



The Grand Traverse Band of Ottawa and Chippewa Indians

Legal Department

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7601 • FAX 231-534-7600

MANDATORY 30-DAY POSTING

MEMORANDUM

TO: Tribal Membership
FROM: GTB Legal Department *PP*
RE: 30-day posting regarding Resolution #25-43.3823 Title 18 Chapter 2 Gaming
Commission Amendments
DATE: December 18, 2025

Please post the attached proposed amendments to the above referenced ordinance that was approved for a 30-day posting by Tribal Council at the Tribal Council Regular Session on December 18, 2025. Please post the above referenced ordinance in an area where GTB tribal members can review it for 30 days. This is an opportunity for tribal members to provide comments, if any, about this proposed ordinance. Your comments will be provided to Tribal Council prior to the adoption of this ordinance. This posting will end on January 18, 2025 and can be removed at that time.

Any comments regarding the above referenced should be directed to the GTB Legal Department either by writing to the GTB Legal Department, 2605 N.W. Bayshore Dr., Peshawbestown, MI 49682, or by telephone (231) 534-7601, or by e-mail, to page.paul2@gtb-nsn.gov

Posting Sites:

Administration Building
Accounting Department Annex
Annex II – Human Resources Building
Benodjeohn Child Care Center
Clinic
Elder's Complex
Housing
SBR Plant
Natural Resources/Conservation
Maintenance Department
Benzie Satellite Office – via e-mail
Charlevoix Satellite Office – via e-mail
Traverse City Satellite Office – via e-mail
Strongheart Center
Library/Yo Building/Youth Center
Tribal Court

EDC Building

Leelanau Sands Casino –
Employees/Supervisors' Break-room

Leelanau Sands "The Lodge" –
Employees/Supervisors' Break-room

Turtle Creek Casino – Employees/Supervisors'
Break-room



The Grand Traverse Band of Ottawa and Chippewa Indians

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7750

Certification of Tribal Council Action Regular Session of December 17, 2025

**I hereby certify as the Tribal Council Secretary that the foregoing
Motion was Approved and Adopted at the Regular Session of the
Grand Traverse Band of Ottawa & Chippewa Indians Tribal Council**

Title 18 CH. 2- Gaming Commission Amendments

Motion made by Tribal Council Vice Chair Rohl and Supported by Tribal Council
Secretary Miller to approve Resolution #25-43.3823 for a 30-day posting.

4-FOR; 0-AGAINST; 2-ABSENT (Frankenberger, Napont); 0-ABSTAINING
Motion Carries

Anna Miller, GTB Tribal Council Secretary

CC: John Petoskey-Legal



The Grand Traverse Band of Ottawa and Chippewa Indians

2605 N. West Bay Shore Drive · Peshawbestown, MI 49682-9275 · (231) 534-7750

TRIBAL COUNCIL RESOLUTION

Resolution #25-43.3823

AMENDMENTS TO TITLE 18 CHAPTER 2- GAMING COMMISSION

WHEREAS: The Grand Traverse Band of Ottawa and Chippewa Indians (GTB) became a federally recognized Indian Tribe having a government-to-government relationship with the United States effective May 27, 1980 (see 45 Fed. Reg. 18321-322 (March 25, 1980)); and

WHEREAS: The GTB is organized under a Tribal Constitution approved by the Secretary of the Interior on March 29, 1988; and

WHEREAS: the GTB's chief governing body, the Tribal Council, consists of Sandra L. Witherspoon, Tribal Chairwoman; Jane Rohl, Vice Chair; Donna M. Swallows, Treasurer; Anna Miller, Secretary; Tina A. Frankenberger, Councilor; Brian S. Napont, Councilor; Angelina Raphael, Councilor; and

WHEREAS: Article IV, Section (1)(c) of the Tribal Constitution provides that a power of the Tribal Council is "[t]o make all laws, not inconsistent with this Constitution, which shall be necessary and proper to carry out the sovereign powers of the Tribe, and to implement and enforce the same;" and

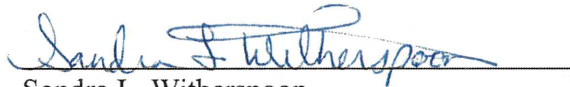
WHEREAS: Title One, Chapter One, Legislative Procedures §§ 103, 104, and 105 authorize Council acting in its Legislative Capacity to propose (§ 103), to propose a legislative bill (§ 104), to review and comment by Council for 30 days, (§ 105), to post for 30 days for review and comment by Tribal Members (§ 106).

