



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 #26-44.3903 Amendments to Title 18 GTBC
Ch.'s 1-3
DATE: July 1, 2026

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 Special Session on June 24, 2026. 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 these amendments to the Ordinance. Your comments will be provided to Tribal Council prior to the adoption of these amendments. This posting will end on July 31, 2026 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
Benodjeahn 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

Crystal Shores Casino-Breakroom



The Grand Traverse Band of Ottawa and Chippewa Indians

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Certification of Tribal Council Action Special Session of June 24, 2026

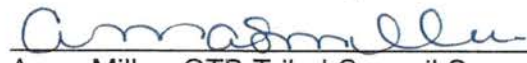
**I hereby certify as the Tribal Council Secretary that the foregoing
Motion was Approved and Adopted at the Special Session of the
Grand Traverse Band of Ottawa & Chippewa Indians Tribal Council**

Title 18 Amendments- Request for Legislative 30-day Posting

Motion made by Tribal Council Member Frankenberger and Supported by Tribal Council
Vice Chair Rohl to approve Resolution #26-44.3903.

6-FOR; 0-AGAINST; 0-ABSENT; 0-ABSTAINING

Motion Carries



Anna Miller, GTB Tribal Council Secretary

CC: 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 #26-44.3903

AMENDMENTS TO TITLE 18 CH.'S 1-3- AUTHORIZATION FOR LEGISLATIVE POSTING

WHEREAS: The Grand Traverse Band of Ottawa and Chippewa Indians 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 Grand Traverse Band 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 Sections 103, 104, and 105 authorize Council acting in its Legislative Capacity to propose legislation (Section 103), to propose a legislative bill (Section 104), to review and comment by Council for 30 days, Section (105), to post for 30 days for review and comment by Tribal Members (Section 106).

NOW, THEREFORE BE IT RESOLVED that by this Resolution the Tribal Council acknowledges that it has reviewed these proposed Amendments to Title 18 Ch. 1-3 pursuant to Title 1 Section 105 and therefore approves the public posting of these proposed amendments for a 30-day comment period by Tribal members pursuant Section 106 of Title 1 Chapter 1 Legislative Procedures.

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 June 24, 2026, by a vote of 6 for, 0 against, 0 absent, and 0 abstaining.

ATTEST: Anna Miller
Anna Miller, Secretary

Chapter 1
Gaming Ordinance

§ 101. Findings; Purpose. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) The Tribal Council of the Grand Traverse Band of Ottawa and Chippewa Indians finds that gaming activity within its jurisdiction is essential to promote tribal economic development, self-sufficiency, and sovereignty, and that gaming activity must be controlled and regulated by the Band in a manner consistent with its best interests and with applicable federal law.
- (b) The Constitution of the Grand Traverse Band of Ottawa and Chippewa Indians vests in the Tribal Council the power to enact ordinances. Accordingly, the Tribal Council enacts this Gaming Ordinance to promote tribal economic development, self-sufficiency and sovereignty; to protect the operation of gaming enterprises from organized crime and other corrupting influences; and to ensure that gaming is conducted fairly and honestly by both the operators and players.

§ 102. Applicability. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

Unless specifically indicated otherwise, all provisions of this ordinance apply to all gaming activity within the Band's Indian lands.

§ 103. Definitions. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

For purposes of this Title 18 and associated regulations, certain terms and phrases will have the definitions assigned in this section, unless context clearly requires otherwise. Use of the word "will" or "shall" is mandatory; use of the word "may" is permissive. Words in the singular, or gendered words, are meant to be read alternatively as plural or neutral.

- (a) "Class I Gaming" means:
 - (1) Social games played solely for prizes of minimal value; or
 - (2) Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.
- (b) "Class II Gaming" means:
 - (1) Bingo or lotto (whether or not electronic, computer or other technologic aids are used) when players:
 - (A) Play for prizes with cards bearing numbers or other designations;
 - (B) Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
 - (C) Win the game by being the first person to cover a designated pattern on such cards;
 - (2) Pull-tabs, punch boards, tip jars, instant bingo and other games similar to bingo, if played in the same location as bingo or lotto;

- (3) Non-banking card games that:
- (A) The law of the state of Michigan explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 - (B) Players play in conformity with state laws and regulations concerning hours, periods of operation and limitations on wagers and pot sizes;
- (4) Card games played in the states of Michigan, North Dakota, South Dakota or Washington, if:
- (A) A tribe actually operates the same card games as played on or before May 1, 1988, as determined by the NIGC Chair; and
 - (B) The pot and wager limits remain the same as on or before May 1, 1988, as determined by the NIGC Chair.
- (c) "Class III Gaming" means all forms of gaming that are not Class I or Class II gaming, including, but not limited to:
- (1) Any house banking game, including, but not limited to:
 - (A) Card games such as baccarat, chemin de fer, blackjack (21) and pai gow (if played as house banking games); and
 - (B) Casino games such as roulette, craps and keno;
 - (2) Any slot machines, as defined in 15 U.S.C. § 1171(a)(1), and electronic or electromechanical facsimiles of any games of chance;
 - (3) Any sports betting and pari-mutuel wagering, including, but not limited to, wagering on horse racing, dog racing or jai alai; or
 - (4) Lotteries.
- (d) "Commission" or "Gaming Commission" means the subordinate governmental organization established as the tribal regulatory authority of gaming activity in § 105 of this ordinance. Gaming Commission established by Chapter 2 of this Title 18.
- (e) "Complimentary Item" means a service or item provided at no cost, or at a reduced cost, to a customer, but does not include discounts offered equally to all Tribal Citizens, tribal employees, or attendees at a conference or training.
- (f) "Economic Development Corporation (EDC)" means the entity established by its charter at 15 GTBC2.01 et seq., as a gaming operator.
- (d)(g) "Employee ID Position" means any employee of the gaming operation, or whose job duties are in support of the gaming operation, or EDC employee who require entry into gaming operation, that is not a key employee or primary management official.
- (e)(h) "Facility License" means a license issued by the Band of each place, facility or location on its Indian lands where it elects to allow Class II or Class III gaming.
- (f) "Gaming Commission" means the subordinate governmental organization established as the tribal regulatory authority of gaming activity in § 105 of this ordinance.
- (i) "Gaming Enterprise" means the entities through which Tribe conducts, regulates, and secures gaming on Indian lands within such tribe's jurisdiction pursuant to the Indian Gaming Regulatory Act.

