GAMING ORDINANCE
Ordinance #10-400-01

Article 1. Purpose; Findings.

1.01. *Purpose.* The Little River Band of Ottawa Indians, acting through its Tribal Council in the exercise of its inherent sovereign power to enact ordinances, regulate the commercial enterprises of the Tribe, and otherwise safeguard and provide for the health, safety, and welfare of the members of the Tribe, hereby establishes this Ordinance for the purpose of authorizing and comprehensively and preemptively regulating the terms and conditions under which Class II and Class III gaming may be conducted on the lands of the Tribe.

1.02. *Findings.* The Tribal Council of the Little River Band of Ottawa Indians finds that:

a. The Constitution of the Little River Band of Ottawa Indians delegates to the Tribal Council the responsibility to "...exercise the inherent powers of the Little River Band of Ottawa Indians by establishing laws through the enactment of ordinances and adoption of resolutions not inconsistent with this Constitution:

1. to govern the conduct of members of the Little River Band of Ottawa Indians and other persons within its jurisdiction.

2. to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band of Ottawa Indians and its members[.]" Article IV, Section 7(a).

b. The Constitution delegates to the Tribal Council the power and responsibility to manage all Tribal funds and direct how those funds may be used; Article IV, Section 7(i)(2).

c. Article V, Section 4(a)(8), authorizes the Tribal Ogema to manage the economic affairs, enterprises, property and other interests of the Tribe, consistent with ordinances and resolutions enacted by the Tribal Council.

Article 2. Adoption; Amendment; Repeal; Severability.

2.01. *Adoption.* This ordinance is adopted by the Tribal Council through:

a. Resolution # 97-0115-01 which adopted the original ordinance;

b. Resolution # 99-0325-01 which re-codified and amended the ordinance;

c. Resolution # 00-1218-01 which further amended the ordinance; and

d. Resolution # 02-0508-08 which repealed ordinance # 97-400-01 and replaced it with ordinance # 02-400-01.

e. Resolution # 05-0323-121 which deleted references to management contractors, and made numbering clarifications among other amendments.

f. Resolution #07-0912-494 which repealed Gaming Ordinance #02-400-01 and adopted Gaming Ordinance #07-400-01, amending the ordinance to clarify and define gaming and non-gaming activities arising out of the growth of the gaming enterprise effective upon receipt of approval by the National Indian Gaming Commission.

g. Resolution #10-1006-330, correcting technical deficiencies identified by the National Indian Gaming Commission among other amendments, renumbering the ordinance, and authorizing resubmission to the National Indian Gaming Commission.

h. Resolution #11-0119-017, acknowledging receipt of approval of the National Indian Gaming Commission, repealing Ordinance #07-400-01 and replacing it with Ordinance #10-400-01, and providing that the Ordinance is effective as of January 20, 2011.

i. Resolution #12-0919-249, amending the Ordinance on an emergency basis to clarify and define the background investigation process of Gaming and Non-Gaming Employee licenses.

j. Resolution #12-1031-289, permanently adopting emergency amendments enacted on September 19, 2012.

l. Resolution #14-0917-289, adopting amendments to lower the legal age for gaming patrons and Gaming Employees from twenty-one (21) to eighteen (18), bringing the Ordinance into compliance with NIGC Regulations and authorizing submission to the NIGC for approval.

m. Resolution #15-0211-030, permanently adopting amendments approved by the NIGC.

2.02. *Amendment.* This Ordinance may be amended from time to time in accordance with the procedures set forth in the in the Administrative Procedures Act – Ordinance.

2.03 *Repeal.* This Ordinance may be repealed in accordance with the procedures set forth in the administrative Procedures Act – Ordinance.

2.04. *Severability.* If any provision of this ordinance or its application to any person or

circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Article 3. Definitions.

3.01. *General.* In this ordinance, except where otherwise specifically provided or the context otherwise requires, the following terms and expressions shall have the following meanings. The word "shall" is always mandatory and not merely advisory.

3.02. *Automated teller machines* means machines that dispense currency prompted by a customer's own credit or debit card that are not affixed to any gaming device and are not considered gaming devices.

3.03. *Class I Gaming* means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, Tribal ceremonies or celebrations.

3.04. *Class II Gaming* means Class II gaming as defined in IGRA, 25 USC § 2703(7).

3.05. *Class III Gaming* means all forms of gaming that are not Class I gaming or Class II gaming

3.06. *Coin sorter* and/or *Cash counter* means mechanical equipment the purpose of which is to count and display the value of coin or currency.

3.07. *Compact* means a Tribal-State Compact concerning Class III gaming approved or deemed approved by the Secretary of the Interior and published in the Federal Register pursuant to 25 U.S.C. §2710(d).

3.08. *Complimentary Service or Item* means a service or item provided at no cost or at a reduced cost to a customer.

3.09. *Director* means the Director of Gaming Regulatory and Compliance or any successor position with responsibility for overseeing the day-to-day operations of the staff of the regulatory agency.

3.10. *Employee* means any individual employed by a gaming enterprise in any capacity, whether by general operational terms of employment, contract or agreement. Employees may be either gaming employees or non-gaming employees.

3.11. *Gaming employee* means a Key Employee or Primary Management Official, and includes individuals employed in one of the following capacities:

a. the person(s) having management responsibility for a management contract;

b. any person who has authority to hire and fire employees;

c. any person who has authority to set up working policy for a gaming activity in the gaming enterprise;

d. the chief financial officer or other person who has financial management responsibility;

e. any person whose job description falls within the following areas: finance; information technology; security; gaming operations; and marketing.

f. if not otherwise included, any person whose total cash compensation is in excess of $50,000.

3.12. *Gaming* means Class II and Class III gaming authorized by this Ordinance, the Compact, and as may be further authorized under IGRA.

3.13. *Gaming Activities* means a process, action, or procedure that touches on gaming, on the presentation of a game or on interactive gaming devices aimed at the general public, and includes, by way of example and not limitation, table games, slot machines, cash handling derived from gaming, vault, security, accounting systems, and information systems.

3.14. *Gaming employee license* means a license issued to a gaming employee, including individuals hired by or contracted within an employment position with the gaming enterprise. Gaming employee licenses are classified as Primary Management Official licenses and Key employee licenses.

3.15. *Gaming Enterprise* means any commercial enterprise of the Tribe authorized to engage in gaming, and all ancillary commercial activities within the gaming (facility(ies) and other improvements constructed for the conduct of gaming

3.16. *Gaming device* means a microprocessor-controlled electronic device which allows a player to play games of chance, some of which are affected by skill, which device is activated by the insertion of a coin, currency, tokens, tickets, or by the use of credit, and which awards game credits, cash tokens, replays or a receipt that can be redeemed by the player. For any of the foregoing, the game play may be displayed by video facsimile or mechanical rotating reels whereby the software of the device predetermines the stop positions and the presence, or lack thereof, of a winning combination and payout, if any.