WHEREAS: The National Indian Gaming Commission (NIGC) only approves a tribes gaming ordinance, specifically in GTB's case 18 GTBC §§ 101-124, because NIGC authority is specifically limited by the Indian Gaming Regulatory Act (IGRA) to reviewing the tribal ordinance against the requirements of the Act, not the tribal governmental internal structure, in this instance 18 GTBC §§ 201-213. The NIGC's scope of review does not extend to the specifics of how a tribal government chooses to organize its own internal regulatory body.; and

WHEREAS: GTB Tribal Council has determined that certain amendments to the GTB Gaming Commission Ordinance, 18 GTBC §§ 201-213 for the internal regulatory body are necessary to strengthen conflict of interest provisions to ensure fairness, equitability, and impartiality; and


NOW, THEREFORE BE IT RESOLVED that by this Resolution #25-43.3823 the Tribal Council acknowledges that it has reviewed these proposed Amendments to Title 18 Ch.2 and pursuant to Title 1 Legislative Procedures § 105 and 106 approves the Amendments, attached hereto, to be published for review and comment by Tribal members for a period not less than 30 days.

APPROVED:



Sandra L. Witherspoon,
Tribal Chairwoman

ADOPTED:



Anna Miller, Secretary

CERTIFICATION

As Secretary of the Grand Traverse Band Council, I hereby certify that the above resolution was approved and adopted at a Regular Session of the Tribal Council held on December 17, 2025, by a vote of 4 for, 0 against, 2 absent, and 0 abstaining.

ATTEST:



Anna Miller, Secretary

Title 18. Gaming.

Chapter 2. Gaming Commission

§ 201. Findings; Purpose

- (a) The Tribal Council of the Grand Traverse Band of Ottawa and Chippewa Indians finds that control and regulation of gaming activity is necessary to promote tribal economic development, self-sufficiency, and sovereignty; to protect the operation of gaming enterprises from organized crime and corrupting influences; and to ensure that gaming is conducted fairly and honestly by both operators and players. The Tribal Council finds that this duty is best conducted by a subordinate governmental organization permitted to exercise certain delegated executive and legislative powers.
- (b) The purpose of this ordinance is to delineate the delegated authorities, powers, and duties of the Grand Traverse Band Gaming Commission.

§ 202. Establishment; Immunity

- (a) The Grand Traverse Band Gaming Commission is established as a subordinate governmental organization pursuant to Article IV, Section 1(m) of the Constitution of the Grand Traverse Band of Ottawa and Chippewa Indians.
- (b) As a subordinate governmental organization, the Gaming Commission enjoys the same attributes of sovereignty as the Grand Traverse Band, including, but not limited to, sovereign immunity from suit and liability in any jurisdiction, court, or venue.
- (c) Nothing herein shall be interpreted as waiving the Band's sovereign immunity or as empowering the Gaming Commission to waive the Band's sovereign immunity. No waiver of the sovereign immunity of either the Band or the Gaming Commission is valid unless authorized by the Tribal Council in conformance with Article XIII or the Tribal Constitution.

§ 203. Residency; Place of Business

- (a) The Gaming Commission is a resident of, and will maintain its principal place of business on, the Reservation of the Grand Traverse Band in Peshawbestown, Michigan.
- (b) The Gaming Commission may conduct business under this ordinance at any location it deems to be in the best interests of the Band.

§ 204. Assets; Credit

- (a) Assets
 - (1) The Gaming Commission will have only those assets specifically assigned to it by the Tribal Council, or acquired in its name by the Tribal Council, or may acquire necessary assets on its own behalf.
 - (2) The property of the Gaming Commission is public property to be used for essential public and governmental purposes. The Gaming Commission and its property are exempt from all taxes and special assessments levied by the Tribal Council.