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(j) "Gaming Operation" means the economic entity established by the Band to operate gaming activity, receive the revenues, issue the prizes and pay the expenses.

(g)(k) "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.*

(h)(l) "Indian Lands" means:

- (1) Land within the limits of the Band's Indian reservation; or
- (2) Land over which the Band exercises governmental power and that is either:
 - (A) Held in trust by the United States for the benefit of any Indian tribe or individual; or
 - (B) Held by an Indian tribe or an individual subject to restriction by the United States against alienation.

(+)(m) "Key Employee" means:

- (1) A person who performs one or more of the following functions for the gaming operation:
 - (A) Bingo caller;
 - (B) Counting room supervisor;
 - (C) Chief of security;
 - ~~(D) Custodian of gaming supplies or cash;~~
 - (E)(D) Floor manager;
 - (F)(E) Pit boss;
 - (G)(F) Dealer;
 - (H)(G) Croupier;
 - (+)(H) Approver of credit; or
 - (I) Custodian of gaming systems as defined in 25 CFR 547.2 and similar class III systems, gaming cash or gaming cash equivalents, gaming supplies or gaming system records; devices, including persons with access to cash and accounting records within such devices;
 - (J) Custodian of surveillance systems or surveillance system records;
- (2) Any gaming operation employee authorized by the gaming operation for unescorted access to secured gaming areas designated as secured gaming areas by the TGRA. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year;
- (3) If not otherwise included, the four most highly compensated individuals employed in the gaming operation; or
- (4) Any other employee of the gaming enterprise as documented by the Tribe individual designated by the Band in writing as a key employee.

(+)(n) "License" means the revocable permission granted by the Gaming Commission to an individual or an entity to operate in a specific kind of gaming activity or related activity.

§ 303

GAMING

§ 302

- (1) "Employee License" means a license issued to each primary management official or key employee who is employed by a gaming operation.
- (2) "Facility License" means a license issued to each facility, location or place where Class II or Class III gaming is conducted within the Band's jurisdiction. A separate license must be obtained for each facility.
- (3) (Reserved)
- (4) "Vendor License" means a license issued to an individual or entity who provides goods or services to a gaming operation.

~~(k)(o)~~ "National Indian Gaming Commission (NIGC)" means the federal body established by 25 U.S.C. § 2704.

~~(h)(p)~~ "Net Revenue" means gross gaming revenues of a gaming operation less:

- (1) Amounts paid out as, or paid for, prizes; and
- (2) Total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements.

~~(q)~~ "Primary Management Official" means any ~~person who has the authority to hire and fire employees; or to set up working policy for the gaming operation; or the chief financial officer or other person who has financial management responsibility; or any other person designated by the Band in writing as a primary management official.~~

~~(1) Any person having management responsibility for a management contract;~~

~~(2) Any person who has the authority;~~

~~(A) To hire and fire employees of the gaming operation; or~~

~~(B) To establish policy for the gaming operation.~~

~~(3) The Chief Financial Officer or a position with duties similar to a chief financial officer.~~

~~(4) The General Manager or a position with duties similar to a general manager.~~

~~(m)(5) Any other employed management official of the gaming enterprise as documented by the Tribe as a primary management official.~~

~~(r)~~ "Tribal Gaming Regulatory Authority (TGRA)" means the entity authorized by Tribal law to regulate gaming conducted pursuant to the Indian Gaming Regulatory Act.

~~(n)(s)~~ "Tribal-State Compact" means ~~an the Compact agreement, including all renewals, amendments, appendices, exhibits, and other attachments thereto, between the Band and the State of Michigan that governs about Class III gaming entered into under pursuant to 25 U.S.C. § 2710(d).~~

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§ 104. Gaming Authorized. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) Class I gaming is authorized subject to the requirements of the Gaming Commission or its authorized agent.
- (b) Class II is authorized on the Band's Indian lands, provided that such gaming is conducted in accordance with this ordinance, the Indian Gaming Regulatory Act, the NIGC's regulations and any other applicable laws or regulations.

- (c) Class III gaming is authorized on the Band's Indian lands, provided that such gaming is conducted in accordance with this ordinance, the Indian Gaming Regulatory Act, and the Tribal-State Compact.

§ 105. Ownership of Gaming; Regulatory Authority; Agent for Service. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) The Grand Traverse Band of Ottawa and Chippewa Indians shall have the sole proprietary interest in and responsibility for the conduct of any gaming authorized by this ordinance.
- (b) The Gaming Commission is established as a subordinate governmental organization with primary regulatory authority over gaming activities, according to Chapter 2 of this Title 18.
- (c) The Chair of the Gaming Commission shall be the designated agent for service of process for any official determination, order or notice of violation from the NIGC. Nothing about this provision waives the inherent sovereign immunity of the Band or the Gaming Commission against suit into any jurisdiction or venue.

§ 106. Use of Net Gaming Revenues. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

Use of net revenues from tribal gaming shall be regulated by the Revenue Allocation Ordinance found at 18 GTBC Chapter 16. Net revenues shall only be used for the following purposes:

- (a) To fund the Band's government operations and programs;
- (b) To provide for the general welfare of the Band and its members;
- (c) To promote tribal economic development;
- (d) To donate to charitable organizations; or
- (e) To help fund operations of local non-tribal government agencies.

§ 107. Audits. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) The Band will arrange for independent audits of gaming operations annually and must submit the results of those audits to the NIGC. Such audits must conform to generally accepted auditing standards.
- (b) All gaming-related contracts resulting in the purchase of supplies, services or concessions for more than \$25,000 in any year (except contracts for professional legal and/or accounting services) must be specifically included within the scope of the audit conducted under § 107(a) of this ordinance.

