

## **Chapter 1. Facility Licenses**

### **1.01. Application for Facility License**

- (a) Class I Facility License
  - (1) Any person may file an application for a Class I facility license with the Regulatory Department on a form approved for that purpose by the Gaming Commission.
- (b) Class II and Class III Facility License
  - (1) The Tribal Council or its authorized appointee may file an application for a Class II and / or Class III facility license on a form approved for that purpose by the Gaming Commission. The Tribal Council action to file an application under this section, or to authorize an appointee to do so, must be by written resolution.
- (c) The application for a facility license must contain, at a minimum, the name of the person or entity that will operate the facility, the location of the proposed gaming activity, and other pertinent information as requested by the Gaming Commission.

### **1.02. Licensing Standards**

- (a) The Regulatory Department may issue a Class I facility license upon receipt of an application.
- (b) The Gaming Commission may issue a facility license for a Class II and / or Class III gaming facility only after ensuring that the following standards are met:
  - (1) The proposed gaming facility is or will be located on land:
    - (A) Which was held in trust for the Grand Traverse Band of Ottawa and Chippewa Indians prior to October 17, 1988; or
    - (B) Which was located within or contiguous to the boundaries of the Grand Traverse Band's reservation as of October 17, 1988; or
    - (C) Which was taken into trust after October 17, 1988, as part of a land claim settlement; or
    - (D) Which was acquired in trust prior to November 30, 1993, and is subject to Section 2(B)(3) and Section 3 of the Gaming Compact between the Grand Traverse Band and the State of Michigan and 25 U.S.C. § 2710(d)(1);
  - (2) The proposed gaming facility will offer Class II gaming as defined by Title 18 of the Grand Traverse Band Code and the Indian Gaming Regulatory Act and / or Class II gaming as authorized by the Gaming Compact;
  - (3) The proposed gaming facility is authorized by a Tribal Council resolution which includes all of the following provisions:

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- (A) That the revenues of the proposed gaming facility will be audited annually, and that copies of those audits will be provided to the Gaming Commission and to the National Indian Gaming Commission;
- (B) That the proposed gaming facility will comply with all applicable reporting and filing requirements established by the United States Internal Revenue Service;
- (C) That all revenue of the proposed gaming facility will be used according to 18 GTBC 1;
- (D) That all contracts for supplies, services, or concessions with an annual cost to the gaming enterprise of \$25,000.00, other than contracts for legal or accounting services, will be subject to an annual independent audit;
- (E) That the construction or maintenance of any gaming facility will be conducted in a manner the Gaming Commission considers adequate to protect the environment and the public health and safety
- (F) That all primary management officials and key employees have passed or will pass a background investigations and have obtained or will obtain employee gaming licenses as required by 18 GTBC 1;
- (G) That the Gaming Commission has the authority to regulate the proposed gaming facility according to Title 18 of the Grand Traverse Band Code;
- (H) That if the facility operates Class III gaming, that its operation meets all other criteria established by the Gaming Compact; and
- (I) That the Grand Traverse Band will have and maintain the sole proprietary interest in the gaming facility and its operation, and that the Band will have exclusive responsibility for the conduct of the proposed facility consistent with tribal and federal law.

### **1.03. License Period**

- (a) A Class I facility license is valid for the length of time indicated at the time of its issue, not to exceed thirty days from the date of its issue.
- (b) A Class II and / or Class III gaming license is valid for one year from the date of its issue.

### **1.04. Renewals**

- (a) A Class I facility license is not subject to renewal.
- (b) A Class II and / or Class III gaming license must be renewed annually, on a form approved by the Gaming Commission for that purpose. A renewal does not require Tribal Council action if the Tribal Council resolution authorizing the original application is continuing.
- (c) The Gaming Commission will not renew a facility license unless the gaming operator is in full compliance with its audit and reporting requirements under Title 18 and these regulations.