Title 18. Gaming.

- (3) Upon dissolution of the Gaming Commission, the title to any and all property then owned by it shall vest in and become property of the Band.
 - (4) No activity of the Gaming Commission nor any indebtedness incurred by it shall implicate or in any way involve or affect the assets of the Band's members or the Band unless the assets were assigned in writing by Tribal Council resolution to the Gaming Commission.
- (b) Nothing in this Gaming Code, nor in any activity of the Gaming Commission, in anyway involves or implicates the credit of the Band or the Gaming Commission.

§ 205. Membership; Non-Voting Membership; Vacancies

- (a) The Gaming Commission is comprised of at least two, but no more than four, members appointed by the Tribal Council and one member elected by the membership of the Band. Commissioners will serve staggered terms of four years. There is no prohibition on successive terms of service.
- (b) The Gaming Commission shall elect from among its members a Chairperson to preside over meetings, a Vice-Chair to preside over meetings in the Chairperson's absence, and such other officers as the Commission deems advisable.
- (c) The Tribal Council may designate any person, including any member of the Tribal Council, to participate without vote on the Gaming Commission.
- (d) If any commissioner dies, resigns, is removed or for any reason is otherwise unable or unwilling to serve as a commissioner, the Tribal Council must declare his or her position vacant and must appoint another person to fill the position for the remainder of the term. If the vacant position is the elected position, the Election Board must hold a Special Election to fill the remainder of the term consistent with its rules. If the Election Board does not hold a Special Election within a reasonable amount of time, Tribal Council must fill the vacancy by appointment for the remainder of the term.

§ 206. Qualifications for Membership; Length of Service

- (a) To serve on the Gaming Commission, a person must:
 - (1) Be an enrolled member of the Grand Traverse Band;
 - (2) Be at least eighteen years of age;
 - (3) Not be a Tribal Council member, although this provision does not prevent non-voting participation under section 205(c) of this ordinance;
 - (4) Not be a judge or employee of the Tribal Court;
 - (5) Not be employed by any gaming operation;

(6) — Not be a GTB Governmental employee working in the following departments: Court, Human Resources, Regulatory, and Legal. ;

Formatted: Indent: Left: 0.5"

Title 18. Gaming.

(7) -Not be an immediate relative of another existing appointed or elected Gaming Commissioner. (For purposes of this section "immediate relative" means: "parent" (whether biological or step) "son", "daughter", "grandparent", "aunt", "uncle", "first degree cousin", "father or mother" in-laws, "brother" or "sister" in law or "son or daughter" in-law.

(6) Not be on any more than 2 or more GTB boards/committees/or commissions.

Formatted: Indent Left: 0", Hanging: 1"

(76) Not have been convicted of a felony or misdemeanor indicating that such a person would be determined to be a person whose criminal record or prior activities, habits, associations, or reputation would pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods, and activities in the conduct of gaming;

(87) Not have been convicted of, or entered a plea of guilty or no-contest to, a felony, a gaming offense, or any misdemeanor which involved an element of dishonesty or moral turpitude;

(98) Not have a direct or indirect financial interest in any gaming activity or facility, other than the receipt of a per capita benefit, or any immediate family member's employment in a gaming operation.

- (b) The Regulatory Department must conduct a comprehensive background investigation and credit check of each candidate or potential appointee. For each candidate or appointee, the Election Board, or the Tribal Council, respectively, will determine whether the investigation reveals that the person's prior activities, criminal record (if any), or reputations, habits, or associations pose a threat to the public interest, or threaten the effective regulation and control of gaming, or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of gaming.
- (c) A person must pass an independently administered alcohol and drug test substantially similar to the pre-employment test given to prospective tribal employees prior to being considered as an appointee or to be qualified as a candidate. Failure or refusal to submit to the test, or the presence of alcohol or illegal drugs at the time of testing, will disqualify the person from appointment or candidacy.

