

If not attached, all supporting documents and materials are due to Tribal Council 48 hours prior to the Work Session. Due on: _____

Gaming Commission Regulation
Regulation #R400-04:GC-20

Chapter 20 – Prohibitions on Gaming

Section 1. Purpose; Authority

- 1-1. *Purpose.* It is the purpose of this Chapter to identify those persons or positions that are not allowed to ~~participate in gaming play, place wagers at, or collect winnings from any Class II and/or III gaming (including limited gaming) offered at any Little River Band of Ottawa Indians gaming enterprise(s)~~ and to outline the rules by which other positions can participate in gaming.
- 1-2. *Authority.* These rules and regulations are issued under and pursuant to the authority of the Gaming Ordinance #10-400-01, Gaming Commission Ordinance #04-400-04, and Commissions Ordinance #04-105-01.

Section 2. Definitions

- 2-1. *General.* For purposes of this regulation, certain terms are defined in this Section. The word “shall” is always mandatory and not merely advisory. Unless defined elsewhere, terms defined in this Chapter and the Gaming Ordinance and Gaming Commission Ordinance are defined for the purposes of all Gaming Commission Regulations.
- 2-2. *Compact (Tribal-State Compact)* means an agreement between the State of Michigan and the Little River Band of Ottawa Indians 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).
- 2-3. *Complimentary service or item* means a service or item provided at no cost or at a reduced cost to a customer, at the discretion of an agent on behalf of the gaming operation or by a third party on behalf of the gaming operation.
- 2-4. *Employee* means any individual employed by a gaming enterprise in any capacity, whether by general operational terms of employment, contract, or agreement.
- 2-5. *Gaming* means Class II and Class III gaming (including online gaming) authorized by the Gaming Ordinance #10-400-01, the Tribal-State Compact and as may be further authorized under IGRA.
- ~~2-6. *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;~~

- ~~e. 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 departments: Finance, Information Technology, Security, Gaming Operations, Compliance and Marketing;~~
- ~~f. if not otherwise included, any person whose total cash compensation is in excess of \$50,000.~~

2-76. *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 is activated by the insertions 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.

2-87. *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.

2-98. *IGRA* means the Indian Gaming Regulatory Act of 1988, 25 U.S.C. § 2701 *et seq.*, as amended from time to time.

~~2-10. Key Employee means:~~

~~a. A person who performs one of 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;~~

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

~~d. Any other person designated by the regulatory agency as a Key Employee.~~

2-119. *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 regulatory agency as a Primary Management Official.

2-120. *Regulatory agency* means the Little River Band of Ottawa Indians Gaming Commission, created by Ordinance #04-400-04, or such other regulatory body created by Ordinance.

2-131. *Tribe* means the Little River Band of Ottawa Indians.

Section 3. Tribal Government Employees, ~~and Gaming~~ Regulatory Agency Members and Employees, Gaming Enterprise Oversight Body ~~Prohibited~~ Prohibition on Participation from in Gaming

3-1. *Prohibition ~~Against~~ Participation in Gaming at the Gaming Enterprises.* This ~~Article~~ section shall identify ~~positions individuals who that~~ shall be prohibited from play, placing wagers at, or collecting winnings from participating in any Class II and/or Class III gaming and/or limited gaming at the any Little River Band of Ottawa Indians gaming enterprise(s). Such prohibition is limited to gaming, and does not extend to conference, training, dining, hotel and other non-gaming activities.

3-2. *Gaming Enterprise Oversight ~~Task Force~~ Body.* All members of ~~the any Gaming Enterprise Oversight Task Force~~ body are prohibited from participating in play, placing wagers at, or collecting winnings from any Class II and/or Class III gaming at any Little River Band of Ottawa Indians gaming enterprise(s).

3-3. *Tribal Government Employees ~~Prohibited~~. 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.* Individuals that hold the following positions are prohibited from participating in play, placing wagers at, or collecting winnings from any Class II and/or Class III gaming at any Little River Band of Ottawa Indians gaming enterprise(s). ~~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 Unified Legal Department.
- b. Chief Financial Officer and Controller.
- c. Comptroller General, ~~auditors~~ and ~~Internal Audit Department~~ support staff.
- d. Public Safety Department, officers and support staff.

e. Information Technology Department and support staff.

3-4. ~~Prohibition on Regulatory Agency Personnel Participating in Gaming~~ No member of regulatory agency or employee of regulatory agency may ~~participate in play, place wagers at, or collect winnings from~~ any Class II and/or Class III gaming at any Little River Band of Ottawa Indians gaming enterprise(s) unless as part of a job-related duty.

Article 4. Gaming Enterprise Employees ~~Prohibitions and Limitations~~ and Prohibition(s) to on Participation in Gaming

4-1. *Gaming Enterprise Employees Prohibited.* 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. The following gaming enterprise employment positions are prohibited from ~~participating in play, placing wagers at, or collecting winnings from~~ any Class II and/or Class III gaming (including limited gaming) at any Little River Band of Ottawa Indians gaming enterprise(s). ~~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.~~ Such prohibition is limited to gaming, and does not extend to conference, training, dining, hotel and other non-gaming activities.

a. All Primary Management Officials as defined in Section 2-129.;

b. All ~~Key—~~Auditing/Accounting, Information Technology, and Compliance ~~Employees as defined in Section 2-11.; and~~

c. All Sports Book management.

The gaming enterprise shall develop a policy identifying which positions other than those specifically identified within this regulation that are prohibited from playing, placing wagers at, or collecting winnings from any Class II and/or Class III gaming (including limited gaming) at any Little River Band of Ottawa Indians gaming enterprise(s) and identifying parameters on the limitations of gaming (i.e., hours).

Article 5. Prohibitions on Participating Participation in Gaming

5-1. *Elected Officials (excluding Election Board Members not prohibited under other restrictions outlined in this regulation).* Elected Officials eligible to participate in gaming shall not be eligible to participate in, be eligible for, or offered to participate in the following. Such prohibition is limited to gaming, and does not extend to conference, training, dining, hotel and other non-gaming activities.

a. Promotions;

b. Drawings or Promotional Drawings; and

c. Tournaments ~~(excluding Poker);~~.

d. ~~Class II and Class III card and/or table games.~~

5-2. ~~Non-Gaming Gaming Enterprise Employees (excluding those prohibited in Section 4-1 (a-e)).~~ Non-Gaming Gaming enterprise Employees eligible to participate in gaming shall not obtain and/or maintain an active Player's Club Card account or any cardholder benefits. Employees of the Gaming Operations Department shall not play gaming devices and employees of the Table Games Department shall not play any Class II or III table and/or card game. Employees eligible to participate in gaming shall not be eligible to participate in, be eligible for, or offered to participate in the following:

- a. Promotions;
- b. Drawings or Promotional Drawings;
- c. Tournaments ~~(excluding Poker);~~ .

d. ~~Class II and Class III card and/or table games.~~

5-3. ~~Limitation on Hours of Gaming. Non-Gaming Employee shall not participate in gaming within two (2) hours of the beginning of his/her shift or within two (2) hours after the end of his/her shift.~~

5-43. Complimentary Services and Items. Elected Officials and nor Non-Gaming Employees of the gaming enterprise shall neither be offered or accept complimentary services or items, nor accrue complimentary value (rating(s)) with their play). The only exception to this is items and/or offers made in common to all Little River Band of Ottawa Indians Tribal Members during Tribal Membership Meetings (spring and fall).

5-54. Point Redemption Awards. Elected Officials and Non-Gaming Employees shall accrue points, solely based on their play.