### **1.05. Annual Reports**

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- (a) The operator of a licensed Class II and / or Class III facility must file an annual report with the Gaming Commission between the 1<sup>st</sup> and 21<sup>st</sup> day of the 11<sup>th</sup> month of the 12-month duration of its license for each facility it operates.
- (b) An annual report under this section must include, at a minimum, all of the following information:
  - (1) The name, address, and telephone number of the gaming operator;
  - (2) The names, addresses, and titles of its current gaming managers and all sub-managers;
  - (3) A description of each gaming facility that is operated and the total gross revenue of each for the prior 12-month period, or from the date of the last report that was submitted, whichever is longer;
  - (4) A written copy of any changes the gaming operator intends to initiate in its rules;
  - (5) A statement of the specific dates and times during which the gaming facility will be operating during the forthcoming licensing period;
  - (6) The name and address of the person who will be the general manager of the gaming operation and the names and addresses of all persons who will be primary management officials during the next licensing period;
  - (7) A statement of any changes in the gaming manager, primary management officials, or key employees who will operate the gaming facility over the next licensing period;
  - (8) Written proof that the gaming operator has paid to the National Indian Gaming Commission any fees required to be paid to any entity under federal or tribal law;
  - (9) A sworn statement that the gaming operator has complied with the Internal Revenue Code and regulations, including written notice of customer winnings, and a statement that the gaming operator will continue to obey all federal and tribal laws, and that it will hold the Gaming Commission and the Band harmless from any failure to do so;
  - (10) The description of any new location which is expected to be established during the forthcoming licensing period;
  - (11) The number of individuals employed by the gaming facility in a full-time equivalent capacity over the prior 12-month period or from the date it last filed a report, whichever is longer;
  - (12) A projection of the number of full-time equivalent employees expected to be employed during the forthcoming licensing period;
  - (13) The total gross revenue of the gaming operator attributable directly or indirectly to a licensed gaming facility over the prior 12-month period, or from the date it last filed a report, whichever is longer;
  - (14) A sworn statement that the gaming operator has and will continue to comply with all tribal and federal laws applicable to the operation;

- (15) The name, address, and signature of a resident agent on the Band's reservation who will accept service of process on behalf of the gaming operator;
  - (16) If the gaming operator is a corporation, a copy of any amendment or modification to its articles of incorporation or operating agreement.
  - (17) Any additional information required by the Gaming Commission during its consideration of an application for renewal.
- (c) The information required by Section 1.05(b) above is continuing in nature and must be supplemented by a gaming operator during the licensing period.

#### **1.06. License Conditions**

A Class II and / or Class III gaming facility is licensed subject to the following conditions:

- (a) The gaming operator maintains a copy of GTBC Title 18 and these regulations readily available for inspection by any person at each licensed gaming facility;
- (b) The gaming operator will take all reasonable steps to ensure that patrons under the age of 18 do not conduct, participate in, assist in, or play any gaming activity;
- (c) The gaming operator will take all reasonable steps to ensure that patrons under the age of 21 do not obtain or consume alcoholic beverages;
- (d) The gaming operator will conspicuously post or otherwise provide an explanation of the rules of play for every gaming that is played, at or near the location where the game is played;
- (e) The gaming operator will not rent or lend equipment without prior written approval by the Gaming Commission, in the form of a written resolution;
- (f) A gaming operator who participates in the printing, manufacture, or construction of any equipment for any gaming activity must first notify the Gaming Commission of this intent and obtain approval by the Gaming Commission, in the form of written resolution, prior to placing the equipment into service;
- (g) Gaming chips and other tokens or slips may be sold and redeemed only by the gaming operator and only for full value;
- (h) A gaming operator will maintain and keep for not less than ten years permanent books of accounts and records, including inventory records of gaming supplies sufficient to establish the gross and net income, deductions, expense, receipts and distributions of the enterprise, notwithstanding any other provision of applicable law or policy that permits a lesser time;
- (i) A gaming operation will not sell or provide liquor or alcoholic beverages at any gaming facility without a liquor license obtain pursuant to the Grand Traverse Band Code;
- (k) A gaming operator will provide evidence of any win or loss incurred by a player in a format acceptable to the United States Revenue Service upon request of that player;

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- (l) A gaming operator shall pay all fees and file all reports required by applicable law within the time prescribed;
- (m) A gaming operator will immediately respond to and obey all inquiries, subpoenas or orders of the Gaming Commission, the Tribal Council, the Tribal Court or the National Indian Gaming Commission;
- (n) A gaming operator will prominently display at each gaming facility site a current, valid facility license;
- (o) A gaming operator will maintain its facility consistent with all applicable sanitation, maintenance, and zoning regulations;
- (p) A gaming operator will provide adequate security to protect the public before, during and after any gaming activity;
- (q) A gaming operation will be subject to patrol by the Band's police force for the purpose of enforcing tribal law, and each gaming operator must cooperate at all times with the Band's police force;
- (r) A gaming operator will make its premises and books and records available for inspection during normal business hours by the Gaming Commission or its designee;
- (s) A gaming operator will not discriminate on the basis of sex, race, color, or creed in the conduct of any licensed gaming activity;
- (t) A gaming operator will use its net revenue only as prescribed by applicable tribal and federal law;
- (u) A gaming operator will not engage a vendor or service provider unless the vendor or service provider is licensed by the Gaming Commission, except for legal and accounting service providers;
- (v) A gaming operator must immediately suspend any employee, whether or not the employee holds a gaming license, who is charged in any jurisdiction with an offense described in 18 GTBC § 122, or with any offense related to the sale, possession, manufacture, and / or transport of illegal drugs.
  - (1) A gaming operator must immediately notify the Gaming Commission in writing of any suspension under this Section 1.06(v) by identifying the name of the employee, the effective date of his or her suspension, and the pending charges.
  - (2) If an employee suspended under this Section 1.06(v) is convicted of, or pleads guilty or no contest to, the charges, or to related charges described in 18 GTBC § 122, or to charges related to the sale, possession, manufacture, and / or transport of illegal drugs, the gaming operator must immediately terminate his or her employment.