§207 Restrictions on Commissioners

- (a) To avoid potential conflicts of interest between the operation and regulation of the gaming facilities, Gaming Commissioners shall adhere to the following:
- (1) Gaming Commissioners are prohibited from gambling in a gaming establishment that is subject to the jurisdiction of the Gaming Commission.
 - (2) No Gaming Commissioner may have any personal financial interest in any gaming by any patron.

Title 18. Gaming.

- (3) Gaming Commissioners are prohibited from accepting complimentary items or services from the gaming operations, excepting food and beverages valued under twenty dollars (\$20.00).

(b) Anti-Nepotism.

(1) No Gaming Commissioner or Gaming Commission management employee shall employ, elect, appoint or otherwise cause to be employed, nor nominate or otherwise influence the appointment or employment to any Tribal office or position with the Grand Traverse Band or any governmental or political subdivision thereof, any person or persons related by consanguinity or affinity within the third degree, nor any member of the same household as said public official or public employee. Assignment of such persons to duties, positions, governmental offices or other entities shall in all instances be made in strict compliance with the current provisions of the Personnel Policy Manual of the Grand Traverse Band, as amended from time to time.

(2) No Commissioner shall take part in the deliberation upon or in the determination of any matter affecting his immediate family member, which for the purpose of this policy includes: spouse, parent, child, brother, sister, in-laws (mother, father, brother, sister, son, daughter), stepparent, stepchild, stepbrother/sister, half-brother/sister, grandparent, great-grandparent, grandchild, foster child, foster parent, foster sibling, fiancé, or a co-habitant of the household of the person under consideration. For the purposes of this policy, the term "co-habitant" means an individual who has resided in the same residence as the person under consideration for a period of three (3) or more months.

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

Formatted: Normal, No bullets or numbering

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Left, Indent: Left: 0.75", No bullets or numbering, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Formatted: Font: (Default) Times New Roman

§ 208. Removal

- (a) The Tribal Council may suspend or remove a commissioner for serious inefficiency, neglect of duty, malfeasance, misfeasance, nonfeasance, misconduct in office, or for conduct which threatens the honesty and integrity of the Gaming Commission or gaming activity or is found to be disqualified or otherwise violates the letter or intent of this Title 18.
- (b) The Tribal Council may temporarily remove a commissioner to protect essential interests of the Band from immediate harm by delivering written notification of temporary removal. The notice must state the basis for the temporary removal action and contain a date for the hearing required in this Chapter. Temporary removal is effective immediately and prohibits the commissioner's further participation in any Gaming Commission business. Tribal Council must convene a hearing within ten days of the written notice to consider whether to remove or reinstate the commissioner, and the hearing must be conducted according to Section 208(d) below.
- (c) The Tribal Council may otherwise remove a commissioner by delivering written notice to a commissioner that it will consider the commissioner's removal from the Gaming Commission. The written notice must state the basis for the removal action and contain a date for the hearing required by this Chapter.

Title 18. Gaming.

- (d) The Tribal Council may conduct a removal hearing at any regular or special Tribal Council session, or by a special or emergency session called for that purpose. The commissioner subject to removal must appear in person at the hearing or meeting and may present witnesses. A commissioner subject to removal has a right to counsel present at the hearing or meeting. If the Tribal Council finds that the commissioners have engaged in behavior described herein, it will remove the commissioner or impose a lesser sanction if the Council determines the conduct or status of the Commissioner warrants sanction other than removal.
- (e) Failure of a commissioner to appear after receiving notice that he or she is subject to removal will be considered default and is sufficient for a finding of cause to removed. A written record of all removal proceedings, including the charges and findings, must be kept by the Tribal Secretary.
- (f) The decision of the Tribal Council after a hearing to remove a commissioner is final action for purposes of appeal to the Tribal Court, which shall be limited to administrative review.