3.17. *Gaming equipment or supplies* shall mean any equipment or mechanical, electromechanical or electronic contrivance, component or machine used in connection with gaming; any game that would not otherwise be classified as a gaming device, including, but not limited to, dice and playing cards; equipment which affects the proper reporting of gaming revenue; computerized systems for monitoring gaming devices; and devices for weighing or counting money.

3.18. *Gaming Facility* means the building, buildings, or structures, wherein gaming is permitted, performed, conducted, or operated, and associated or adjacent real property owned by the Tribe.

3.19. *Gaming rules* means the Tribal laws and regulations and federal laws and regulations regarding gaming activities, including by way of example the Gaming Ordinance, the Compact, and the Indian Gaming Regulatory Act.

3.20. *Gaming Service* means any goods or services which directly relate to the conduct of gaming, security, or surveillance at a gaming enterprise, including without limitation, providers of casino credit reporting services, casino surveillance systems or services, and suppliers, service providers or repairers of any gaming equipment or supplies, computerized gaming monitoring systems, drop boxes, bill exchangers, and credit voucher machines. No contract may be broken up into parts for the purpose of avoiding this definition or any requirement of licensure or certification required by this Ordinance.

3.21. *Gaming Vendors* means any vendors providing gaming services or concessions, gaming equipment or supplies.

3.22. *General Manager* means the highest level employee of the gaming enterprise.

3.23. *IGRA* means the Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701 *et seq.*, as amended from time to time.

3.24. *Immediate family* means, with respect to the person under consideration, persons residing in the same household.

3.25. *Key employee* means:

a. A person who performs one or more of the following functions:

1. Bingo caller;

2. Counting room supervisor;

3. Chief of security;

4. Custodian of gaming supplies or cash;

5. Floor manager;

6. Pit boss;

7. Dealer;

8. Croupier;

9. Approver of credit; or

10. Custodian of gaming devices, including persons with access to cash and accounting records within such devices;

b. If not otherwise included, any person whose total cash compensation is in excess of $50,000.00 per year;

c. If not otherwise included, the four most highly compensated persons in the gaming operation; or

d. Any other person designated by the Tribe as a key employee.

3.26. *License* means any official and revocable authorization granted for a limited period of time by the regulatory agency pursuant to this Ordinance to an applicant to conduct business or employment in any gaming facility. There are three types of licenses: facility license, vendor license, and employee license.

3.27. *National Indian Gaming Commission* means the Commission established pursuant to IGRA.

3.28. *Net Revenues* means the gross gaming revenues of an Indian gaming operation less:

a. amounts paid out as, or paid for, prizes; and

b. 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, excluding management fees.

3.29. *Non-gaming Employee* means an individual not required to be licensed as a Key employee or Primary Management Official as approved by the regulatory agency.

3.30. *Non-Gaming Vendor* means any vendor providing goods and services to the gaming

enterprise, other than gaming services or gaming equipment and supplies, in any given twelve month period.

3.31. *Primary Management Official* means an employee who meets the following qualifications:

a. Any person who has authority:

1. To hire and fire employees; or

2. To set up working policy for any gaming activity; or

b. The chief financial officer or other person who has financial management responsibility;

c. Any person having management responsibility for a management contract; or

d. Any other person designated by the Tribe as a primary management official.

3.32. *Primary management official license* means a license issued to a Primary Management Official, including individuals hired by or contracted within an employment position with the gaming enterprise.

3.33. *Regulatory Agency* means the Little River Band of Ottawa Indians Gaming Commission, created by Ordinance Number 04-400-04, or such other Gaming regulatory body created by Ordinance.

3.34. *Indian Lands* mean all lands now or in the future held in trust by the United States for the benefit of the Tribe acquired by or for the Tribe, or such other lands upon which gaming may lawfully be conducted pursuant to IGRA.

3.35. *Secretary* means the Secretary of the United States Department of the Interior or his/her designee.

3.36. *Service Vendor* means any vendor providing goods, services or concessions to any gaming enterprise, other than gaming services or gaming equipment and supplies, in an amount less than $50,000.00 in any given twelve month period.

3.37. *State* means the State of Michigan.

3.38. *Tribal Court* means the Tribal Court and Tribal Court of Appeals of the Little River Band of Ottawa Indians and all other tribal judicial forums now or hereinafter established by the Tribe.

3.39. *Tribe* means the Little River Band of Ottawa Indians.

3.40. *Vendor* means a person or business entity selling goods, concessions, or services to a gaming enterprise.

3.41. *Tribal Member* means an individual enrolled in the Little River Band of Ottawa Indians.

Article 4. Classes of Gaming Authorized; Minimum Gaming Age.

4.01. *Class II Gaming Authorized.* Class II gaming is hereby authorized.

4.02. *Class III Gaming Authorized.* Class III gaming is also authorized.

4.03. *Class II and/or Class III License Required.* Class II and Class III gaming authorized by this Ordinance shall be conducted only by persons or entities which have obtained a valid gaming facility license issued by the regulatory agency pursuant to criteria set forth in this Ordinance and regulations adopted pursuant to and consistent with this Ordinance.

4.04. *Gaming Age Minimum.* No person under the age of eighteen (18) may gamble in a gaming enterprise authorized under this Ordinance.

Article 5. Tribal Ownership Required.

5.01. *Sole Proprietary Interest Required.* The Tribe shall have the sole proprietary interest in, and responsibility for, the conduct of any gaming enterprises authorized by this ordinance.

5.02. *Private/Individual Ownership Prohibited.* No individual, partnership, corporation or entity of any kind shall own in whole or in part any Class II or Class III gaming enterprise authorized or regulated by this Ordinance.

5.03. *Management Contracts Authorized.* Nothing in this ordinance shall preclude the Tribe from entering into management contracts as authorized under IGRA.

5.04. *Registered Agents.* The Tribe designates the Tribal Ogema and the Tribal Council Speaker as the agents for service of any official determination, order or notice of violation.

Article 6. Use of Gaming Revenue.

6.01. *Permitted Uses.* Net revenues from Class II and Class III gaming shall be used only for the following purposes:

a. to fund tribal government operations and programs;

b. to provide for the general welfare of the Tribe and its members;

c. to promote tribal economic development;

d. to donate to charitable organizations;

e. to help fund operations of local governmental agencies.

Article 7. Audit Required; Report to National Indian Gaming Commission.

7.01. *Annual Audit.* The regulatory agency shall conduct or have conducted an independent audit of all gaming enterprises on an annual basis and shall submit the resulting audit reports to the Tribal Council and the National Indian Gaming Commission.

7.02. *Audit to Include Contracts for Gaming Services, Equipment or Supplies.* All contracts for gaming services, gaming equipment, concessions or supplies shall be specifically included within the scope of the audit, provided, that the regulatory agency or the Tribal Council may require that contracts for gaming services, gaming equipment, concessions or supplies which are less than $25,000.00 annually be included in the scope of the audit if inclusion is deemed necessary to protect the public interest in the integrity of the operation of the gaming enterprise.