### **1.07. Authorized Games**

A Class II and / or Class III gaming facility may offer the following authorized gaming activities:

- (a) Bingo;
- (b) Twenty-one or blackjack;

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- (c) Poker;
- (d) Craps and related dice games;
- (e) Roulette;
- (f) Banking card games that are not otherwise treated as class II gaming in Michigan pursuant to 25 U.S.C. § 2703(7)(c), and non-banking card games played by any Michigan tribe on or before May 1, 1988.
- (g) Electronic games of chance featuring coin drop and pay out as well as printed tabulations, whereby the software of the device predetermines the presence or lack of a winning combination and pay out. Electronic games of chance are defined as a microprocessor-controlled electronic device which allows a player to play games of chance, which may be affected by an element of skill, activated by the insertion of a coin or currency, or by the use of credit, and awards games credits, cash, tokens, or replays, or a written statement of the player's accumulated credits, which written statements are redeemable for cash.
- (h) Keno
- (i) Interactive satellite or telephonic games of chance
- (j) All other games of chance that may be authorized under a Tribal/State Gaming Compact with the State of Michigan pursuant to the IGRA.

## Chapter 2 – Employee Licenses

### 2.01 Applicability

Every employee of a gaming operation who meets the definition of a primary management official or a key employee must obtain and maintain an employee gaming license as a condition of employment.

### 2.02 Application

- (a) An individual seeking employment as a primary management official or key employee with a gaming operation licensed under Chapter 1 of these regulations must file with the Gaming Commission an application for an employee license prior to beginning employment with the operation.
- (b) The application must include, at a minimum, all information required by 18 GTBC § 113(b).
- (c) In addition to the disclosures required to be on the application form by 18 GTBC § 113(a), the application must also contain the following notices prior to being filled out by an applicant:

By submitting this application you indicate your consent to the jurisdiction of the Grand Traverse Band of Ottawa and Chippewa Indians and its Tribal Court in all matters arising from the conduct of such gaming as may be licensed and in all other matters arising under the provisions of this code or tribal law.

- (d) The applicant must submit the application to the Regulatory Department together with any application fee established in a fee chart adopted by the Gaming Commission.

### 2.03 Licensing Standards

The Regulatory Department may approve employee gaming licenses on behalf of the Gaming Commission. Prior to approving an application for an employee license, the Regulatory Department must:

- (a) Perform the necessary background investigation on the applicant required by 18 GTBC § 115 and by 25 C.F.R. 556 and 558, as may be amended, in order to determine the applicant's prior activities, criminal record, reputation, habits and associations.
  - (1) The investigation must include contacting each reference provided in the application and interviewing a sufficient number of knowledgeable people to provide a rational basis upon which to determine the applicant's eligibility for licensure. The identity of each person interviewed in the course of a background investigation shall be kept confidential.
  - (2) A complete record of background investigative procedures conducted pursuant to this Chapter 2 must be compiled and summarized in a written report to submission to the Gaming Commission.
  - (3) The report must include all steps taken to conduct the background investigation and provide the results obtained, conclusions reached and the bases for those conclusions.
- (b) Review the contents of each background investigative report according to the requirements of 18 GTBC § 116 and requirements at least as stringent as those in 25 C.F.R. 556 and 558. Upon completing the review, the Regulatory Department shall grant or deny an employee license and notify the applicant of its decision in writing. If the application is denied, the written notice shall include the specific reasons for the decisions.
- (c) Forward a copy of the application, the results of the background investigations and the Department's findings and decision to the Gaming Commission and the NIGC within 5 business days of its decision.
- (d) All applications, background investigations and Gaming Commission decisions shall be retained in the Commission's files for a period of at least ten years from the date of receipt.

#### **2.04 Scope of Employee Gaming License**

- (a) An employee gaming license is only effective for the individual to whom it was issued and is not transferrable to another.
- (b) An employee gaming license must specify the facility at which the employee is licensed to work. An employee license may be modified to permit the employee to work at another facility under the Grand Traverse Band jurisdiction only upon written order of the Gaming Commission.

#### **2.05 Period; Renewals**

- (a) An employee gaming license issued under this Chapter 2 is conditional on the approval of the National Indian Gaming Commission. Upon notification from the National Indian Gaming Commission that an employee is not eligible for a license, the Regulatory Department will immediately suspend the license and file a Recommendation to Revoke with the Gaming Commission.