§209. Meetings; Honorariums; Quorum; Voting

- (a) The Gaming Commission must hold at least one regular meeting per month on a schedule determined in advance by the Gaming Commission and posted publicly. Regular session agendas must be posted for public notice at least one week prior to the meeting.
- (b) The Tribal Council, the Chair of the Gaming Commission, or any member of the Gaming Commission may call a special session. Special session agendas must be posted as soon as practicable after the meeting is called.
- (c) The commissioners may be paid an honorarium for attendance at all meetings conducted pursuant to the 2 GTB 5, Open Access Meetings Act, and for all hearings conducted pursuant to Gaming Commission Regulations Chapter 7. Honorariums shall not be paid for informal meetings. Travel for trainings related to a Gaming Commissioner's duties shall be subject to the GTB Travel Policy for employees and/or other governmental officials.
- (d) Quorum for the conduct of Gaming Commission business is a majority of the total number of commissioners seated on the Commission by appointment or election.
- (e) The Gaming Commission can only act by motion, resolution, or regulation as determined by a majority vote with a quorum present.
- (f) A Commissioner must recuse himself or herself from all participation and decisions that pose a real or apparent conflict of interest.

§ 210. Delegation of Authority

The Tribal Council delegates to the Gaming Commission sufficient legislative and executive authority to implement this Title 18. The Gaming Commission has the power:

Title 18. Gaming.

- (a) To issue any gaming license as authorized by this Title 18, and to deny, suspend, or revoke the same;
- (b) To review and approve gaming operation policies and procedures for compliance with Tribal Internal Control Standards (TICS) and may require the development of specific policies for the implementation of regulations for the approval by the commission.
- (c) To delegate by regulation, motion, or resolution its power and authority to a Regulatory Department for execution, provided that the Gaming Commission may not delegate its authority to revoke a gaming license or to grant a Certificate of Rehabilitation.
- (d) To promulgate, publish, and distribute regulations to control day-to-day gaming activities, provided that no regulation has force or takes effect unless it is adopted by the Gaming Commission and approved by the Tribal Council;
- (e) To convene hearings and to administer oaths under penalty of perjury, and at hearings or otherwise to examine witnesses or individuals, orally or in writing, and to compel by subpoena the appearance of any person or the production of any books, records, or papers;
- (f) To examine or investigate any gaming facility or any other place, equipment, tangible property, books, records, papers, vouchers, accounts, documents, or financial statements of any gaming operation operating or suspected to be operating within the jurisdiction of the Grand Traverse Band;
- (g) To request and receive assistance from the Tribal Legal Department for hearings, for defining terms in this Title 18, for advising the Commission, for drafting documents or for any other permissible purpose;
- (h) To employ advisors as it deems necessary, such as law enforcement specialists, gaming professionals, the Tribal Legal or Accounting Departments, to exercise and carry out its responsibilities;
- (i) To sue in courts of competent jurisdiction within the United States and Canada, subject to the provisions of this Title 18 and other tribal laws, subject to the explicit approval of Tribal Council by written resolution, and the authority to arbitrate, compromise, negotiate, or settle any dispute to which it is a party relating to its authorized activities, including the power to bring suit for mandamus, injunctions, or other proceedings necessary to compel obedience to its orders;
- (j) To purchase, lease, take by gift, devise, bequest or otherwise acquire, own, hold, improve and use property and assets of every description, real and personal, tangible and intangible, including money, securities, or interests therein, rights and services of any kind and description or any interest therein, provided that any acquisition of any interest in real property is subject to the explicit approval of the Tribal Council by written resolution, and that title to real property or fixtures or improvements upon real property be taken in the name of the Grand Traverse Band or in the name of the United

Title 18. Gaming.