§ 108. Environment; ~~Patron Dispute Resolution~~. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) Each gaming facility shall be constructed, maintained and operated in a manner that adequately protects the environment and the health and safety of the public.
- ~~(b) Any dispute between GTB gaming enterprises and the gaming public which arises over the payment of winnings to a member of the gaming public will be resolved according to the following schedule:~~
- ~~(1) If the disputed win is less than \$200, the department head, or designee, of that game will resolve the matter at the time of the dispute, and that resolution will be final.~~
- ~~(2) If the disputed win is \$200 or more, but less than \$1,000, the gaming manager will resolve the matter within eight hours, and that resolution will be final.~~

~~(3) If the disputed win is \$1,000 or more, the Tribal Commission will resolve the matter within 30 days, and that resolution will be final.~~

~~(e) Nothing about this § 108 is to be construed as creating a cause of action against the Band, its enterprises, agents or employees, nor is it to be construed as waiving sovereign immunity into any venue or jurisdiction.~~

§ 109. Patron Dispute Resolution

a) ~~The Gaming Operation shall develop written procedures that designate Key Employees or Primary Management Officials who are authorized to address and resolve complaints and disputes with patrons.~~

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(1) ~~The procedures must provide patrons an opportunity to present complaints or disputes in writing to the individuals authorized by the Gaming Operation to resolve patron complaints and disputes.~~

(2) ~~The procedures must provide that the gaming operation must notify the patron of their right to contact the Gaming Commission regarding the dispute.~~

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b) ~~Among the procedures developed pursuant to paragraph (a) above, the Gaming Operation shall grant discretion to the following employees to resolve disputes up to the amount indicated:~~

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(1) ~~Department Head or designee-\$0.00-\$500.00~~

(2) ~~Gaming Manager-\$500.01-\$1,000.00~~

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c) ~~A dispute between a Gaming Operation and a patron which arises over the payment of gambling winnings, goods, or services shall be resolved in accordance with the written procedures established pursuant to subsection (a).~~

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d) ~~The Chief Gaming Regulator may at their sole discretion decline to resolve the patron's dispute if it is determined that the patron did not first give the Gaming Operation reasonable opportunity to resolve the complaint prior to requesting a resolution by the Gaming Commission.~~

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e) ~~If a dispute regarding one thousand dollars (\$1,000) or equivalent value is not resolved by application of the Gaming Operations written procedures, or satisfaction of the patron, the Operation shall notify the patron that they may file a written complaint within 5 business days of the day the patron knew or should have known about the facts giving rise to the dispute with the Gaming Commission in accordance with its regulations and if necessary to hold a hearing. The Commission will resolve the matter within 30 days, and that resolution will be final.~~

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f) ~~The Gaming Commission shall promulgate regulations to review unresolved disputes involving one thousand dollars (\$1,000) or more, and if necessary to hold a hearing. The Commission will resolve the matter within 30 days, and that resolution will be final and shall not be subject to further appeal.~~

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g) ~~Nothing about this section 109 is to be construed as creating a cause of action against the Band, its enterprises, agents, or employees, nor is it to be construed as waiving sovereign immunity into any venue or jurisdiction.~~

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§ 11009. ~~Licenses~~ Facility Licenses. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

(a) ~~The Band must issue a separate facility license to each place, facility or location on Indian lands where Class II or Class III gaming is conducted under this ordinance.~~

(b) ~~All primary management official and key employees of a gaming operation must have a valid~~

~~employee gaming license as a condition of hire and continued employment in a licensed gaming facility.~~

§ 1110. Application for Employee Gaming License. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) ~~All primary management officials and key employees of a gaming operation must have a valid employee gaming license as a condition of hire and continued employment in a licensed gaming facility.~~
- (b) ~~The Gaming Commission shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any class II and/or class III facility. The Gaming Commission has the authority to set licensing standards and issue licenses to non-key employees of gaming operation or anyone whose job duties are in support of the gaming operation. The application requirements and standards for issuance of non-key licenses will be set out in the regulations promulgated under this statute and as approved by Tribal Council.~~

~~(a)(c)~~ Application forms for employee gaming licenses must bear the following notices when provided to an applicant:

- (1) 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 an individual 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 performance of their official duties. The information may be disclosed by the Band or the NIGC to the appropriate federal, tribal, state, local or foreign law enforcement or regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or by the NIGC in connection with the 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 the Band being unable to license you for a primary management or key employee position. The disclosure of your social security number is voluntary. However, failure to supply a SSN may result in errors in processing your application.
- (2) A false statement on any part of your license application may be grounds for denying a license or for the suspension or revocation of a license after it has been issued. You may also be punished by fine or imprisonment pursuant to 18 U.S.C. § 1001.

~~(b)(d)~~ The application must gather, at a minimum, all of the following information:

- (1) The full name of the applicant and any other names used, and his or her social security number, birth date, place of birth, citizenship, gender, driver's license number and all language spoken and/or written;
- (2) Current business and employment positions, any ownership interest in those businesses, and the address(es) and telephone number(s) of the business, and all similar information for the five-year period prior to the date of application;
- (3) Current residential address, and telephone number, including cellular telephone numbers, and each residential address, telephone number and/or cellular telephone number for the five-year period prior to the date of application;
- (4) 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 in Subsection ~~(db)~~(3) of this section;

- (5) A description of any existing and previous business relationships with other tribes, including any ownership interests in the business(es);
- (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in the business(es);
- (7) The name and address of any licensing or regulatory agency with which the applicant has applied for a license or permit related to gaming, whether or not such license or permit was granted;
- (8) Whether the applicant has ever been convicted of a felony and, if so, the charge, the name and address of the court involved, and the date of disposition, if any, and also whether the applicant is subject to ongoing prosecution for a felony;
- (9) Whether the applicant has been convicted of a misdemeanor (excluding minor traffic violations) within 10 years of the date of the application, and, if so, the charge, the name and address of the court involved and the date of disposition, if any, and also whether the applicant is subject to an ongoing prosecution for a misdemeanor;
- (10) For any other criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of application and is not otherwise listed pursuant to Subsection (db)(8) or (db)(9) above, the charge, the name and address of the court involved and the date of disposition, if any.
- (11) The name and address of any licensing or regulatory agency with which the applicant has applied for an occupational license or permit, whether or not such license or permit was granted;
- (12) A current photograph;
- (13) Fingerprints obtained in accordance with procedures adopted by the Band pursuant to 25 C.F.R. § 522.2(gh); and
- (14) Any other information the Band deems relevant.

~~(e) — (Reserved)~~

~~(e)~~ When a primary management official or key employee is employed by the Band, the complete application file, containing all of the information listed in § 1119(db) above, must be maintained.

~~(d)(f)~~ The Tribe may charge a license fee to be set by the Gaming Commission and approved by the Tribal Council, to cover its expenses in investigating and licensing required under this statute.