An employee gaming license issued under this Chapter 2 is be effective for a period of one year from its date of issue unless the Gaming Commission takes action to suspend or revoke the license during that time.

- (b) A licensed gaming employee must apply to the Gaming Commission to renew his or her license prior to its expiration as a condition of continued employment. The licensed employee must submit a form updating any information provided on the original application.

## **2.06. Production Upon Request**

A licensed gaming employee must carry the license upon his or her person during all working hours, and must produce it upon request of any law enforcement officer with jurisdiction over the gaming activity or facility, or upon the request of any agent of the Band, the Gaming Commission or the NIGC.

## **2.07. Temporary Suspension**

- (a) The Gaming Commission may temporarily suspend an employee gaming license for a period not to exceed thirty days for any of the following reasons:
  - (1) The licensee is charged with a violation of any gaming law;
  - (2) The licensee's continued employment as a primary management official or key employee poses a threat to the general public;
  - (3) The licensee made a material false statement in his or her license application or renewal form;
  - (4) The licensee participated in gaming activity unauthorized or prohibited by his or her employee license;
  - (5) The licensee refused to comply with any lawful order of the Gaming Commission, the Tribal Council, the Tribal Court or the National Indian Gaming Commission related to gaming.
- (b) Procedure for Temporary Suspension
  - (1) When it is brought to the attention of the Gaming Commission that a licensee has violated any of the conditions in subparagraph (a)(1) – (5) above, or has failed to comply with any condition of the employee license or of Title 18 of the Grand Traverse Band Code, or these regulations, and that his or her action or inaction constitutes a direct and immediate threat to the peace, safety, morals, health or welfare of the community, the Chief Regulatory Officer will issue a written notice of temporary suspension to the individual.
  - (2) The written notice shall state the grounds upon which the temporary suspension is ordered and that the individual shall have the opportunity appear before the Gaming Commission to present testimony and to cross-examine witnesses, and to present any other evidence as to why suspension should not continue.
  - (3) Upon service of the notice of temporary suspension, the employee must immediately cease and desist operating in his or her capacity as a primary management official or key employee.
  - (4) The licensee must file notice of appeal with the Gaming Commission within five days of receiving the notice of temporary suspension. The Gaming Commission shall schedule a hearing on the notice within fourteen days of receiving notice of appeal from the licensee.



- (5) The licensee must be afforded all opportunities provided in section (b)(2) above and the hearing shall be governed in all respects by tribal law and Gaming Commission regulations.

## **2.08 Revocation**

- (a) The Gaming Commission may revoke an employee gaming license after notice and an opportunity for a hearing, for any of the following reasons:
  - (1) The licensee withheld pertinent information on his or her application;
  - (2) The licensee made a materially false statement on his or her application;
  - (3) The licensee has participated in gaming activity which was not authorized by his or her tribal gaming license;
  - (4) The licensee bribed or attempted to bribe a Tribal Council member, a Gaming Commissioner or any other person in an attempt to avoid or circumvent this code or any other applicable law;
  - (5) The licensee offered something of value or accepted a loan, financing or other thing of value from a Gaming Commissioner, a subordinate employee or any person participating in a gaming activity;
  - (6) The licensee knowingly promoted, played or participated in any gaming activity operated in violation of Title 18 and these regulations or any other applicable law;
  - (7) The licensee was knowingly involved in the falsification of books or records related to a gaming transaction;
  - (8) The licensee violated any provision of Title 18 or the rules and regulations of the Gaming Commission;
  - (9) The licensee is convicted of, or entered a plea of no contest to, any crime involving gaming, fraud, theft, embezzlement or other activity which, if perpetrated at his or her place of employment would injure or pose a threat to the public interest, or to the integrity of the gaming activity, or to the effective regulation of gaming, or would enhance the dangers of unfair, unsuitable or illegal gaming practices;
  - (10) The licensee is arrested for or charged in connection with a crime involving the sale of illegal narcotics or a controlled substance, or is convicted of or enters a plea of no contest to such a crime;
  - (11) The licensee failed or refused to comply with any lawful order, inquiry or directive of the Gaming Commission, the Tribal Council or any administrative or judicial body of competent jurisdiction, arising from any gaming activity whether or not subject to Title 18 or these regulations;
  - (12) The licensee is determined to have present or prior activities, including a criminal record, a reputation, habits or associations which pose a threat to the public interest or to the effective regulation of gaming, or which create or enhance the dangers of unsuitable, unfair or illegal practices, methods or activities in connection with gaming.

- (13) The National Indian Gaming Commission notified the Band that the licensee is not eligible for an employee gaming license.

