMING;
- (L) KNOWINGLY MAKING ANY FALSE OR MISLEADING STATEMENT IN RESPONSE TO ANY OFFICIAL INQUIRY BY THE COMMISSION OR ITS AGENTS;
- (M) OFFERING OR ATTEMPTING TO OFFER ANYTHING OF VALUE, TO A LICENSEE IN AN ATTEMPT TO INDUCE THE LICENSEE TO ACT OR REFRAIN FROM ACTING IN A MANNER CONTRARY TO THE OFFICIAL DUTIES OF THE LICENSEE UNDER THIS ACT, THE REGULATIONS, OTHER TRIBAL LAW, IGRA OR OTHER FEDERAL LAW;
- (N) ACCEPTANCE BY A LICENSEE OF ANYTHING OF VALUE WITH THE EXPECTATION THAT RECEIPT OF SUCH THING OF VALUE IS INTENDED, OR MAY BE PERCEIVED AS INTENDED, TO INDUCE THE LICENSEE TO ACT OR REFRAIN FROM ACTING, IN A MANNER CONTRARY TO THE OFFICIAL DUTIES OF THE LICENSEE UNDER THIS ACT, THE REGULATIONS, TRIBAL LAW, IGRA OR OTHER FEDERAL LAW;

- (O) FALSIFYING, DESTROYING, ERASING OR ALTERING ANY BOOKS, COMPUTER DATA, RECORDS, OR OTHER INFORMATION RELATING TO A GAMING OPERATION IN WAYS OTHER THAN IS PROVIDED IN APPROVED INTERNAL CONTROL PROCEDURES;
- (P) TAKING ANY ACTION WHICH INTERFERES WITH OR PREVENTS THE COMMISSION OR THE COUNCIL FROM FULFILLING ITS DUTIES AND RESPONSIBILITIES UNDER THIS ACT, THE REGULATIONS, OR IGRA; AND
- (Q) ENTERING INTO ANY CONTRACT, OR MAKING PAYMENT ON ANY CONTRACT FOR THE DELIVERY OF GAMING GOODS OR SERVICES TO A GAMING OPERATION, WHEN SUCH CONTRACT FAILS TO PROVIDE FOR OR RESULT IN THE DELIVERY OF GAMING GOODS OR SERVICES OF FAIR VALUE FOR THE PAYMENT MADE OR CONTEMPLATED.

SECTION 12.03 ENFORCEMENT.

- (A) **CRIMINAL VIOLATIONS.** ANY INDIAN PERSON EMPLOYED BY THE TRIBE, EXCLUDING IN A GAMING OPERATION OR A GAMING ESTABLISHMENT, WHO WILLFULLY VIOLATES THIS ACT, WILLFULLY FAILS TO COMPLY WITH THIS ACT, OR WILLFULLY PREVENTS ANOTHER PERSON FROM COMPLYING WITH ANY PROVISION OF THIS ACT SHALL BE GUILTY OF A CRIME AND SHALL BE SUBJECT TO A MAXIMUM FINE OF \$5,000 OR ONE (1) YEAR IMPRISONMENT, OR BOTH.
- (B) **CIVIL VIOLATIONS.** ANY PERSON EMPLOYED BY THE TRIBE, INCLUDING IN A GAMING OPERATION OR A GAMING ESTABLISHMENT, WHO WILLFULLY VIOLATES THIS ACT, WILLFULLY FAILS TO COMPLY WITH THIS ACT, OR WILLFULLY FAILS TO COMPLY WITH ANY PROVISION OF THIS CODE, OR WILLFULLY PREVENTS ANOTHER PERSON FROM COMPLYING WITH ANY PROVISION OF THIS CODE SHALL BE LIABLE FOR A CIVIL FINE NOT TO EXCEED \$5,000. THE AMOUNT OF ANY SUCH CIVIL FINE MAY BE RECOVERED IN A CIVIL ACTION BROUGHT IN THE TRIBAL COURT. ALL CIVIL FINES ACCRUING UNDER THIS ACT SHALL BE CUMULATIVE AND A SUIT FOR THE RECOVERY OF ONE FINE SHALL NOT BAR OR AFFECT THE RECOVERY OF ANY OTHER FINE, JUDGMENT, PENALTY, FORFEITURE, OR DAMAGES, NOR BAR THE POWER OF THE TRIBAL COURT TO PUNISH FOR CONTEMPT, NOR BAR ANY CRIMINAL PROSECUTION.