§ 1124. Fingerprints. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

The Band must request fingerprints from each applicant for a primary management official and key employee. Fingerprints are to be taken by the Grand Traverse Band Regulatory personnel or by Tribal Police. ~~and The Tribal Police.~~ will forward the fingerprints to the NIGC for processing through the Federal Bureau of Investigation and the National Criminal Information Center to determine the applicant's criminal history, if any.

§ 1132. Background Investigations. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) The Band must perform a background investigation for each person who applies for a gaming employee license. The investigation must be sufficient to allow the Gaming Commission to make an eligibility determination under § 1143 of this ordinance.

- (b) The Gaming Commission must create and maintain an investigative report for each applicant for an employee gaming license.
- (c) Investigative reports shall include, at a minimum, all of the following information:
 - (1) Steps taken in conducting the investigation;
 - (2) Results obtained;
 - (3) Conclusions reached; and
 - (4) The basis for those conclusions.

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- (d) The Gaming Commission must ensure that all records and information obtained as a result of an employee background investigation shall remain confidential and shall not be disclosed to persons who are not directly involved in the licensing process.

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- (e) Information obtained during the course of an employee background investigation may be disclosed to members of management, human resources personnel, or other employed by the gaming operation on a need to know basis for actions to be taken in their official capacity. This information must be public record and shall not include information from Federal Bureau of Investigation (FBI) records, Law Enforcement Information Network (LEIN) records, or disclose individuals interviewed during the background investigation.

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- (4)(f) This section does not apply to requests for such information or records from any Tribal, Federal, or State law enforcement or regulatory agency, or for the use of such information or records by the Commission in the performance of their official duties to the extent permitted under applicable law.

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§ 1143. Eligibility Determinations. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) Before a license is issued to an applicant, an authorized tribal official must make a finding concerning the eligibility of that applicant to receive a gaming license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits and associations.
- (b) If the authorized tribal official, in applying the standards adopted in this ordinance, determines that licensing an applicant poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming, he or she must not grant the applicant's application for a gaming employee license.
- (c) Copies of eligibility determinations must be included with the notice of results that are to be submitted to the NIGC before a gaming employee license is granted to an applicant.

§ 1154. Notice of Results of Background Investigations. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) Prior to issuing an employee gaming license, the Gaming Commission must prepare a notice of results of the applicant's background investigation. The notice of results must be submitted to the NIGC within 60 days of the date the applicant begins employment with the Band.
- (b) The notice of results must include all of the following information:
 - (1) The applicant's name, date of birth and social security number, if one was provided;
 - (2) The date on which the applicant began, or intends to begin, working as a primary management official or key employee;

- (3) A summary of the information presented in the investigative report, including:
- (A) Licenses that have previously been denied;
 - (B) Gaming licenses that have been revoked, even if subsequently reinstated;
 - (C) Every known criminal charge brought against the applicant within the ten-year period prior to the date of the application;
 - (D) Every felony offense of which the applicant has been convicted or is subject to an ongoing prosecution; and
- (4) A copy of the eligibility determination made in accordance with § 1143 above.

§ 1165. Granting Gaming Licenses. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) All primary management officials and key employees of a gaming operation must have a gaming license issued by the Band.
- (b) The Gaming Commission is responsible for granting and issuing gaming licenses to primary management officials and key employees.
- (c) The Gaming Commission may license a primary management official or key employee applicant after submitting the notice of results of the applicant's background investigation to the NIGC, as required by § 11544.
- (d) The Gaming Commission must notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of issuance.
- (e) A gaming operation must not employ an individual as a primary management official or key employee if that individual does not have an employee gaming license within 90 days of beginning work at the gaming operation.
- (f) The Gaming Commission must reconsider a license application for a primary management official or key employee if it receives a statement of itemized objections to the issuance of such license from the NIGC, if those objections are received within 30 days of the NIGC's receipt of the Commission's notice of results of the applicant's background investigation. The Commission must take the NIGC's objections into account when reconsidering a license application.
- (g) The Gaming Commission must make the final decision whether to issue a license to an applicant for a primary management official or key employee position.
- (h) If the Gaming Commission issued a license to a primary management official or key employee prior to receiving the NIGC's statement of objections, notice and a hearing must be provided to the primary management official or key employee pursuant to § 1187 below.

§ 1176. Denying Gaming Licenses. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) The Gaming Commission must not license an applicant as a primary management official or key employee if an authorized tribal official determines, in applying the standards in § 1143 for making a license eligibility determination, that licensing the person:
 - (1) Poses a threat to the public interest;
 - (2) Poses a threat to the effective regulation of gaming; or

- (3) Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming;
- (b) When the Gaming Commission denies a license to an applicant ~~based on Subsection (a)(1)-(3) above~~, or revokes a previously issued license after reconsideration, it shall:
- (1) Notify the NIGC; and
 - (2) Forward copies of its ~~license revocation decision consistent with 25 C.F.R. § 558.3(e), or~~ eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.
- (c) The Gaming Commission must not issue a license to a person who has been convicted of, or entered a plea of guilty or no contest to, any gambling-related offense, or any felony with an element of theft, fraud, or misrepresentation, or to a misdemeanor or other charge with an element of theft, fraud, or misrepresentation that would be considered a felony under Michigan law, provided that the conviction is based upon a charge prosecuted against the applicant as an adult offense and that the offense has not been effectively removed from the applicant's record by executive pardon, state court order, or operation of law.
- (d) The Gaming Commission must not issue a license to a person who has been convicted of any felony not described in Subsection (c) above, or of any misdemeanor within the prior five-year period, unless that person is a member of the Grand Traverse Band of Ottawa and Chippewa Indians and has obtained a certificate of rehabilitation.
- (1) If a tribal member is ineligible for a gaming license under this Subsection (d), he or she may apply to the Gaming Commission for a certificate of rehabilitation.
 - (2) The Gaming Commission may issue a certificate of rehabilitation to the tribal member upon a showing that the tribal member is not likely again to engage in any offensive or criminal course of conduct, and that the public good does not require a denial of a license to him or her.
- (e) The Gaming Commission may deny a license to an applicant if it determines that the applicant participated in organized crime or unlawful gambling, or whose prior activities, criminal record, reputation, habits and/or associations indicate good cause for disqualification under § ~~117446~~(a), or indicate a threat to the conduct of gaming or the carrying on of business and financial arrangements incidental to the conduct of gaming.