(b) Procedures for Revocation

- (1) Whenever it is brought to the attention of the Tribal Commission that a person has violated any of the conditions in subsections 708(a)(1) through (12), or has failed to comply with any conditions of an employee gaming license, the Gaming Commission may direct the Regulatory Department to conduct an investigation, or to serve upon such person an order to show cause why the person's license should not be revoked or why the person should not be enjoined from conducting gaming activities within the jurisdiction of the Band.
- (2) The order must state the grounds for which the revocation is sought, and that the employee will have an opportunity to present testimony and to cross examine opposing witnesses, and to present any other evidence as to why revocation or injunction should not be issued.
- (3) The hearing must be set for not less than ten days, but no more than fourteen days, from the date of the notice.
- (4) The hearing shall be governed in all respects according to tribal law and Gaming Commission regulations.
- (5) The Gaming Commission shall issue an opinion and order following a revocation hearing. The order shall specify its findings and decision, and shall further specify the duration of the license revocation. A license may be revoked for the duration of its term, or up 365 days, or for egregious conduct under 2.08(a)(1)-(12) above, for the lifetime of the licensee.

## **2.09. Certificate of Rehabilitation**

- (a) If a tribal member is disqualified from obtaining an employee license under 18 GTBC §119(d), he or she may file an application with the Gaming Commission for a certificate of rehabilitation.
- (b) The Gaming Commission may issue a certificate of rehabilitation upon application after a hearing if it determines 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 that the applicant be denied an employee license.

## **Chapter 3. Vendor License**

### **3.01 License Required**

Any vendor or service provider to a gaming facility must obtain a license prior to engaging in business with a gaming operation. This requirement does not apply to legal or accounting services engaged by a gaming operation.

### **3.02 Types of Licenses**

The Regulatory Department may issue a license under this Chapter 3 as:

- (a) Gaming Vendor License;
- (b) Non-Gaming Vendor License

### **3.03 Application Procedures**

(a) The following notices must be placed on each application for a vendor license and must be acknowledged by the applicant:

- (1) Inclusion of false or misleading information in this application is grounds for denial, suspension, or revocation of a vendor license;
- (2) Submission of this application is consent to the exclusive civil jurisdiction of the Grand Traverse Band of Ottawa and Chippewa Indians Gaming Commission and Tribal Court system for all enforcement of the GTB Gaming Code, the regulations of the GTB Gaming Commission and for disputes arising from the licensing process and the licensed activities.

(b) An application for a vendor licenses must include all of the following information:

- (1) The name of the business, its business address and main office address, and telephone, its federal tax ID number (or social security number if the business is a sole proprietorship), its listed agent and the agent's business address and telephone number;
- (2) The jurisdiction in which the business was formed, and the laws under which it operates, and its manner of formation;
- (3) A description of the service or equipment the vendor will provide;
- (4) Any trade name used by the vendor, other names used, names of wholly-owned subsidiaries or other businesses owned by the vendor or its principles;
- (5) A list of Indian tribes and other entities that operate gaming facilities with which the vendor has an existing or previous business relationship, including any ownership, financial, or management interests in gaming or non-gaming activities;
- (6) The name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to gaming activities, and whether the license or permit was granted or denied;
- (7) Whether the business has ever had a license or a permit revoked for any reason, and the circumstances of the revocation;
- (8) A list of any lawsuits to which the business was or is a defendant, including the name and location of the court hearing the lawsuit, the date the case was filed and the disposition, if any;
- (9) A list of the business's funding sources and any liabilities of \$50,000.00 or more;
- (10) A list of the principals of the business, their social security numbers, addresses, telephone numbers, title, and percentage of ownership in the company; and

- (11) Whether the applicant is licensed to sell or service gaming equipment in the States of Nevada or New Jersey and, if so, a valid copy of the license; and
- (12) Any further information deemed relevant by the Gaming Commission.

### **3.04. Gaming Vendor Licensing Procedure**

Prior to issuing a gaming vendor license to an applicant, the regulator will perform an investigation to include the following:

- (a) Verify that the applicant is incorporated and qualified to do business as stated in the application;
- (b) Conduct a review of the business from the Better Business Bureau and obtain a business credit report, if one is available;
- (c) Conduct a check of the applicant's business credit history;
- (d) Contact any references and Indian tribes listed by the applicant;
- (e) Conduct an investigation of the principals of the business, including a criminal history check, a credit report, and any other relevant information; and
- (f) Conduct a due diligence check on the business and its principles through the federal System Awards Management database.

### **3.05 Gaming Vendor Licensing Standards**

The Regulatory Department may issue a gaming vendor license upon satisfaction that:

- (a) The vendor is licensed to sell and / or service gaming equipment in the State of Nevada or the State of New Jersey; or
- (b) The principals and all employees, primary management officials and key employees of the vendor or service provider have passed the background investigations and obtained a license under this code. Each application must state that all future management officials and key employees will be required to pass background investigations and obtain a license under this code.