7.03. *Record-keeping Requirements.* Each gaming enterprise conducting Class II or Class III gaming shall keep accounting records on a double entry system of accounting, maintaining detailed, supporting, and subsidiary records which can be identified to each gaming facility. Gaming enterprises subject to this provision shall maintain the following records for not less than five years:

a. Revenues, expenses, assets, liabilities and equity for the location at which Class II or Class III gaming is conducted;

b. Daily cash transactions for each Class II or Class III game at the location at which gaming is conducted, including but not limited to transactions relating to each gaming table bank, game drop box and gaming room bank;

c. All markers, IOUs, returned checks, hold checks or other similar credit instruments;

d. Individual and statistical game records (except card games) to reflect statistical drop and statistical win; for electronic, computer, or other technologically assisted games, analytic reports which show the total amount of cash wagered and the total amount of prizes won;

e. Contracts, correspondence and other transaction documents relating to all vendors;

f. Records of all gaming enforcement activities;

g. Audits prepared by or on behalf of the Tribe; and

h. Personnel information on all employees, including rotation sheets, hours worked, employee profiles and background checks.

Article 8. Licensing.

8.01. *Licenses Required.* The regulatory agency, consistent with IGRA, the Compact, and this Ordinance, shall ensure that the following minimum groups are licensed. Provided that, the regulatory agency may develop additional licensing requirements or background information requirements within regulations that meet or exceed the requirements set forth in IGRA, the Compact or this Ordinance.

a. Gaming facilities.

b. Employees of a gaming enterprise.

c. Vendors.

8.02. *Gaming Facility.* No person shall conduct Class II or Class III gaming within the jurisdiction of the Tribe unless such gaming is conducted at a facility licensed by the regulatory agency as set forth in Article 9.

8.03. *Employees of a Gaming Enterprise.* No person shall be employed in any gaming enterprise in any capacity, including but not limited to consultants, independent contractors, and contracted employees, within the jurisdiction of the Tribe unless licensed by the regulatory agency as set forth in Article 10.

8.04. *Vendor.* No vendor shall contract with any gaming enterprise within the jurisdiction of the Tribe unless licensed by the regulatory agency in accordance with Article 11.

8.05. *Temporary Licenses.* The regulatory agency shall issue regulations that authorize the use of temporary licenses. Temporary licenses shall only be issued to an applicant after the completion of an application for a license and following a preliminary review period, during which time the regulatory agency shall perform a credit check and a background check. Temporary licenses shall be valid for no longer than thirty (30) days from the date of issuance. A temporary license may be rescinded prior to the conclusion of the thirty (30) day period if the applicant has been determined unsuitable for licensure under applicable gaming rules. Notice of rescission of a temporary license shall be presented to

the applicant and the gaming enterprise.

Article 9. Gaming Facility Licenses.

9.01. *License Required.* As set forth in Section 8.02, no person shall conduct Class II or Class III gaming activities within the jurisdiction of the Tribe unless such gaming activity is conducted at a gaming facility licensed by the regulatory agency. No license may be issued for any gaming facility that is owned or operated by any person other than the Tribe. If a gaming activity is proposed in more than one building at the site of any gaming enterprise, a separate gaming facility license shall be required for each building or location where Class II or Class III gaming is conducted under this ordinance.

9.02. *Types of Licenses.* The Tribe may issue each of the following types of gaming facility licenses.

a. *Class II Operations in a Gaming Facility.* This license shall be required of all gaming enterprises operating one or more Class II gaming activities in each gaming facility.

b. *Class III Operations in a Gaming Facility.* This license shall be required for all gaming enterprises operating any gaming other than Class I or Class II gaming in each gaming facility. A Class III gaming license includes the operation of Class I or Class II gaming when so noted on the license application and on the issued license.

9.03. *Gaming Facility Application Procedures.* In order to obtain a gaming facility license, the gaming enterprise requesting such license shall submit an application on the form provided by the regulatory agency. The applicant shall include all of the following information:

a. A description of the gaming activity proposed, including, but not limited to:

1. the type of gaming proposed, along with all instructions, procedures, internal controls, and other documents related to the proposed gaming;

2. the maximum number and types of gaming equipment and gaming devices expected to be in the gaming facility at any one time;

3. the number and types of gaming equipment and gaming devices expected to be in use when the gaming facility first opens; and

4. the days and hours of operation proposed.

b. A description of the gaming facility proposed, including the layout of the gaming

equipment and gaming devices and the surveillance systems within the gaming facility.

c. The location proposed for such gaming facility.

d. A description of the security, police, fire protection, environmental, health, safety, and other public safety services to be available in the proposed gaming facility and to the patrons of such gaming facility.

e. A description of the accounting procedures as required in Section 7.03 in each gaming facility.

f. The name, address, title, and a job description which includes the duties and responsibilities of each employee who will be employed at the proposed gaming facility.

9.04. *Threshold Criteria Which a Gaming Facility Must Meet.* In addition to the information required in the gaming facility license application, any applicant for a Class II or Class III gaming facility license must provide documentation that the gaming enterprise and proposed gaming facility will meet the following threshold criteria:

a. The proposed gaming facility is to be located on Indian lands, and if the lands are acquired after October, 17, 1988, they must be eligible for gaming under a specific provision of 25 U.S.C. § 2719.

b. The proposed gaming activity is to be played as Class II or Class III gaming as defined by this Ordinance and IGRA.

c. The gaming enterprise and proposed gaming facility is authorized by a Tribal Council resolution.

d. The Tribe or one of its subdivisions will have the sole proprietary interest and the Tribe will have the exclusive responsibility for the conduct of any gaming activity.

e. The Tribal Council resolution authorizing the gaming enterprise and proposed gaming facility provides that:

1. The revenues of the gaming enterprise shall be audited annually and copies of those audits will be provided to the regulatory agency, Tribal Council and the National Indian Gaming Commission.

2. The gaming enterprise shall comply with all Internal Revenue Service reporting and filing requirements.

3. All of the net revenues of the gaming enterprise shall be used for the purposes stated in Article VI.

4. All gaming and non-gaming vendor contracts shall be subject to the annual audit.

5. The construction or maintenance of the gaming facility and the operation of the proposed gaming facility shall be conducted in a manner that adequately protects the environment health and safety of the general public or employees.

6. Any management contract between the Tribe and a principal has been approved by the Tribal Council and the National Indian Gaming Commission.

7. The gaming enterprise shall pay to the National Indian Gaming Commission such fees as federal law may require.

8. In the event that Class III Gaming is proposed, such gaming meets all other criteria established by the Compact, federal and tribal laws and regulations.

9. The gaming enterprise shall comply with Tribal, Federal and State revenue laws relating to gaming and non-gaming activities and shall collect, report and remit all taxes required under such laws.

10. The gaming enterprise shall comply with the duties imposed upon casinos by Title 31 of the United States Code.

9.05. *Gaming Facility License Application Procedures.*

a. Upon receipt of a complete application for a gaming facility license for any Class II or Class III gaming facility, the regulatory agency shall:

1. Review the proposed gaming facility application to ensure that all threshold criteria required by this ordinance shall be met.

