



Little River Band of Ottawa Indians
2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

Resolution #18-0425-128

*Accepting for Filing Gaming Commission Regulation
#R400-04:GC-20 Chapter 20 – Prohibitions on Gaming*

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 and Tribal Council recently determined it was in the best interest of the Tribe to remove all reference to prohibitions on gaming from the revised Gaming Ordinance #10-400-01 and place it in a stand-alone regulation; and

WHEREAS, the Tribal Council adopted the revised Gaming Ordinance #10-400-01 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 the Gaming Ordinance have been approved by the NIGC; and


WHEREAS, the Gaming Commission approved the regulation on February 20, 2018 by Gaming Commission Resolution #GC18-0220-05; and


WHEREAS, the Gaming Commission Regulation *Chapter 20 – Prohibitions on Gaming* 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 Regulation #R400-04:GC-20 Chapter 20 – Prohibitions on Gaming 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 Regulation
Regulation #R400-4: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 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 authorized by the Gaming Ordinance #10-400-01, the 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;
 - 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 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.
- 2-7. *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.
- 2-8. *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.
- 2-9. *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;
 - c. 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.
- 2-11. *Non-Gaming Employee* means any individual employed by the gaming enterprise in any capacity, whether by general operational terms of employment, contract, or agreement who is not required to be licensed as a Key Employee or Primary Management Official.

2-12. *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.

2-13. *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.

2-14. *Tribe* means the Little River Band of Ottawa Indians.

Section 3. Tribal Government Employees and Gaming Regulatory Agency Members and Employees Prohibited from Gaming.

3-1. *Prohibition Against Participation in Gaming at the Gaming Enterprises.* This Article shall identify individuals who shall be prohibited from participating in gaming at the gaming enterprises. 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.* All members of the Gaming Enterprise Oversight Task Force are prohibited from participating in gaming.

3-3. *Tribal Government Employees Prohibited.* Individuals that hold the following positions are prohibited from participating in gaming. 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 a

regulatory agency or employee of a regulatory agency may participate in any gaming at any Little River Band of Ottawa Indians gaming enterprise unless as part of a job related duty.

Article 4. Gaming Employees Prohibitions and Limitations to Participation in Gaming.

- 4-1. *Gaming Employees Prohibited.* The following employment positions are prohibited from participating in gaming. 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 as defined in Section 2-12.
 - b. All Key Employees as defined in Section 2-11.

Article 5. Prohibitions on Participating in Gaming.

- 5-1. *Elected Officials.* Elected Officials eligible to participate in gaming shall not be eligible to participate in the following:
- a. Promotions;
 - b. Drawings or Promotional Drawings;
 - c. Tournaments; and
 - d. Class II and Class III card and/or table games.
- 5-2. *Non-Gaming Employees.* Non-Gaming Employees eligible to participate in gaming shall not be eligible to participate in the following:
- a. Promotions;
 - b. Drawings or Promotional Drawings;
 - c. Tournaments; and
 - 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.
- 5-4. *Complimentary Services and Items.* Elected Officials and Non-Gaming Employees shall neither accept complimentary services or items, nor accrue complimentary value (rating(s)) with their play.
- 5-5. *Point Redemption Awards.* Elected Officials and Non-Gaming Employees shall accrue points, solely based on their play.