### **3.06. Non-Gaming Vendor License Procedures**

Prior to issuing a non-gaming vendor license to an applicant, the regulator will perform an investigation to include the following:

- (a) Verify that the applicant is incorporated and qualified to do business as stated in the application;
- (b) Conduct a review of the business, obtaining a business credit report if one is available;
- (c) Conduct a check of the applicant's business credit history;
- (d) Contact any references and Indian tribes listed by the applicant;

- (e) Conduct a due diligence check on the business and its principles through the federal System Awards Management database.

### **3.07. Non-Gaming Vendor License Standards**

The regulator will issue a non-gaming vendor license if the regulator is satisfied that the information collected from the investigation demonstrates that the applicant and its employees, officers and agents do not pose a threat to the integrity of the Band's gaming activities.

### **3.08. License Period; Fees; Renewals**

- (a) An applicant for a vendor license must submit an application fee in accordance with the fee schedule set by the Gaming Commission on an annual basis.
- (b) A vendor license is valid for one year from its date of issue.
- (c) A vendor must renew its license annually by submitting an application form along with any renewal fee required by the Gaming Commission at least sixty days prior to the license's expiration. The Gaming Commission will not renew a license for a vendor or servicer until the annual report required by Section 3.12 is received.
- (d) The Commission may extend the term of a vendor license or approve a vendor license at a reduced fee if, in the Commission's sole discretion, the vendor demonstrates good cause for a hardship extension or exemption.

### **3.09. License Conditions**

Vendor licenses are issued on the following conditions:

- (a) The vendor discloses the names of all employees, agents, and officers who may be present at the Band's gaming facilities, and verifies that each individual satisfies the criteria of eligibility in Section 3.05 or 3.07 of this Chapter as appropriate;
- (b) The vendor submits to the regulatory and civil jurisdiction of the Gaming Commission and the GTB Tribal Court system;
- (c) The vendor assumes responsibility for its employees, agents, and officers for bad acts that compromise the integrity of the Band's gaming activities or for misconduct while on tribal property, and holds the Band harmless from any claims that may arise.

### **3.10 Form of License**

Every license issued under this Chapter 3 shall be issued by the Gaming Commission and shall include the name and address of the licensee, its date of issue, the purpose for which the vendor may use it, and the signature of an authorized officer of the Gaming Commission.

### **3.11 Scope of License**

- (a) A gaming vendor license issued by the Gaming Commission shall be only effective for the specific purpose stated in the license.

- (b) A gaming vendor license issued under this Chapter 3 is not transferrable.

### **3.12 Annual Reports**

- (a) A vendor licensee must file an annual report with the Gaming Commission between the 15<sup>th</sup> day and the last day of the 12<sup>th</sup> month of the licensing period.
- (b) The report shall be submitted on a form approved and provided by the Gaming Commission.

### **3.13 Remedies for License Violations**

- (a) If the Gaming Commission finds that a licensee under this Chapter 3 is operating in violation of Title 18 GTBC, these regulations or other tribal or federal law, or otherwise presents a threat to the Band or the public, the Gaming Commission shall immediately take all necessary steps to bring the licensee to compliance including, but not limited to, temporary suspension of vendor / service licenses. A license may be revoked and a vendor may be barred from licensure for a period not to exceed five years according to Chapter 5 of these regulations.
- (b) Nothing contained in this Section shall be construed as limited, restraining or effecting a waiver of the Band or of the Gaming Commission's right and authority to take appropriate action to remedy any gaming violation pursuant to tribal or federal law.

## **Chapter 4 – Board Member Licenses**

### **4.01. Licenses Required**

Pursuant to [resolution number] establishing that individuals seated on the Economic Development Corporation Board overseeing gaming operations are primary management officials, no person shall be seated on the board unless they receive a license under these regulations as a primary management official.

### **4.02. Economic Development Company Employees and Officials**

Upon employment by the Economic Development Company and assignment to any board or body overseeing a gaming operation, a person will follow the procedures to obtain licensure as a primary management official. If the person's application for a license is denied, that person will not be permitted to participate in any activity related to the oversight of a gaming operation.

### **4.03. Tribal Council Members; Tribal Chairperson**

If a person sits on the board by virtue of his or her position as a Tribal Council member or Tribal Chairperson, that person must obtain a license as a primary management official.

- (a) Upon being sworn in to office as a tribal council member or a tribal chair person, he or she must submit an application for a license as a primary management under these regulations. If a person holds a primary management official license at the time he or she is sworn in, he or she will comply with all regulations for renewing the PMO license.