2. Ensure that all employees of the gaming enterprise possess a valid and current employee license.

3. Ensure that the gaming enterprise has provided the regulatory agency with a list of all individuals employed by the gaming enterprise.

4. Review and approve the accounting procedures to be used in the gaming enterprise, or as may be necessary at the gaming facility if more than one gaming facility is licensed by the regulatory agency.

5. Review and approve the layout of the games and surveillance systems for the gaming facility, including any instructions, procedures, internal controls or other documents related to the layout of games and any instructions, policies, procedures, internal controls or other documents related to surveillance systems.

6. Review and approve the plan for the protection of public safety and the physical security of patrons of the gaming facility.

7. Review all aspects of the proposed gaming facility to ensure that it will be in compliance with the provisions of the Compact, federal and tribal laws and regulations.

b. The regulatory agency shall approve the gaming facility application within forty-five (45) days following the receipt of a complete application unless the regulatory agency believes, based upon reasonable evidence, that gaming will be operated at the proposed gaming facility in violation of tribal, federal or other applicable law or the terms and conditions of the Compact.

c. If the regulatory agency denies an application for a gaming facility license, the regulatory agency shall promptly notify the applicant of the specific reasons for such denial and a description of any corrective actions which the regulatory agency determines will cure the deficiencies which resulted in denial of the application.

9.06. *License Application Fees.* The license application and renewal fee shall be as set forth in the Gross Gaming Revenue Tax Ordinance.

9.07. *Terms of License.* A Class II and Class III gaming facility license shall be valid for a period of twenty-four (24) months from the date of issuance.

9.08. *Posting of Licenses.* The gaming facility license must be posted in a conspicuous location at all times on the premises of each gaming facility. If the gaming enterprise conducts gaming at more than one location, the gaming enterprise must obtain and post a separate license for each gaming facility.

9.09. *Gaming Facility License Renewals.*

a. Each gaming facility license must be renewed biennially. A renewal fee shall be required for each Class II or Class III gaming facility license in accordance with the Section 9.06.

b. In order to obtain a renewal of a license, the gaming enterprise shall submit a

written renewal application to the regulatory agency on the form provided by the regulatory agency. No renewal application shall be approved until the Annual Reports required by Section 9.10 have been filed.

c. All renewal applications submitted shall be approved within forty-five (45) days or less unless the regulatory agency believes, based on reasonable evidence, that the gaming enterprise has been or will be operated in violation of tribal, federal or other applicable law or the terms and conditions of the Compact.

d. If the regulatory agency denies a renewal application for a gaming facility license, the regulatory agency shall, within seven calendar days, notify the applicant of the specific reasons for such denial and a description of any corrective actions that the regulatory agency determines will cure the deficiencies which resulted in denial of the application.

9.10. *Annual Reports.* Each gaming enterprise which possesses a Class II or Class III gaming facility license must file an Annual Report with the regulatory agency and the Tribal Council between the 15th and the last day of June of each year which shall include, at a minimum, the following information:

a. The name, address and telephone number of the gaming enterprise and gaming facility;

b. The names, addresses and titles of all of the current general managers of the gaming enterprise and at each gaming facility;

c. A description of the gaming activities of the gaming enterprise for each gaming facility, including, but not limited to:

1. the number and type of games and gaming devices operated which shall include all Class II gaming activities expected to be conducted by the gaming enterprise;

2. the number of days and hours of operation; and

3. the total gross sales during the reporting period(s).

d. A written copy of any changes anticipated or proposed in the gaming activities of the gaming enterprise for each gaming facility, including any changes in its instructions, procedures, policies, internal controls, rules, health, environmental, public safety/security plan, layout of the games or surveillance systems, or other documents related to activities in the gaming facility or of the gaming enterprise;

e. The name, address, title, and a job description that includes the duties and

responsibilities of each employee of the gaming enterprise at each gaming facility;

f. The name and addresses of the person who will be designated as a contact person for service of process, notice and other official correspondence from the regulatory agency over the next license period for each gaming facility;

g. A statement of any changes in the duties or designation of the primary management officials and key employees who will operate the gaming enterprise over the next license period;

h. A sworn statement that the gaming enterprise has complied with all federal and tribal laws relating to the health, safety and welfare of the public and employees along with copies of any controlling policies;

i. Written proof that the gaming enterprise has paid to the National Indian Gaming Commission such fees as federal law may require it to pay and will continue to do so;

j. A sworn statement that the gaming enterprise has complied with the Internal Revenue Codes and regulations, including written notice of customer winnings, and a statement that the gaming enterprise shall continue to obey all tribal and federal laws and shall hold the regulatory agency and the Tribe harmless for failure to do so;

k. A verified copy of the last annual audited financial report following the end of the gaming enterprise's last fiscal year;

l. The number of full-time equivalent people, on an annualized basis, employed by the gaming enterprise at each gaming facility during the past twelve (12) months, together with a projection of the number of full-time equivalent people who are expected to be employed during the next license period;

m. The total gross revenue of the gaming enterprise attributable directly or indirectly to gaming activity over the preceding twelve (12) months;

n. A sworn statement that the gaming enterprise and all of its employees continue to consent to Tribal Court jurisdiction and service of process in all matters arising from the conduct of gaming activity. The required sworn statement shall be provided based on the consent given by applicants as per Section 10.04(p).

o. A sworn statement that the gaming enterprise has complied with the Bank Secrecy Act of the United States Code.

Article 10. Employee Licensing.

10.01. *General - Types of Employees; License Requirements.* There are two categories of employees at a gaming enterprise – non-gaming and gaming.

10.02 *Non-Gaming Employees.* All persons who are not gaming employees but are employed by any gaming facility, must obtain a non-gaming license from the regulatory agency before commencing employment. Such licenses may be issued upon a determination by the regulatory agency that the employee is not a threat to the effective regulation of gaming and creates no risk or enhances no danger of unfair or illegal practices, methods or activities in the conduct of gaming. All applicants for a non-gaming license shall provide such information that the regulatory agency requires under this Ordinance.

a. *General.* An applicant for a non-gaming employee license may be approved upon a determination by the regulatory agency that the individual will not create a risk of injury or loss to the person or property of guests of the gaming enterprise or the assets of the gaming enterprise and that the individual is not a threat to the effective regulation of gaming activities, including the absence of all disqualifying circumstances described in subsection (b) below. In reaching its determination, the regulatory agency will consider the criminal history, habits and reputation of the applicant in light of the particular position the applicant is applying for.

b. *Specific Disqualifying Circumstances.* An applicant shall not be eligible for a non-gaming employee license if the application or background investigation confirms that the applicant:

1. Is under the age of eighteen (18); or

2. Has been convicted of or entered a plea of guilty or no contest to a gambling-related offense, or to an adult felony charge of theft, fraud, or misrepresentation within the preceding three (3) years, except if that person has been pardoned by the Governor of the State where the conviction occurred or, if a tribal member, the regulatory agency has determined that the person has been rehabilitated, and is not likely to engage in future criminal or offensive actions; or