§ 1187. Casino Policies and Gaming License Holders Role and Trust

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- a) Casinos, particularly GTB EDC § 17 Indian Reorganization Act entity, is effectively a private business that has the right to exclude individuals suspected of card counting from playing table games or even excluding the suspected card counter from the premises. Refusing to leave or returning after being banned can lead to trespass charges.
- b) A GTB Gaming license holder holds a position of trust within the casino environment. Being caught engaging in a practice that casinos deem detrimental to their operations, even if not strictly illegal, can be viewed as compromising that trust and potentially impacting the GTB gaming license holders' ability to uphold the integrity of the games they oversee.

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§119 Employee Exclusion -Dishonest Play

To provide a honest and competitive environment where licensed behavior does not compromise the trust and integrity of the games offered by the gaming operator any employee excluded from any casino for play that uses a method characterized as dishonest (marking cards, card counting, or other such acts) shall be grounds for revocation of the employees' gaming license to work at GTB because such behavior compromises the perceived neutrality and integrity of GTB's gaming in the perception of players, management and the Gaming

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§ 311

GAMING

§ 302

Commission. Loss of license as an employee as a result of this section 119 also will include a loss of privilege to enter GTB gaming facilities. This revocation could be interpreted as a violation of the "honest in gaming position" requirement, as it indicates a willingness to exploit an advantage against the establishment the GTB gaming license holder, is license to work within, and potentially compromising their perceived neutrality and integrity in the eyes of the players and the Gaming Commission alike.

§120 Gaming License Suspensions and Revocations. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) If, after a license is issued to a primary management official or key employee, the Band receives notice from the NIGC that the primary management official or key employee is not eligible for licensure, the Gaming Commission shall do the following:
 - (1) Immediately suspend the license;
 - (2) Provide the licensee with written notice of the suspension and proposed revocation; and
 - (3) Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.
- (b) The right to a revocation hearing vests only when a license is granted under an ordinance approved by the NIGC Chair.
- (c) Following a revocation hearing, the Gaming Commission must decide whether to revoke or reinstate the license at issue.
- (d) The Gaming Commission must notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a primary management official or key employee is not eligible for licensure.

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§ 121 Licenses for Employee ID Positions

- a) Employee ID positions are employees of the gaming operations in job descriptions that do not meet the definition of a primary management official or a key employee.
- b) An employee ID position cannot be promoted to a key employee position without first obtaining a key-employee license.
- c) The standards of issuance, suspension, and revocation of employee ID licenses will be set out in the regulations approved by Tribal Council.
- d) The following statement shall be placed on the application form for an employee ID position: "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, or both."

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§ 122. Records Retention. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) The Gaming Commission must retain, for not less than three years from the date that a primary management official or key employee separates from employment with the Band, all of the following documentation:
 - (1) Applications for licensing and re-licensing;
 - (2) Investigative reports;

- (3) Eligibility determinations; and
- (4) All correspondence to and from the NIGC regarding the employee.

§ 12349. Prohibited Acts ~~Criminal Penalties~~. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) No person shall:
 - (1) Operate or in any way participate in any on-reservation Class II or Class III gaming activity not authorized according to this ordinance;
 - (2) Knowingly make a false statement in an application for a license;
 - (3) Knowingly make a false statement in connection with any contract to participate in gaming activity;
 - (4) Bribe or attempt to bribe any person participating in any gaming activity;
 - (5) Promote or participate in any illegal gaming activity;
 - (6) Fail to keep sufficient books and records to substantiate receipts, disbursements and expenses incurred or paid from any gaming activity authorized pursuant to this code;
 - (7) Falsify any books or records which relate to any transaction connected with any gaming activity conducted under this code;
 - (8) Conduct or participate in any gaming activity which results in cheating or misrepresentation, or which allows any other disreputable tactics that detract from the fair nature and equal chance of participation among gaming players, or which otherwise creates an advantage to the actor or an associate of the actor an advantage over and above the regular chance of the game and which affects the outcome of the game;
 - (9) Employ or possess any cheating device or device used in a manner to facilitate cheating;
 - (10) Willfully use any fraudulent scheme or technique to change the odds of any game of chance, including, but not limited to, exercising the technique of "card counting";
 - (11) Conduct a gaming activity with, or to allow participation in any gaming activity by, a visibly intoxicated or disorderly player;
 - (12) Allow or participate in the sale of liquor or alcohol at gaming facilities in a manner prohibited by tribal law;
 - (13) Accept or offer consideration other than money, personal checks or other approved consideration for the chance to play or participate in any gaming activity;
 - (14) Use bogus or counterfeit bills, chips, or tickets, or to substitute or use any cards, tickets, or equipment that has been marked or tampered with;
 - (15) Solicit, directly or indirectly, or use, or offer, furnish or provide inside information on the nature or status of any gaming activity for the benefit of any person;
 - (16) Tamper with a gaming device or manipulate the outcome or payoff of a gaming device, or otherwise interfere with the proper functioning of any machinery or equipment;
 - (17) Alter or counterfeit any type of gaming license, or fraudulently lend or use any type of gaming license;

§ 313

GAMING

§ 302

- (18) Operate, use or make available to the public any illegal gaming device, apparatus, material or equipment, or sell, hold out for sale or transport the same into or out of the Band's jurisdiction;
- (19) Possess any illegal narcotics or controlled substances at any licensed gaming facility;
- (20) Assist a person who is less than 18 years of age to participate in any gaming activity;
- (21) Steal, divert, convert or embezzle funds or other items of value from a gaming operation or from the Gaming Commission;
- (22) Employ a person at a licensed gaming operation whom the gaming operator knows or has reason to know has been convicted of a gaming crime or a crime of fraud;
- (23) To conspire with, aid, abet or induce another person to violate any provision of this code or any tribal or federal law;
- (24) Fail or refuse to comply with any lawful order or decision of the Gaming Commission;
- (25) Offer or accept a loan, financing or other thing of value between a Tribal Commission member or employee and any person participating in any gaming activity.
- (26) Attempt to engage in any of the conduct prohibited by this Section § 123+9(a)(1) - 25 or to engage or attempt to engage in conduct which contravenes the provisions of this Chapter 1.

§ 1249. Criminal Penalties. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) An Indian person convicted of engaging in the conduct prohibited by § 123+9(a) shall be guilty of a misdemeanor and subject to a maximum fine of \$5,000 and/or imprisonment for up to one year;
- (b) Each day or instance, as appropriate, of conduct under § 123+9(a) shall constitute a separate violation for purposes of criminal liability.