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- (b) If a person licensed as a primary management official by virtue of their status as a tribal council member or tribal chairperson ceases to be a tribal council member or a tribal chairperson, the license will be immediately revoked, unless that person held the license prior to being sworn in by virtue of employment in a gaming operation.
- (c) If tribal council member or tribal chairperson's PMO license is denied, suspended, revoked, or if he or she is ineligible for a license, that tribal council member or tribal chairperson will not participate in discussions or decisions with the Economic Development Corporation related to a gaming operation. This provision does not prevent the tribal council member or tribal chairperson from participating in, discussing, or voting on government business that may affect the EDC, gaming regulation, or otherwise performing his or her duties as an elected official.
- (d) This provision does not establish standards for candidacy or holding office.

### **Chapter 5. Hearing Procedures Regulations**

**5.01.** This chapter governs the conduct of Gaming Commission hearings. Tribal Court Rules of Civil Procedure and Rules of Evidence do not apply.

#### **5.02. Types of Hearings:**

- (a) The Gaming Commission has original hearing authority over the following matters:
  - (1) Patron Disputes under 18 GTBC § 108(b)(3);
  - (2) Certificates of Rehabilitation under 18 GTBC § 119; and
  - (3) Show cause hearings why a licensee's suspended license should not be permanently revoked.
- (b) The Gaming Commission has hearing authority over appeals from the Regulatory Department's Decisions regarding:
  - (1) Denial of application for a license;
  - (2) Denial of application to renew a license; and
  - (3) Appeal of license suspension

#### **5.03. Participation of Commissioners; open / closed hearings; ex-parte communication; subpoenas.**

- (a) All hearings will be heard by a quorum of the Gaming Commission. Non-voting members may not participate in any part of a hearing, and may only attend if the applicant or licensee requests an open hearing.
- (b) All hearings are closed to the public by default, unless the applicant or licensee indicates that an open hearing is requested. If a hearing is open, the Gaming Commission deliberations shall remain closed and confidential.

## Gaming Commission Regulations

- (c) The Regulator or another party to a hearing shall not discuss with a Gaming Commissioner the topic of a pending hearing or a matter that may result in a hearing, and shall not provide any documentation to the Gaming Commission without serving the same upon the other party.
- (d) The Regulator shall have the authority to exercise the Gaming Commission's subpoena power by signing and serving a subpoena to appear or a subpoena to produce upon any person within the Band's jurisdiction who may have information relevant to a pending hearing.

### **5.04. Manner of filing.**

- (a) A hearing under 5.02(a)(1) or (2) is initiated by a person filing a written petition with the administrative assistant for the Gaming Commission.
- (b) A hearing under 5.02(1), (2), or (3) is initiated by an appellant filing a written appeal with the administrative assistant for the Gaming Commission.
- (c) A hearing under 5.01(a)(3) is initiated by the Regulator filing a Notice of Suspension and Recommendation to Revoke with the administrative assistant for the Gaming Commission

### **5.05. Time to file.**

- (a) A patron dispute under 5.02(a)(1) must be filed within five days of the day the patron knew or should have known about the facts giving rise to the dispute.
- (b) A petition for a certificate of rehabilitation under 5.02(a)(2) may be filed at any time.
- (c) An appeal under 5.02(b)(1), (2), or (3) must be filed within five days of the date the appellant was served with the Regulator's decision.
- (d) A hearing under 5.02(a)(3) may be initiated at any time.

### **5.06. Scheduling hearings.**

- (a) For hearings under 5.02(a)(1) and (2), the Gaming Commission administrative assistant will schedule a hearing to take place within ten business days of the date the petition is filed. Notice of the hearing date must be served on the petitioner, the Regulator, the Gaming Commission and the Legal Department at least five business days before the date of the hearing.
- (b) For hearings under 5.02(b), the Gaming Commission administrative assistant will schedule a hearing to take place within 15 business days of the date the appeal is filed. Notice of the hearing must be served on the petitioner, the Regulator, the Gaming Commission and the Legal Department at least ten business days before the date of the hearing.
- (c) For hearings under 5.02(a)(3), the Regulator must obtain a hearing date from the Gaming Commission administrative assistant and inform the licensee of the date, time, and place of the hearing simultaneously with serving Notice of Suspension and Recommendation to Revoke.

### **5.07. Representation by Attorney**

- (a) Petitioners under 5.02(a)(1) must appear personally and may not be represented by an attorney.



- (b) Petitioner or respondents under 5.02(a)(2) (COR), 5.02(b) and 5.02(a)(3) may be represented by an attorney or tribal court advocate.
- (c) The Gaming Commission may obtain legal advice from the tribal Legal Department for advising and consulting on the conduct of a hearing, for drafting orders, opinions or other documents, and for representation on any appeal to Tribal Court. The Legal Department will recuse itself from advising the Gaming Commission in the event that a Tribal Councilor's primary management official license is the subject of a hearing.