3. Has been convicted of or entered a plea of guilty or no contest to–any criminal offense involving threats or acts of violence where the individual was charged as an adult, within the immediately preceding three (3) years; except if that person has been pardoned by the Governor of the State where the conviction occurred or, if a tribal member, the regulatory agency has determined that the person has been rehabilitated, and is not likely to engage in future criminal or offensive actions; or

4. Has been convicted of participating in organized crime or unlawful gambling; or

5. Has knowingly and willfully provided materially false and misleading statements or information to the regulatory agency or has refused to respond to questions asked by the regulatory agency specifically related to the person's eligibility to obtain or retain a license; or

6. Has been convicted of any offense related to criminal sexual conduct where the perpetrator was convicted as an adult at the time the crime was committed, and/or is registered in any jurisdiction's list of sexual offenders.

c. *Non-Gaming Employees Clearly Distinguishable.* Non-Gaming employees shall be clearly identifiable and distinguished from gaming employees by badges.

10.03. *Gaming Employees.* Employees of the gaming enterprise who perform gaming activities as part of their defined job descriptions are considered gaming employees.

a. *General.* Gaming employees may be transferred, promoted, or otherwise moved to a non-gaming employee position in accordance with the gaming enterprise's employment policies. Upon acceptance of the position and on no later than his or her first day of employment as a non-gaming employee, the gaming employee shall be required to relinquish his or her gaming license to the regulatory agency and obtain a non-gaming license. The gaming enterprise shall be required to maintain a list of gaming employees, their positions, and a copy of all job descriptions on file with the regulatory agency. Voluntary relinquishment of a gaming license will not preclude the regulatory agency from addressing license issues that occurred during the time the licensee held a gaming license.

b. *Specific Disqualifying Circumstances.* The regulatory agency shall not grant a license to any applicant for a gaming employee license who:

1. Is a member of the Tribal Council, the Ogema, a Judge or Appellate Judge on the Tribal Court, the prosecutor or a law enforcement officer of the Tribe. This subsection shall not apply to members of the Tribal Council or a Tribal Ogema sitting on a Gaming Enterprise Board of Directors or any subsequent Board established by Tribal law to provide oversight to a Gaming Enterprise.

2. Is under the age of eighteen (18); or

3. Has been convicted of or entered a plea of guilty or no contest to a

gambling-related offense, fraud or misrepresentation. The terms "fraud or misrepresentation" shall mean a criminal offense committed in Michigan or any other jurisdiction, involving theft, fraud or misrepresentation, which is a felony or would be a felony if committed in Michigan, and which was committed as an adult or prosecuted as an adult offense, and which has not been effectively removed from the employee's criminal record by executive pardon, state court order, or operation of law; or

4. Has been convicted of or entered a plea of guilty or no contest to any offense not specified in paragraph (3) within the immediately preceding five years; this provision shall not apply if that person has been pardoned by the Governor of the State where the conviction occurred or, if a Tribal member, has been determined by the regulatory agency to be a person who is not likely again to engage in any offensive or criminal course of conduct and the public good does not require that the applicant be denied a gaming employee license. The term "any offense" shall mean any criminal offense not described in paragraph (3), whether committed in Michigan or any other jurisdiction, that is, or would be, a crime under the provisions of the Michigan Penal Code, Act 328 of the Public Acts of 1931, as amended, or the controlled substances provisions of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended or any other criminal offense not included within the scope of paragraph (3); or

5. Is determined by the regulatory agency to have participated in organized crime or unlawful gambling or whose prior activities, criminal records, reputation, habits, and/or associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of gaming or to the carrying on of the business and financial arrangements incidental to the conduct of gaming; or

6. Has knowingly and willfully provided materially false and misleading statements or information to the regulatory agency or refused to respond to questions asked by the regulatory agency specifically related to the person's eligibility to obtain or retain a license; or

7. Has been convicted of any offense related to sexual crimes or criminal sexual conduct where the perpetrator was convicted as an adult at the time the crime was committed, and/or is registered in any jurisdiction's list of sexual offenders; or

10.04. *Application for an Employee License.* The regulatory agency shall require each potential employee to submit an application to the regulatory agency on the form and in the manner required by the regulatory agency. The application shall clearly identify whether the applicant is applying for a gaming or non-gaming license. The application shall include all of the following information:

a. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, and all languages (spoken or written);

b. Currently and for the previous five years:

1. business and employment positions held,

2. ownership interests in those businesses,

3. business and residence addresses; and

4. driver's license numbers;

c. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under § 10.04(b);

d. Current business and residence telephone numbers and all cell phone numbers;

e. A description of any existing and previous gaming or other business relationships with any Indian tribe, including any ownership interests in the business;

f. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

g. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, the current status of the application, and whether or not such license or permit was granted;

h. A list of all felony charges and dispositions against the applicant, if any, and for each felony for which there is ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any.

i. A list of all misdemeanor charges and dispositions against the applicant, if any, (excluding traffic violations for which incarceration was not a possible punishment), and for each misdemeanor conviction or ongoing misdemeanor prosecution within 10 years of the date of the application, the name and address of the court involved and the date and disposition, if any

j. For each criminal charge, whether or not there is a conviction, if such criminal charge was within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (h) or (i) of this section, the criminal charge, the name and address of the court involved, and the date and disposition;

k. The name and address of any licensing or regulatory agency with which the person has filed an application for a business or occupational license or permit, whether or not such license or permit was granted;

l. Two current photographs;

m. A list of all professional or business licenses the applicant has applied for, whether or not those licenses where granted and the name, address and phone number of the regulatory agency involved;

n. A sworn statement that to the best of his knowledge the applicant or any member of his immediate family does not have a past or current financial interest, other than a salary interest, in any gaming enterprise anywhere. If the applicant has an immediate family member or member of his or her household who has such a relationship, the applicant shall fully disclose his name and the nature of the relationship;

o. Written permission giving the regulatory agency the right to investigate the applicant's background, including his criminal records, civil and criminal judgments and credit history;

p. Each application shall be accompanied by a sworn statement that the applicant will submit to the jurisdiction of the Tribe and the Tribal Court, if employed;

q. For all applications for licenses for all key employees and primary management officials, fingerprints shall be requested. Fingerprints shall be taken by the regulatory agency and will then be forwarded to the NIGC for processing through the Federal Bureau of Investigation (FBI) and the National Criminal Information Center to determine the applicant's criminal history, if any.

r. Other information required by the regulatory agency rules or regulations.

s. For all applications for licenses for general managers or other primary management officials, a complete financial statement and/or income tax records showing all sources of income for the previous three years, and assets, liabilities, and net worth as of the date of the application.