§ 1254. Civil Penalties. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) Any person who engages in the conduct prohibited by § 123+9(a) or in contravention of this Chapter 1 shall be liable to the Band for a civil fine not to exceed \$5,000 for each violation. The amount of such civil fine may be recovered in a civil action in the Tribal Court. All civil fines accruing hereunder shall be cumulative, and a suit for the recovery of one fine shall not bar or affect the recovery of any other fine or judgment, penalty, forfeiture, or damages, nor shall any such action bar the power of the Tribal Court to exercise its contempt powers, nor shall any such action operate as a bar to criminal prosecution.
- (b) The civil fines imposed under this code are intended to be remedial and not punitive and are designed to compensate the Band for the damage done to the peace, security, economy and general welfare of the Band and its Indian lands, and to compensate the Band for costs incurred by enforcing this code.
- (c) The civil fines under this code are also intended to coerce persons into complying with this code and Tribal Commission regulations and are not intended to punish such persons for violation of such laws and regulations.
- (d) In enforcing the civil infraction provisions of this code, the Tribal Commission shall proceed, in the name of the Tribe, by civil complaint pursuant to the provisions of this code.
- (e) The Tribal Commission in such action shall have the burden of showing, by a preponderance of the evidence, that such person violated the applicable provision of this code.

§ 1262. Referral to Tribal Prosecutor. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

The Gaming Commission must refer allegations or suspicions of criminal conduct to the Tribal Prosecutor's Office. Official action by the Gaming Commission, including denial, suspension, or revocation of a gaming license, shall not foreclose criminal or civil prosecution for charges arising from the same set of circumstances or events.

§ 1273. Seizure and Forfeiture of Property. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

All property used or gained in violation of this code shall be subject to seizure and forfeiture by order of the Tribal Court.

§ 1284. Notice to Tribal Commission. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

Upon final order of the Tribal Court in any action for criminal or civil violation under this section, the Clerk of the Tribal Court must notify the Gaming Commission in writing of the final court disposition. Notice from the Tribal Court or any other court of a criminal conviction, plea of guilty or plea of nolo contendere may subject a licensee to a hearing.

§ 129 Restrictions on Gaming

- a) The following individuals shall not participate as players in any game operated within any gaming operation licensed under this Ordinance, nor shall they be eligible to participate in or receive prizes from any gaming operation's promotions, incentives, or rewards:
 - 1) Employees or members of the Gaming Commission or Regulatory Department;
 - 2) Employees or members of the Economic Development Corporation Board;
 - 3) Any person employed as a primary management official and licensed as such under this Ordinance.
- b) Key employees may only game on slot machines, and only within a gaming facility that is not the facility in which they are licensed or rated to work. Key employees employed within the Slot Department at more than one gaming operation or facility licensed under this Ordinance may not play any game in any licensed facility.
- c) Key employees and Primary Management Officials shall be barred from participating as a player in any game operated within a licensed facility for a period of thirty (30) days after their employment terminates, whether the termination of employment relationship was voluntary or involuntary.
- d) Employees of the Gaming Commission, Regulatory Department, and employees in any gaming operation's Surveillance Department shall be barred from participating as a player in any game operated within a license facility for a period of one (1) year after their employment terminates, whether the termination of the employment relationship was voluntary or involuntary.
- e) Employees of license gaming vendors may not participate in any gaming activity in any facility licensed under this Ordinance.

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§ 130 Complimentary Items

The use of complimentary items shall be governed by regulations established by the Gaming Commission.

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Chapter 2

Gaming Commission

§ 201. Findings; Purpose. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

§ 315

GAMING

§ 302

- (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 ~~establish the Gaming Commission with certain delineate the~~ delegated authorities, powers, and duties ~~of the Grand Traverse Band Gaming Commission.~~

§ 202. Establishment; Immunity. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (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.
- ~~(b)(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 Tribal Council in conformance with Article XIII of the Tribal Constitution.

§ 203. Residency; Place of Business. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (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. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (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.
 - (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 any way involves or

implicates the credit of the Band or the Gaming Commission.

§ 205. Membership; Non-Voting Membership; Vacancies. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (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.
- (b)(c) The Tribal Council may designate any person, including any member of the Tribal Council, to participate without vote on the Gaming Commission.
- (e)(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. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (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 (18) 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 the Gaming Operation;
 - (6) Not be a GTB Governmental employee working in the following departments:
 - Human Resources
 - Regulatory
 - Legal
 - (7) Not be an immediate relative of another existing appointed or elected Gaming Commissioner. (for purposed 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.)
 - (8) Not be on any more than two (2) or more GTB boards/committees/ or commissions.
 - (9) 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.

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(10) ~~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;~~

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

- (a) ~~To be elected or appointed to the Gaming Commission, an individual must be an enrolled member of the Grand Traverse Band and at least 18 years of age.~~
- (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.
- (d) ~~A person is not eligible for election, appointment, or continued service on the Gaming Commission if:~~
- ~~(1) The person is simultaneously a Tribal Council Member, although this provision does not prevent non-voting participation under § 205(b) of this ordinance;~~
 - ~~(2) The person was 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;~~
 - ~~(3) The person or any member of the person's immediate family has a financial interest in any gaming activity or facility, other than the receipt of a per capita benefit, or an immediate family member's employment in a gaming operation;~~
 - ~~(4) The person is employed by any gaming operation.~~

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

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(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/her 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, step siblings, half siblings, grandparent, grandchild, foster child, foster parent, foster sibling, fiancé, or a co-habitant of the household of the person under consideration. For 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.

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§ 208 Removal. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (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 under § 206(d) of this ordinance, 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 § 207. Temporary removal is effective immediately and prohibits the commissioner's further participation in any Gaming Commission business. Tribal Council must convene a hearing within 10 days of the written notice to consider whether to remove or reinstate the commissioner, and the hearing must be conducted according to § 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 § 207(e).
- (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 commissioner has engaged in behavior described herein in § 207(a), 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.
- (d)(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 under § 207(a) of cause to be removed. A written record of all removal proceedings, including the charges and findings, must be kept by the Tribal Secretary.
- (e)(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. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (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 regular meetings conducted pursuant to the 2 GTB 5, Open Access Meetings Act, and for all hearings conducted pursuant to Gaming Commission Regulations Chapter 75. Honorariums shall not be paid for ~~informal meetings, special meetings, trainings, or travel obligations. 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.