States for the Grand Traverse Band, and that all title to trust or restricted real property remain in trust or restricted;

- (k) To sell, convey, mortgage, pledge, lease, exchange, transfer, or otherwise dispose of all or any part of its property, assets, and revenue;
- (l) To enter into, make, perform, and carry out any agreement, partnership, joint venture contract or other undertaking with any federal, state, or local agency, or Indian tribe, or person, partnership, corporation, or other association or entity for any lawful purpose pertaining to its business or which is necessary or incidental to accomplishing the purposes of this Title 18;
- (m) To adopt and amend fee schedules and to charge fees to members of the public for licensing, investigating, or otherwise conducting its business, provided that no fee will be charged to or required of any tribally-owned or tribally-operated Class II or Class III gaming operation;
- (n) To require by regulation the filing of any records, forms, or reports, and all other information desired by the Tribal Council for implementation of this Title 18 relating to any gaming activity or operation, or any investigation as required by tribal or the Indian Gaming Regulatory Act;
- (o) To provide for an internal system of recordkeeping with adequate safeguards to preserve confidentiality;
- (p) To conduct background investigations of all individuals or entities who apply for licensing;
- (q) To discipline any applicant or licensee by ordering immediate compliance with this Title 18 or its regulations, and to issue orders of temporary suspension for any issued license;
- (r) To order the temporary closure of any gaming facility within the Band's jurisdiction if it determines that closure is necessary to protect the assets or interests of the Band; and

§ 211. Duties

The Gaming Commission has the duty to monitor and regulate gaming activity within the Band's jurisdiction, and to enforce this Title 18 and its regulations in conformance with tribal law, applicable federal law, and the Tribal-State Compact. The Gaming Commission has duties that include, but are not limited to:

- (a) Monitoring and regulating gaming activity within the Band's jurisdiction, enforcing this Title 18 and Gaming Commission regulations pursuant to tribal law and applicable federal law. ;
- (b) Maintaining files of license applications, background investigations, Gaming Commission actions, and hearing records for a period of at least ten years, notwithstanding any provision of law that permits a shorter time period;

Title 18. Gaming.

- (c) Developing and promulgating regulations for all gaming activities, including accounting, licensing, and investigative activities ;
- (d) Delegating to the Regulatory Department sufficient authority and duties to perform day-to-day execution of this Title 18 and related regulations including, but not limited to, the conduct of background investigations on each person or entity applying for a gaming license;
- (e) Reviewing, recommending changes to, and approving Operational Procedures and internal controls that must be developed and proposed by the EDC for all gaming activities;
- (f) Requiring and reviewing reports from the Regulatory Department regarding its oversight of gaming and exercise of delegated authority, including inspections and audits of each licensed gaming facility;
- (g) Preparing an annual operating budget for all Gaming Commission activities and presenting it to Tribal Council by August 15th of each year, with any requests under the GTB Appropriations Act subject to the tribal budgeting process;
- (h) Arranging for and attending appropriate training for its members and its staff to maintain competence with applicable federal and tribal law;
- (i) Furnishing copies of adopted regulations upon request of a court of competent jurisdiction;
- (j) Ensuring compliance with confidentiality, handling, storage, and disposal requirements attendant to criminal history records and other protected information obtained incident to the Gaming Commissions licensing functions;
- (k) Reviewing and resolving written patron disputes in conformance with section 109 and adopted regulations.
- (l) Scheduling and holding hearings as required by law or regulation.

§ 212. Gaming Regulatory Department

- (a) The Regulatory Department, a subdivision of the Grand Traverse Band Tribal Government, and acting as a part of its governmental operations, shall carry out the day-to-day responsibilities that are required to be fulfilled by the Gaming Commission.
- (b) The Tribal Government shall employ an Executive Director of the Gaming Commission, and he or she shall have the authority and duty to carry out the Gaming Commission's administrative and executive requirements under this Title 18, regulations, the Compact, and the IGRA, including:
 - (1) Regulatory Operations. The Executive Director is responsible for overseeing the day-to-day Regulatory operations.

Title 18. Gaming.