10.05. *Application Forms - Notices.*

a. *Privacy Act Notice.* The following notice shall be placed on the application form for an employee license so that it can be read before that form is filled out by an

applicant:

"In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §§ 2701 *et seq.* The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribe's regulatory agency and the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission 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 a tribe's being unable to license you for a primary management official or key employee position. The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application."

b. *False Statements Notice*. The following additional notice shall be placed on the application form for a key employee or a primary management official so that it can be read before that form is filled out by an applicant:

"A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001)."

10.06. *Burden of Proof on Employee License Applicants*. It is the determination of the Tribe that the public interest in the integrity of gaming is such that the burden of proof to establish fitness or eligibility to obtain or maintain a gaming employee license shall be upon the applicant or licensee, as the case may be.

10.07. *Background Investigation.* The regulatory agency shall conduct, or cause to be conducted, an investigation sufficient to make a determination under this Article of all employee license applicants. In conducting a background investigation, the regulatory agency shall keep confidential the identity of each person interviewed in the course of the investigation and shall maintain in a confidential manner the information obtained. Such information may be released to the Tribal Court in the event of an appeal of a licensing decision. The background investigation must be sufficient to allow the regulatory agency to make an eligibility determination under § 10.08 of this Ordinance and shall consist of at least the following:

a. The regulatory agency shall contact each reference provided in the application

and verify the accuracy of the other information presented and prepare a report of their findings for the regulatory agency.

b. The criminal background of each applicant for a Gaming Employee License shall be investigated by obtaining information concerning the applicant from law enforcement where the applicant has resided and submitting impressions of the applicant's fingerprints, taken under Section 10.04 (q), to the Federal Bureau of Investigation Criminal Information Center, and any other law enforcement agency(ies) that the regulatory agency deems appropriate, requesting a criminal history report. The vital information which may be provided to identify the applicant may include: the applicant's full name, any other names used by the applicant, date and place of birth, citizenship, driver's license numbers, social security number, and a physical description.

c. The criminal background of each applicant for a Non-Gaming Employee License shall be investigated by obtaining information concerning the applicant's criminal history from law enforcement where the applicant has resided. The vital information which may be provided to identify the applicant may include: the applicant's full name, any other names used by the applicant, date and place of birth, citizenship, Driver's License numbers, Social Security number, and a physical description. The Gaming Commission may, at its discretion, submit fingerprint impressions of any Non-Gaming applicant to an appropriate agency if deemed necessary to make a determination of eligibility for licensure.

d. With respect to applicants for a Primary Management Official's application for a gaming employee license, the regulatory agency shall also investigate and verify the accuracy of financial information provided by the applicant by contacting banks, other financial institutions or other sources as deemed necessary. The regulatory agency shall also obtain a credit bureau report on the applicant which shall be updated annually.

e. The regulatory agency shall attempt to complete the background investigation described in this section within 30 days following receipt of a complete application.

f. The regulatory agency may contract with private, municipal, state, and/or federal investigation agencies to perform the required background and/or criminal history investigations.

10.08. *Eligibility Determination.*

a. Before a license is issued to a primary management official or key employee, the

regulatory agency shall make a finding concerning the eligibility of that person for receiving a gaming license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits and associations.

b. If the regulatory agency, in applying the standards adopted in this Ordinance, determines that licensing the person 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, it shall not license that person in a key employee or primary management official position.

c. Copies of the eligibility determination shall be included with the Notice of Results that must be submitted to the NIGC before the licensing of a primary management official or key employee.

10.09. *Action on Applications for an Employee License.*

a. Within 15 days following the completion of the background investigation(s) described in this Article, the regulatory agency shall review the application, the results of background investigation, the criminal history reports, and financial report, if required, to determine if the applicant qualifies for the license applied for.

b. If the regulatory agency determines that an applicant qualifies on a preliminary basis pursuant to Section 8.05 for the issuance of a license, then the regulatory agency may issue a temporary license to the applicant. A temporary license shall not be valid for more than 30 (thirty) days from the date of issuance.

c. The regulatory agency shall create and maintain an investigative report for each background investigation of a primary management official or key employee. Before issuing a license to a Primary Management Official or to a Key employee, the regulatory agency shall forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

1. Steps taken in conducting a background investigation;

2. Results obtained;

3. Conclusions reached; and

4. The basis for those conclusions.

10.10. *Notice of Results*. Before issuing a license to a primary management official or key employee, the regulatory agency shall prepare a notice of results on the applicant's background investigation to submit to the NIGC. The notice of results must be submitted to the NIGC no more later than 60 days after the applicant begins working for the Tribe. The notice of results shall include, at a minimum, all of the following information:

a. The applicant's name, date of birth and social security number;

b. The date on which the applicant began, or will begin, working as a primary management official or key employee;

c. A summary of information presented in the investigative report, including:

1. licenses that have been previously denied;

2. gaming licenses that have been revoked, even if subsequently reinstated;

3. every known criminal charge brought against the applicant within the last 10 years of the date of the applicant; and

4. every felony offense of which the applicant has been convicted or any ongoing prosecution; and

d. A copy of the eligibility determination made in accordance with § 10.08.

10.11. *Granting Gaming Licenses.* All primary management officials and key employees of the gaming operation must have a gaming license issued by the Tribe.The regulatory agency may license submitted primary management official or key employee applicant under this subsection according to the following:

a. The regulatory agency submitted a notice of results of the applicant's background investigation to the NIGC, according to § 10.10.

b. The regulatory agency notifies the NIGC of the issues of the license within 30 days of issuance.

c. The Tribe shall not employ and individual in a primary management official or key employee position who does not have a license after 90 days of beginning work at the gaming operation.

10.12. *Reconsideration after NIGC Objections*. The regulatory agency must reconsider a license application for a primary management official or key employee if it receives a statement of itemized objections to issuing such a license from the NIGC and those objects are received within 30 days of the NIGC receiving a notice of results of the applicant's background information;

a. The regulatory agency shall take the NIGC's objections into account when reconsidering a license application.

b. The regulatory agency shall make a final determination whether to issue a license to an applicant for a primary management official or key employee position.

c. If the regulatory agency has issued a license to a primary management official or key employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as provided in Article 12.

d. If the regulatory agency revokes a license after reconsideration under this section, it shall notify the NIGC and the gaming enterprise and forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

10.13. *Denying Gaming Licenses.*

a. The regulatory agency shall not license a primary management official or key employee if it determines, in applying the standards in § 10.08 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. If the regulatory agency does not issue a license to an applicant for a primary management official or key employee position, it shall notify the NIGC and the gaming enterprise and forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in

the Indian Gaming Individuals Record System.

10.14. *Licensing Period.* Any employee's license issued pursuant to this Article, other than a temporary license, shall be effective for a period of one year from the date of issuance and shall contain the licensee's photograph and shall state on its face the name of the employee, the gaming facility at which the employee is licensed to work, the type of license, the date that the license became effective and the date that it expires.