§ 21009. Delegation of Authority. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

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

- (a) To issue any gaming license as authorized by this Title 18, and to deny, suspend, or revoke the same;
- ~~(b) (Reserved) 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, and publish, and distribute regulations to control day-to-day gaming activities, and to publish and distribute these regulations and this Title 18, and other applicable laws or regulations it deems necessary 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

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responsibilities;

- (h)(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;
- (i)(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 States for the Grand Traverse Band, and that all title to trust or restricted real property remain in trust or restricted;
- (j)(k) To sell, convey, mortgage, pledge, lease, exchange, transfer, or otherwise dispose of all or any part of its property, assets and revenue;
- (k)(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;
- (l)(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;
- (m)(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;
- (n)(o) To provide for an internal system of recordkeeping with adequate safeguards to preserve confidentiality;
- (o)(p) To conduct background investigations of all individuals or entities who apply for licensing;
- (p)(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;
- (q)(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
- (r) ~~To delegate by regulation, motion, or resolution its power and authority to a Regulatory Department for execution, provided that the Gaming Commission shall not delegate its authority to permanently revoke a gaming license.~~

§ 2110. Duties. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

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 ~~according to~~ in conformance with tribal law, ~~and~~ applicable federal law, and the Tribal-State Compact. The Gaming Commission has duties that include, but are not limited to ~~the following~~:

- (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 ~~To arrange for and~~

~~attend appropriate training for its members and its staff to maintain competence with applicable federal and tribal law, which must include at least one annual on-site training provided by the NIGC;~~

- (b) ~~To maintain~~ files of license applications, background investigations, Gaming Commission actions, and hearing records, for a period of at least 10 years, notwithstanding any provision of law that permits a shorter time period;
- (c) ~~Developing and promulgating regulations for all gaming activities, including accounting, licensing, and investigative activities. To prepare an annual operating budget for all Gaming Commission activities and present it to the Tribal Council by August 15th of each year, with any requests under the GTB Appropriations Act subject to the tribal budgeting process;~~
- (d) ~~To delegate~~ 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) ~~To receive~~ Requiring and reviewing reports from the Regulatory Department regarding its oversight of gaming and exercise of delegated authority, including inspections and/or audits of each licensed gaming facility according to § 212 of this ordinance;
- (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 abd adopted regulations;~~
- (e)(l) ~~Scheduling and holding hearings as required by law or regulation.~~

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§ 2124. Gaming Regulatory Department Authority. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (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/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 IGRA, including:
 - (1) Regulatory Operations. The Executive Director is responsible for overseeing the day-to-day Regulatory operations.
 - (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 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 a 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 position 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 the 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 revoke the gaming license of any employee 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.
- (a) The Gaming Commission regulations promulgated under Section 209(e) above must include, at a minimum:
 - (1) Internal operating procedures of the Gaming Commission, the Regulatory Department and its staff, provided that the Department and its staff shall also be subject to all applicable tribal policies, including, but not limited to, personnel policies, travel policies, purchasing policies, operating charts and chains of command;
 - (2) A regulatory system for all gaming activity, including accounting, contracting, licensing and suspension of licenses;
 - (3) The conduct of inspections, investigations, hearings, enforcement actions and other powers of the Gaming Commission authorized by this Title 18.
- (b) No regulation of the Gaming Commission will be of any force or effect unless it is adopted by the Gaming Commission by written resolution and subsequently published by a resolution of the Tribal Council and both filed for record in the office of the Tribal Secretary and in the Office of the Clerk of the Tribal Court.
- (e) The Tribal Court and any other court of competent jurisdiction may take judicial notice of all Gaming

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~~Commission regulations adopted pursuant to this Code, and the Gaming Commission must provide all courts of competent jurisdiction with copies of properly enacted regulations.~~

§ 21~~32~~. Right of Entrance; Monthly Inspections. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (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, books, papers and documents of the operation of the 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.

§ 21~~43~~. Investigations. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (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/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.
- 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.

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**Chapter 3
EDC Gaming Authority**

§ 301. Purpose. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

The purpose of this chapter is to authorize the Economic Development Corporation, as established by its charter at 15 GTBC 2.01 et seq., as a gaming operator.

§ 302. Authorizations and Duties. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

The Economic Development Corporation is authorized to exercise the sufficient powers in order to fulfill its duties:

- (a) To issue policy statements on the operation of gaming consistent with the Band's overall policies on gaming;
- (b) To develop a system of procedures for all regulated gaming activity and to submit the procedures to the Gaming Commission for consideration, approval, and appropriate publication;
- (c) To propose a system of internal controls describing the personnel requirements and procedures necessary to effectuate appropriate internal controls, and to submit the proposed system to the Gaming Commission for consideration, approval, and appropriate publication;
- (d) To develop personnel and company policies for its employees and operations;
- (e) To cooperate with the Gaming Commission to consult and make recommendations to the Tribal Council regarding amendments to the Band's gaming laws and policies;
- (f) To purchase, as a gaming operator, insurance from any stock or mutual company for any property, or against any risk or hazard;

~~(g) In its capacity as a gaming operator, to operate surveillance activities for its gaming operations, the objectives of which must include reporting information concerning compliance by gaming patrons and operation employees with established tribal and federal rules and regulations;~~

~~(h)~~(g) For purposes of this Title 18, to deal in inventions, copyrights, and trademarks; to acquire by application, assignment, purchase, exchange, lease, hire, or otherwise; and to hold, own, use, license, lease, and sell, either alone or in conjunction with others, the absolute or any partial or qualified interest in and to inventions, improvements, letters patent, and applications therefor, trademarks and applications therefor, and trade names, provided that title to all such interest shall be taken in the name of the Grand Traverse Band of Ottawa and Chippewa Indians;

~~(h)~~(h) For the purposes of this Title 18, to borrow money and make, accept, endorse, execute, and issue bonds, debentures, promissory notes, guarantees or other obligations for money borrowed, or in payment for property acquired or for any of the purposes of the EDC, and to secure payment of any obligations by secured interest, mortgage, pledge, deed, indentures, agreement, or other instrument of trust or by lien upon, assignment of, or agreement in regard to all or any part of its property, assets, or revenues;

~~(i)~~(i) To arbitrate, compromise, negotiate, or settle any dispute to which it is a party relating to its activities under this Title 18;

- ~~(k)~~(j) To enter into, make, perform, and carry out any agreement, partnership, joint venture, or other understanding with any federal, state, or local governmental agency, tribe, person, partnership, corporation, or other association or entity for any lawful purpose pertaining to its business or which is necessary or incidental to the accomplishment of its purposes under this Title 18;
- ~~(j)~~(k) To exercise tax powers vested in the Tribal Council by the Grand Traverse Band Constitution, when such powers are delegated to the EDC by the Tribal Council in a written resolution, and in accordance with this Title 18 and other applicable laws;
- ~~(m)~~(l) With the prior approval of the Tribal Council, to make application for, and accept, grants and other awards from private or public sources to carry out or further its purposes under this Title 18;
- ~~(n)~~(m) To exercise all authority delegated to it or conferred upon it by law, and to take all action which is reasonably necessary and proper to execute the foregoing powers and any other authorities vested in this Title 18, which it deems to be in the best interests of the Band;
- ~~(o)~~(n) As a gaming operator, to establish and maintain such bank accounts as may be necessary or convenient.