- (2) Administrative Support. The Director shall coordinate and provide administrative support to the Commission, including the drafting of procedures and correspondence directed by the Commission, the development and administration of the budgets, and records management.
 - (3) Personnel Supervision. The Director is responsible for supervising personnel and managing personnel matters in accordance with the GTB Governmental Personnel Policy and applicable laws.
 - (4) Contracting. The Director may negotiate and enter into contracts for necessary goods and services in conformance with approved budgets, governmental procurement and purchasing policies, and applicable laws and regulations.
 - (5) Budgeting. The Regulatory Department will prepare budget pursuant to governmental operation policies.
- (c) The Regulatory Department shall employ at least one Internal Auditor who has the responsibility of determining compliance auditing with the published internal controls, procedures, and positions descriptions.
- (1) The Internal Auditor shall report to the Executive Director in accordance with an audit schedule approved by the Gaming Commission that covers Operational Procedures, internal controls, and position descriptions.
 - (2) Audit findings shall be addressed in the following month by the Gaming Commission and the responsible gaming manager.
 - (3) The responsible gaming manager shall have thirty (30) days to comply with and correct audit findings unless a different time period is prescribed in writing by the Gaming Commission. Noncompliance for a period exceeding ninety (90) days will constitute cause for the Gaming Commission to impose sanctions on the gaming manager and/or to revoke the gaming license of any employees responsible for the noncompliance.
- (d) The Regulatory Department shall employ at least one Compliance Officer who has the responsibility of observing and reporting on compliance with the regulations of the National Indian Gaming Commission, Indian Gaming Regulatory Act, Minimum Internal Control Standards, Tribal-State compact, the Tribal Gaming Ordinance, Title 31, and the policies and procedures of the Casino. The Compliance Officer shall report to the Executive Director.
- (e) The Surveillance Department of the Gaming Operation shall report directly to the Executive Director of the Gaming Commission with regard to gaming customer and gaming employee compliance with established Tribal and federal rules and regulations, and Tribal-State Compact.

§ 213. Right of Entrance; Monthly Inspections

- (a) The Regulatory Department staff may enter the premises of any gaming operation or gaming facility for the purpose of making inspections and examining the accounts,

Title 18. Gaming.

books, papers, and documents of the operation of facility during the facility's business hours.

- (b) A Gaming Commissioner or a member of the Regulatory Department must visit each tribally-owned or tribally-operated gaming facility at least once every two weeks during normal business hours of 8:00 a.m. to 5:00 p.m. for the purpose of monitoring its operation. All visits shall be unannounced. A gaming operator shall facilitate such inspection or examination by giving every reasonable aid to the Gaming Commission and to any properly authorized officer or Regulatory Department staff.

§ 214. Investigations

- (a) A commissioner who receives information regarding an alleged violation of this Title 18 shall disclose to the Gaming Commission the nature of the alleged violation. The Commission by motion may direct the Regulatory Department to investigate the alleged violation. Subsequent contact regarding the alleged violation must not be received by a commissioner but must be directed to the Regulatory Department for inclusion in its investigation.
- (b) Any commissioner with personal knowledge of an alleged violation must recuse himself or herself from any subsequent hearing regarding the alleged violation.

§ 215. Disqualification

(a) A Commissioner should disqualify him/herself in a proceeding in which his/her impartiality might reasonably be questioned, including instances where:

(1) the commissioner has a personal bias or prejudice concerning a party that the Commissioner feels will prevent him or her from rendering a just decision;

(2) the party before the Commission is an immediate family member, as defined in section (1) of the policy;

(3) the commissioner or his/her spouse, or a person in a reasonably close family relationship to either of them, or the spouse of such a person:

(i) is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) is acting as a lawyer or advocate in the proceeding;

(iii) is known by the commissioner to have an interest that could be substantially affected by the outcome of the proceeding.

(b) A disqualified commissioner may call for a vote as to whether the commissioner may take part in a proceeding by disclosing on the record the basis of his/her disqualification. If based on such disclosure, the Commission determines by a majority vote that the commissioner's participation will not be prejudicial to the hearing, then the commissioner is no longer disqualified, and may participate in the proceeding.

Title 18. Gaming.

(c) A party to a hearing may request a commissioner to abstain from the hearing by providing, either verbally or in writing, a statement of prejudice giving sufficient reasonable grounds why the commissioner should not participate in the matter. The statement shall be presented to the Commission, which shall determine by a majority vote whether the commissioner may take part in the proceeding.

Formatted: Indent: Left: 0.5", Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Formatted: Font: 11 pt