10.15. *Renewals.* It is the responsibility of holders of an employee licenses to file renewal applications in accordance with the regulatory agency's notifications and regulations. A holder of an employee license shall apply to the regulatory agency for a renewal before the current license has expired as directed by the regulatory agency and is required to update all information contained in the original and any subsequent renewal application(s). Notification will be sent to the gaming enterprise upon completion of the renewal process. Under all circumstances, an employee is required to obtain a valid license prior to the expiration of any current license.

10.16. *Requirement to Produce License Upon Request.* Any person receiving an employee license must carry that license upon his or her person during all working hours and must produce that license upon request.

10.17. *Records Retention.*

a. When a primary management official or key employee is employed by the Tribe, a complete application file, containing at a minimum all of the information listed in § 10.04(a) – (s) shall be maintained.

b. The regulatory agency shall retain, for no less than three (3) years from the date a primary management official or key employee is terminated from employment with the Tribe, all of the following documentation:

1. Applications for licensing;

2. Investigative Reports; and

3. Eligibility Determinations.

Article 11. Vendor License.

11.01. *General - Types of Licenses.* All vendors contracting with the gaming enterprise are required to be licensed. These licenses shall be broken into the following categories – gaming vendors, non-gaming vendors, and service vendors. The regulatory agency shall be required to develop a vendor license inquiry form which would tend to identify the type of license required and cause to be forwarded an application for that license to the vendor.

11.02. *Service Vendor Permits.* Vendors contemplating less than $50,000 of business with the gaming enterprise and who enter into contracts not related to a gaming service or gaming equipment or supplies, are required to maintain a service vendor permit. The regulatory agency shall define processes in regulations which set forth how the amount of business conducted with the gaming enterprise will be calculated. The regulatory agency shall create application forms which tend to identify appropriate levels of information from which to issue a service vendor permit.

11.03. *Non-Gaming Vendors License.* Vendors contemplating $50,000 or greater of business with the gaming enterprise during the fiscal year, and who enter into contracts not related to a gaming service or gaming equipment or supplies, are required to maintain a non-gaming vendor's license. Non-gaming vendors shall be required to fill out the same form required for a gaming vendor's license, provided that, the regulatory agency shall clearly identify the level of background investigation that will be conducted. The regulatory agency may identify specific exceptions to the background investigation for vendors which conduct business activities in highly regulated areas such that the presentation of a permit, license or other document is sufficient to identify that a background investigation is unnecessary; provided that, the qualifications for any exceptions shall be clearly identified in regulations.

11.04. *Gaming Vendors License.* Vendors contemplating any business with the gaming enterprise that contains any element, which includes the supply of gaming services, equipment, or supplies regardless of value or proportion of the contract, are required to maintain a gaming vendor's license. The regulatory agency shall identify appropriate levels of information and releases necessary to assure the integrity of the vendor in supplying gaming services or gaming equipment or supplies.

Article 12. Denial/Suspension/Revocation of License; Right to Appeal.

12.01. *Applicability.* This Article shall apply to the denial, suspension or revocation of any license issued by the regulatory agency under Article 10 or 11 of this Ordinance, except actions taken under Section 11.02.

12.02. *Hearing upon Denial of License.* Any applicant who is denied a license applied for under this Ordinance may request a hearing before the regulatory agency by written request

submitted within fourteen (14) days following receipt of notice of the action by the regulatory agency.

a. Within 21 days following receipt of a notice requesting a hearing, the regulatory agency shall afford the applicant an opportunity to appear and be heard before the regulatory agency, in person or with a representative or legal counsel, and to submit such evidence as the applicant deems relevant in the matter. The regulatory agency may receive evidence from the applicant or licensee, the Tribe, any gaming regulatory agency, or any person or entity that the regulatory agency deems relevant to the matter.

b. The regulatory agency shall either affirm or reconsider its decision to deny the license within seven (7) days following hearing.

12.03. *Suspension or Revocation of License.*

a. If, after issuance of a license, the regulatory agency receives and verifies information that a person licensed under this Ordinance has violated or been charged with a violation of any criminal law that disqualifies the licensee from holding a license, any provision of this Ordinance, or any Regulation promulgated under this Ordinance, or is otherwise not eligible for a license, the regulatory agency shall conduct an investigation to determine whether revocation proceedings should be initiated.

b. The person's license shall be immediately suspended and revocation proceedings shall be initiated, with written notice of the suspension and proposed revocation and notice of the time and place of the hearing served upon the person, if:

1. The licensee has been convicted of or pled guilty or no contest to any criminal offense that disqualifies the licensee from holding a license under applicable law or the Tribal-State Compact.

2. The Tribe received notice from the NIGC that the primary management official or key employee is not eligible for employment.

3. The licensee has been charged with any criminal offense related to gambling, fraud, theft, or other activities arising during the course of employment.

c. The person's license may be suspended for not more than seven (7) days pending completion of an investigation by the regulatory agency to determine whether any of the following have occurred:

1. The licensee has violated any gaming rule as defined in this Ordinance.

2. The licensee has engaged in conduct that poses a threat to the integrity of the gaming activities; the health or safety of the general public or employees at the gaming enterprise; or the assets of the Tribe.

3. The licensee knowingly and substantially made a materially false and misleading statement in a license application.

4. The licensee has participated in unauthorized gaming activity whether or not regulated by this Ordinance.

5. The licensee has knowingly and substantially refused to comply with any lawful order of the regulatory agency, the Tribal Court or the National Indian Gaming Commission.

12.04. *Right to Hearing Before the Regulatory Agency.* In any case governed by Section 12.03(a) above, and in all cases where the regulatory agency determines that a revocation is warranted under section 12.03(b), the regulatory agency shall notify the licensee of the proposed revocation of the license. The notification shall be served upon the licensee and shall state the legal basis for the revocation and any evidence the regulatory agency relied upon in making its determination. The licensee shall be informed of the date and time set for the hearing, and of the licensee's right to offer sworn oral and documentary evidence to rebut the regulatory agency's determination. Any hearing scheduled in accordance with this Section shall be held within seven (7) business days from the date of the letter. After the hearing, the regulatory agency shall either (a) revoke; (b) reinstate the license; or (c) reinstate the license with conditions or limitations. The right to a revocation hearing under this Section vests only when a license is granted under an ordinance approved by the Chair of the NIGC.

12.05. *Appeal to the Tribal Court.* Any decision of the regulatory agency to revoke a license pursuant to this Ordinance may be appealed to the Tribal Court by the applicant or licensee within 14 days of the date of receipt of the regulatory agency's decision.

a. In all appeals before the Tribal Court, there shall be deference given by the Tribal Court to the determination of the regulatory agency as the agency charged with responsibility for interpreting its own regulations. The Tribal Court does not have authority to grant injunctive relief authorizing a return to work pending any appeal. The Tribal Court review of regulatory agency hearing determinations is limited to interpretation and application of law or regulation. The decision of the Tribal Court shall be final.

