



Little River Band of Ottawa Indians

2608 Government Center Drive

Manistee, MI 49660

(231) 723-8288

Resolution #18-0425-126

*Accepting for Filing the Revised Gaming Commission Regulation
#R400-04:GC-09 Chapter 9 – Patron Complaints*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which, became effective upon approval by the Assistant Secretary-Indian Affairs on May 3, 2004; and

WHEREAS, the Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(I) to take action, not inconsistent with the Constitution or Federal law, which is necessary and proper to carry out the sovereign powers of the Tribe; and

WHEREAS, the Tribal Council has, pursuant to Gaming Commission Ordinance #04-400-04, created a Gaming Commission and delegated to such Commission the authority to regulate all gaming activities authorized by the Tribe and to enforce all Tribal and federal laws governing the conduct of Tribally-licensed gaming activities; and

WHEREAS, the Gaming Commission, pursuant to Section 6.04 (a) of the Gaming Commission Ordinance, shall promulgate regulations consistent with the Ordinance and necessary to carry out the orderly performance of its duties and powers; and

WHEREAS, the Gaming Commission revised Gaming Commission Regulation *Chapter 9 – Patron Complaints* to mirror the Gaming Ordinance #10-400-01 adopted by Tribal Council on February 14, 2018 by Tribal Council Resolution #18-0214-057 (effective after approval by the National Indian Gaming Commission (NIGC)); and

WHEREAS, the Tribe has received confirmation from the National Indian Gaming Commission (NIGC) on April 3, 2018 that the amendments to Gaming Ordinance #10-400-01 have been approved by the NIGC; and


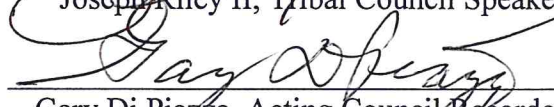
WHEREAS, the Gaming Commission approved the revised regulation on September 12, 2017 by Gaming Commission Resolution #GC17-0912-13; and

WHEREAS, the revised Gaming Commission Regulation *Chapter 9 – Patron Complaints* is now being forwarded to Tribal Council for filing in accordance with Gaming Commission Ordinance #04-400-04 – Section 6.04(b).

NOW THEREFORE IT IS RESOLVED THAT that Gaming Commission revised Regulation #R400-04:GC-4 Chapter 9 – Patron Complaints is hereby accepted for filing by the Little River Band of Ottawa Indians Tribal Council.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 0 AGAINST, 0 ABSTAINING, and 3 ABSENT, at a Regular Open Session of the Little River Band of Ottawa Indians Tribal Council held on April 25, 2018, at the Government Center in Manistee, Michigan, with a quorum being present for such vote.


Joseph Riley II, Tribal Council Speaker

Gary Di Piazza, Acting Council Recorder

Attest:

Distribution: Council Records
Gaming Commission

Gaming Commission Regulations
Regulation #R400-04:GC-09

Chapter 9 – Patron Complaints

Section 1. Purpose; Authority

1-1. *Purpose.* It is the purpose of this Chapter to define the process for resolving patron complaints based on health, safety, and/or the conduct of gaming, at a gaming enterprise regulated by the Gaming Commission.

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 Commission's Ordinance, # 04-105-06.

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. *Gaming Commission Agent* means officials or employees of the Gaming Commission, including the Commissioners, Director, Compliance personnel, Surveillance personnel, Internal Audit personnel, the Background Investigator, and Administrative staff of the Gaming Commission.

2-3. *Director* means the Director of the Gaming Commission or any successor position with responsibility for overseeing the day-to-day operations of the Gaming Commission staff.

2-4. *Patron Complaint* means any and all complaints a patron may have regarding health, safety, and/or conduct of gaming while at a gaming enterprise regulated by the Gaming Commission. 2-

2-5. *Request for Review* means the form prescribed by the Gaming Commission which a patron shall complete and submit to request review by the Gaming Commission of a patron complaint.

Section 3. Construction and Application of the Rules

3-1. *Construction and Amendments.*

a. These rules shall be liberally construed to permit the Gaming Commission to effectively carry out its regulatory functions and secure a just and expeditious determination of issues properly presented to the Gaming Commission.

b. These rules may be amended by the Gaming Commission from time to time in accordance with the provisions of the Gaming Commission Ordinance, the Gaming Ordinance and any regulation promulgated by the Gaming Commission.

3-2. *Application.* All patron complaints shall be presented and addressed in compliance with these rules.

3-3. *Severability and Preemption.*

- a. If any clause, sentence, subparagraph, paragraph, subsection, section, chapter or other portion of these rules or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, impair or invalidate the remainder of these rules or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, chapter or other portion thereof directly involved in such holding or to the person or circumstances therein involved.
- b. The Gaming Commission shall have jurisdiction over all matters delegated to it or within the scope of its powers under the provisions of the Gaming Commission Ordinance and Gaming Ordinance these rules.

Section 4. Patron Complaint Process

4-1. *Resolution by Gaming Enterprise.* The gaming enterprise shall submit for Gaming Commission approval, procedures for resolving patron complaints. The procedures must include, at a minimum, procedures for the following:

- a. Documenting patron complaints received by the gaming enterprise;
- b. Responding to patron complaints within five (5) calendar days 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 Gaming Commission if they are unable to resolve the complaint with the gaming enterprise.

4-2. *Filing of Request for Review by Gaming Commission.*

- 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 Gaming Commission and shall provide the patron with the form approved by the Gaming Commission for that purpose. The Request for Review may be received by any Gaming Commission agent or delivered (via mail or hand delivery) to the Gaming Commission's offices.
- 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 Gaming Commission within thirty (30) calendar days of the incident.
 - d. All claims by patrons shall be limited to a maximum recovery of proven damages, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize.
 - e. The Gaming Commission 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.
 - f. The gaming enterprise shall respond in writing to the patron's Request for Review within ten (10) calendar days of receiving it. A copy of the gaming enterprise's response shall be mailed to the patron and the Gaming Commission within the ten (10) calendar days allowed for the response.
 - g. 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.
 - h. 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 Gaming Commission will take action with respect to the patron's Request for Review.
 - i. The Gaming Commission's decision shall constitute the complaint's final remedy.

4-3. *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 Commission Regulations – Chapter 10 – Compliance and Enforcement.

4-4. *Violation of Rule.* Failure of a gaming enterprise to comply with this regulation may result in the initiation of enforcement actions under Little River Band of Ottawa Indians Gaming Commission Regulations –Chapter 10 – Compliance and Enforcement.

4-5. *Reports by the Director.* The Director shall, not less than monthly, report any action he/she has taken under this regulation to the Gaming Commission at the closed session portion of the next regular meeting. The Gaming Commission may direct the Director to take additional or different actions.