§ 303. Annual Budget. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) The EDC shall prepare a separate annual operating budget for all EDC gaming activities and present it to the Tribal Council by August 15th of each year.
- (b) The EDC request under the GTB Appropriations Act (4 GTBC 101 et seq.) shall be subject to the Band's budgeting process.

§ 304. Management by Gaming Manager. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) The Tribal Council delegates to the EDC the responsibility for appointing one person to serve as gaming manager of each tribally-owned or tribally-operated gaming facility.
- (b) A gaming manager must obtain and retain an employee license as a primary management official under these regulations.
- (c) The gaming manager is responsible for managing and overseeing the day-to-day operations of the gaming facility, and has such authority as the EDC may delegate by written rules.

§ 305. Use of Net Revenue. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) All revenue of a tribally-owned or tribally-operated gaming facility transferred by the EDC to the Band shall be held in the name of the Band. The net revenue may only be expended by the Tribal Council by resolution and only for the following purposes:
 - (1) To fund tribal government operations or programs;
 - (2) To provide for the general welfare of the Band and its members;
 - (3) To promote tribal economic development;

- (4) To donate to charitable organizations;
- (5) To help fund operations of local government agencies.
- (b) All net revenues shall be expended according to the GTB Revenue Allocation Ordinance, 18 GTBC 1601 et seq.

§ 306. ~~Payouts~~; Bank Secrecy Act. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

~~(a) Any cash winning of an amount under \$25,000 shall be paid in cash or check by the gaming operation on the date it is won. A patron's winnings of any amount \$25,000 or greater shall be paid by check and within 72 hours of the time it is won.~~

~~(b)~~(a) A gaming facility will comply with all applicable provisions of the Bank Secrecy Act, P.L. 91-508, 31 U.S.C. §§ 5311 — 5314.

§ 307. Insurance. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) A tribally-owned or tribally-operated gaming facility must carry sufficient liability insurance to protect the public in the event of an accident.
- (b) Nothing about this provision operates as an assumption of liability, an admission of or contribution to fault, a waiver of sovereign immunity or other defenses, or consent to suit in any jurisdiction or venue.

§ 308. Gaming Operation Standards. [History: Enacted by Tribal Council motion at a Tribal Council Special Session on January 31, 2018.]

- (a) The EDC shall promulgate specific employee policies and procedures for its gaming operations according to its business needs. The policies and procedures must contain, at a minimum, the standards set forth in this § 308.
- (b) Drug Testing:
 - (1) An applicant for employment in a position within an EDC gaming operation must submit to a drug and alcohol test as a condition of hire.
 - (A) Failure or refusal to submit to a drug and alcohol test shall result in the denial of employment.
 - (B) If the pre-employment drug and alcohol test indicates the presence of alcohol or illegal drugs, the EDC shall deny employment to the applicant.
 - (2) Employees in any position within an EDC gaming operation shall submit to drug or alcohol testing at the request of appropriate EDC personnel according to EDC policies. A request for a drug or alcohol test may be made as part of a random survey, or following any incident or accident, or based on a suspicion that the employee is under the influence of drugs or alcohol.
 - (A) Failure or refusal to submit shall result in the immediate termination of employment.
 - (B) If the drug or alcohol test indicates the presence of alcohol or illegal drugs, the employee

must be given an opportunity to participate in counseling or rehabilitation for addiction. If the employee refuses to participate, or fails to successfully complete the counseling or rehabilitation, or if the employee was previously offered the opportunity after failing a prior drug or alcohol test, then his or her employment shall be terminated.

(c) Time; Overtime; Exempt Employees.

- (1) The EDC shall track the time of all employees in a gaming operation in increments of a forty-hour work week, consisting of seven consecutive twenty-four-hour periods or 168 consecutive hours.
- (2) Non-supervisory employees in casino, restaurant, lodging, and administrative divisions shall be paid 1 1/2 times their regular wage rate for time worked in excess of 40 hours during a work week, unless exempt by Subsection (c)(4) below.
- (3) Employees shall observe appropriate policies enacted by the EDC to have overtime authorized in advance. Employees who participate in a tip pool shall have overtime compensation calculated from the base rate prior to adding in the tip pool.
- (4) Executive, administrative and professional employees, as defined herein, of EDC gaming operations are not entitled to overtime pay established by § 308(c)(2) above.
 - (A) Executive employees are those with a primary management duty and who regularly direct the work of two or more employees, or who have the authority to hire, fire or promote any employee.
 - (B) Administrative employees are those who do office work, or non-manual work directly related to management operations.
 - (C) Professional employees are those who require advanced training or certification to perform professional services.

(d) Minimum and Maximum Wages.

- (1) The EDC shall comply with minimum and maximum wage requirements as set by Tribal Council. Differing rates may be set to distinguish employees who participate in tip pools.
- (2) The maximum wage payable to any non-exempt employee shall be 5 1/2 times the minimum wage in effect by resolution of Tribal Council.

(e) No person shall be required, as a condition of employment with any division of the EDC, to:

- (1) Resign or refrain from voluntary membership in, voluntary affiliation with or voluntary financial support of a labor organization;
- (2) Become or remain a member of a labor organization;
- (3) Pay dues, fees, assessments or other charges of any kind or amount to a labor organization; or
- (4) Pay to any charity or other third party, in lieu of such payments described in Subsection (e)(3) above, any amount equivalent to or a pro-rata portion of dues, fees, assessments or other charges regularly required of members of a labor organization.