**5.08. Conduct of hearing.**

- (a) The Gaming Commission chairman will preside over hearings.
- (b) The chairman will require each witness to recite an oath or affirmation that the testimony provided is the complete and whole truth under penalty of perjury.
- (c) Written, sworn evidence may not be submitted to the record unless the witness is present for cross-examination.
- (d) Each party will have the opportunity to cross-examine witnesses provided by the other.
- (e) A petitioner or appellant may testify on his or her own behalf, subject to cross-examination by the Regulator, and subject to his or her right against self-incrimination under the Fifth Amendment to the United States Constitution. An appellant cannot be compelled to testify.

**5.09. Burden of Proof; standards.**

- (a) For matters brought under 5.02(a)(1), a petitioner must satisfy the Gaming Commission by a preponderance of the evidence that the patron is entitled to the disputed win.
- (b) For matters brought under 5.02(a)(2), the petitioner must satisfy the Gaming Commission by a preponderance of the evidence that he or she is fit to serve according to the standards as a primary management official or key employee in a gaming operation. The Gaming Commission must balance the particular circumstances and behavior of the petitioner against the public welfare in determining whether to issue a certificate of rehabilitation.
- (c) For matters brought under 5.02(b), the appellant must satisfy the Gaming Commission by a preponderance of the evidence that the Regulator erred in denying a license by deviating from tribal law. The Gaming Commission must show deference to the Regulator's conclusion that a person's habits, characters, and associations are a threat to the conduct of gaming based on the Regulator's articulated reasons for drawing those conclusions.
- (d) For matters brought under 5.03(a), a licensee must show by a preponderance of the evidence that the Regulator erred in suspending his or her license and that he or she remains eligible for licensure under 18 GTBC and these regulations.

**5.10. Right of Appeal**

## Gaming Commission Regulations

- (a) For a petition heard under 5.02(a)(1) or (2), the decision of the Gaming Commission is final, and there is no right of appeal.
- (b) For a hearing held under 5.02(b) or 5.02(a)(3), the decision of the Gaming Commission may be appealed to the Tribal Court by the appellant or the Regulator for administrative review.

### **5.11. Record**

- (a) All Gaming Commission hearings must be preserved by audio recording.
- (b) Upon receipt of a petition under 5.02(a)(2) or an appeal under 5.02(b), the Regulator will transfer to the Gaming Commission a copy of the entire file compiled on the applicant or licensee to the Gaming Commission administrative assistant.
- (c) When filing a Notice of Suspension and Recommendation to Revoke, the Regulator will simultaneously submit a copy of the entire file compiled on the licensee to the Gaming Commission administrative assistant.

## **Chapter 6. Meeting Procedures.**

### **6.01. Regular Meetings**

- (a) The Gaming Commission shall convene a regular meeting at least once per month, and shall conduct regular meetings according to the GTB Open Access to Meetings Act, 2 GTBC 5.
- (b) The Gaming Commission shall post or cause to be posted an agenda for each regular meeting at least one week prior to the date of the meeting.
- (c) The Gaming Commission shall provide for a public comment period at all regular meetings.
- (d) The Gaming Commission may convene part of a regular meeting in closed session for the purpose of consultation with the Legal Department on legal matters, for discussion of personnel issues, and for discussion of licensing issues which entail the personal information of a licensee or applicant.

### **6.02. Special Meetings**

- (a) Special meetings may be called according to 18 GTBC 208(b). No business other than the business stated in the notice shall be transacted at a special meeting.
- (b) The Gaming Commission may convene all or part of a special meeting in closed session according to 6.01(d) above.

### **6.03. Conduct of Meetings**

- (a) Gaming Commission meetings shall be conducted according to Robert's Rules of Order, except as in herein modified.

## Gaming Commission Regulations

- (b) The Chairperson shall preside over meetings. The Chairperson may make and support motions and vote on all items presented, subject to 6.03(e) below.
- (c) All business shall be presented in the form of a motion made by a commissioner, and no motion shall proceed without support by a second commissioner.
- (d) Commissioners have an affirmative duty to vote in support of or against each motion presented subject to 6.03(e) below.
- (e) Commissioners shall recuse themselves from discussions or decisions on matters that present a conflict of interest. Recusal for a conflict of interest shall not destroy quorum and shall not prevent remaining commissioners from proceeding. For purposes of this section, a conflict of interest is any matter in which the commissioner's own individualized interests are at stake, separate from collective interests shared by other tribal members, or the individualized interests of a commissioner's housemate, spouse, partner, parent, step-parent, grandparent, child, step-child, grandchild, sibling, niece, nephew. A commissioner may make a motion that another commissioner has a real or apparent conflict of interest because of the involvement of a person who is not listed above, and adoption of that motion will establish a conflict and require recusal of the commissioner in question. A commissioner shall not vote on a motion to determine whether he or she has a conflict of interest.