12.06. *Notice to NIGC of Revocation.* The regulatory agency shall notify the NIGC of any decision to revoke or reinstate a license. If the suspension or revocation was based on information from the NIGC that the primary management official or key employee was not eligible for employment, this notice shall be provided to the NIGC with 45 days of the date the Tribe received notification from the NIGC of the primary management official's or key employee's ineligibility.

Article 13. Patron Complaints.

13.01. *Resolution By Gaming Enterprise.* The gaming enterprise shall submit procedures for resolving patron complaints to the regulatory agency for approval; the procedures must include, at a minimum, procedures for the following:

a. Documenting patron complaints received by employees of the gaming enterprise;

b. Responding to patron complaints within 24 hours after receiving a complaint, including identification of the job title(s) of the person(s) responsible for receiving and resolving patron complaints;

c. Training provided to employees of the gaming enterprise on the procedures for resolving patron complaints; and

d. Advising patrons of their right to request review by the regulatory agency if they are unable to resolve the complaint with the gaming enterprise.

13.02. *Filing of Request for Review By the Regulatory Agency.*

a. If the gaming enterprise and the patron cannot resolve the complaint, the gaming enterprise shall advise the patron of the right to file a request for review with the regulatory agency and shall provide the patron with the form approved by the regulatory agency for that purpose. The request for review may be received by any agent for the regulatory agency or delivered (via mail or hand delivery) to the offices of the regulatory agency.

b. At a minimum, the request for review shall contain the following information:

1. The name, address and telephone number of the patron;

2. A summary of the nature of the patron complaint, including the date and time the incident occurred which the patron's complaint is based;

3. A list of names, if known, of any employees of the gaming enterprise involved in the incident that led to the patron complaint;

4. The name, address, and telephone number, if known, of any witnesses to the incident that led to the complaint; and

5. A summary of the gaming enterprise's attempt to resolve the patron's complaint and the specific reason(s) the patron disagrees with the gaming enterprise's proposed resolution, if any.

c. The patron shall submit the request for review to the regulatory agency within ten (10) calendar days of the incident that led to the patron complaint.

d. The regulatory agency shall serve a copy of the request for review on the gaming enterprise's designated agent within five (5) calendar days after receipt of the request for review.

e. The gaming enterprise shall respond in writing to the patron's request for review within ten (10) calendar days of receiving a copy of the patron's request for review. A copy of the gaming enterprise's response shall be mailed to the patron and the regulatory agency within the ten (10) calendar days allowed for the response.

f. The Director shall, within thirty (30) calendar days of receiving the patron's request for review and the gaming enterprise's response, review that information and determine if any additional investigation is required.

g. Following the conclusion of any investigation authorized by the Director, or the Director's review of the patron's request for review and the gaming enterprise's response (if no additional investigation is requested), the Director shall advise the patron in writing as to whether the regulatory agency will take action with respect to the patron's request for review.

13.03. *Possible Disciplinary Action.* If it is determined that the incident giving rise to the patron complaint involved a violation of the Gaming Ordinance or any other applicable law or regulation, the Director may initiate an enforcement action under Little River Band of Ottawa Indians Gaming Regulations, Chapter 10 – Compliance and Enforcement Regulations.

13.04. *Violation of Rule.* Failure of a gaming enterprise to comply with this rule may result in the initiation of enforcement actions under Little River Band of Ottawa Indians Gaming Regulations, Chapter 10 – Compliance and Enforcement Regulations.

13.05. *Reports by the Director.* The Director shall, not less than monthly, report any action he or she has taken under this rule to the regulatory agency at the closed session portion of the next regular meeting. The regulatory agency may direct the Director to take additional or different actions.

Article 14. Tribal Government Employees and Gaming Regulatory Agency Members and Employees Prohibited from Gaming.

14.01. *Prohibition Against Participation in Gaming Activities at the Gaming Enterprises.* This Article shall identify individuals who shall be prohibited from participating in gaming activities at the gaming enterprises. Such prohibition is limited to Class III gaming activities, and does not extend to conference, training, dining, hotel and other non-gaming activities.

14.02. *Gaming Enterprise Board of Directors Prohibited.* All members of the Gaming Enterprise Board are prohibited from engaging in gaming activities.

14.03. *Tribal Government Employees Prohibited.* Individuals that hold the following positions are prohibited from participating in gaming activities. The position names shall be for the purposes of identification and shall include any reasonably related position title that may be created in the future.

a. All attorneys within the Legislative Legal Department.

b. All attorneys within the Executive Legal Department.

c. Chief Financial Officer and Controller.

d. Comptroller General, auditors and Internal Audit Department support staff.

e. Public Safety Department, officers and support staff.

14.04. *Prohibition on Regulatory Agency Personnel Participating in Gaming Activities.* No member of a regulatory agency or employee of a regulatory agency may participate in any gaming activity at any Little River Band of Ottawa Indians gaming enterprise unless as part of a job related duty.

Article 15. Gaming Enterprise Employee Prohibitions and Limitations to Participation in Gaming Activities.

15.01. *Gaming Enterprise Employees Prohibited.* The following employment positions are

prohibited from participating in gaming activities. The position names shall be for the purposes of identification and shall include any reasonably related position title that may be created in the future.

a. All Primary Management Officials.

b. Chief Financial Officer, Controller and Revenue Audit staff.

c. All Security Department staff.

d. All Management Information Services or other networking/computer service office or personnel.

e. All gaming employees as defined in Section 3.10.

Article 16. Prohibitions on Participating in Gaming Activities.

16.01. *Elected Officials*. Elected Officials eligible to participate in gaming activities shall not be eligible to participate in the following:

a. Promotional activities or give-aways;

b. Tournaments; and

c. Class III Table Games.

16.02. *Non-Gaming Enterprise Employees*. Non-Gaming Enterprise Employees eligible to participate in gaming activities shall not be eligible to participate in the following:

a. Promotional activities or give-aways;

b. Tournaments; and

c. Class III Table games.

16.03. *Limitation on Hours of Gaming Activities.* Participation in No non-gaming enterprise employee shall participate in gaming activities within two (2) hours of the beginning of his/her shift or within two (2) hours after the end of his/her shift.

16.04. *Complimentary Services and Goods.* Elected Officials and Non-Gaming Enterprise Employees eligible to participate in gaming activities shall neither accept complimentary services or items nor accrue complimentary value with their play.

16.05. *Point Redemption Awards.* Elected Officials and Non-Gaming Enterprise Employees eligible to participate in gaming activities shall accrue Point Redemption Awards solely based on their gaming play. Accrued points shall be redeemable only at non-gaming retail outlets located at the Gaming Enterprise.

16.06. *Regulations Required.* The Gaming Commission shall issue Regulations consistent with this Article to govern the conduct of elected officials and non-gaming enterprise employees who are eligible to participate in gaming activities. Any Regulations issued shall require approval by Tribal Council.

CERTIFICATION

I, Sandy Mezeske, Tribal Council Recorder, do hereby certify that this is a true and correct copy of the Gaming Ordinance approved on February 11, 2015.

[Seal]

Sandy Mezeske

Sandy Mezeske, Tribal Council Recorder