



Little River Band of Ottawa Indians

2608 Government Center Drive

Manistee, MI 49660

(231) 723-8288

Resolution #19-0206-031

*Accepting for Filing the Revised Gaming Commission Regulation
#R400-04:GC-04 Chapter 4 – Notifications and Reports*

WHEREAS, the status of the *Gaá Čhíng Zilbi 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, Section 6.04 (a) of the Gaming Commission Ordinance permits the Gaming Commission to promulgate regulations and internal operational procedures of the Gaming Commission and its staff; and

WHEREAS, Gaming Commission Regulation #R400-04:GC-04 Chapter 4 – Notifications and Reports was approved by the Gaming Commission on April 24, 2018 and recent concerns as it relates to inefficiencies of and acceptable notifications to the Gaming Commission operations caused for the need for revisions; and

WHEREAS, the Gaming Commission revised and approved the regulation on January 22, 2019 by Gaming Commission Resolution #GC19-0122-03; and

WHEREAS, the Gaming Commission Regulation *Chapter 4 – Notifications and Reports* 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-4 Chapter 4 – Notifications and Reports 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 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Open Session of the Little River Band of Ottawa Indians Tribal Council held on February 6, 2019, at the Government Center in Manistee, Michigan, with a quorum being present for such vote.



Joseph Riley II, Tribal Council Speaker



Sandra Lewis, Tribal Council Recorder

Attest:

Distribution: Council Records
Gaming Commission

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

Chapter 4 - Notifications and Reports

Section 1. Purpose; Authority

- 1-1. *Purpose.* The purpose of this Chapter is to ensure delivery of incident and statistical reports by each gaming enterprise to the Gaming Commission which are required by applicable internal control standards or regulation, or which will otherwise assist the Gaming Commission in performing its regulatory responsibilities.
- 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, #04-150-01.

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. *Licensed Employee* means any employee who has received a license from the Gaming Commission.
- 2-3. *Notification* means written notice, fax or other electronic transmission notification required by these regulations is provided:
- a. To the Gaming Commission by delivery to the Gaming Commission; or
 - b. To the General Manager of the gaming enterprise unless the Gaming Commission is notified in writing of a specific employment position which is responsible for accepting notices and reports on behalf of the gaming enterprise.
- 2-4. *Report* means a document containing information organized in a narrative, graphic, or tabular form, prepared on or ad hoc, periodic, recurring, regular, or as required basis. Report may refer to specific periods, events, occurrences, or subjects, and may be communicated or presented in oral or written form.
- 2-5. *Sender* means any person or entity that is sending any document, report or communication via hard copy or electronic transmission.

- 2-6. *Slot Conversion* means the alteration, re-programming or replacement of a gaming machine game program EPROM or other equivalent game software media to change the game program or denomination of any slot machine.
- 2-7. *Slot Machine Change* means the physical replacement of a slot machine with a new machine or movement of a slot machine to a new location on the floor of a gaming enterprise.
- 2-8. *Slot Machine Upgrade* means the replacement of slot machine software with a newer version of the same software; this does not change game theme, payout or game operation.

Section 3. Submission of Required Notifications and Reports

- 3-1. Notifications and reports must be delivered to the Gaming Commission. During non-operational hours of the Gaming Commission, the notifications and reports shall be placed in the mailbox outside the Gaming Commission office unless delivered electronically.
- 3-2. It is the responsibility of the sender to verify the delivery/receipt of any electronically delivered report, document or communication to the Gaming Commission.

Section 4. Slot Notifications

- 4-1. *Slot Machine Change*
 - a. Prior to moving any slot machine to a new location on the gaming floor of any gaming enterprise or changing the orientation of a slot machine, a representative of the gaming enterprise shall provide twenty-four (24) hours' notice to the Gaming Commission.
 - b. The notification to the Gaming Commission must include a complete list of the slot machines proposed to be moved or re-positioned, including the number assigned to such slot machine(s) and the proposed new location(s).
 - c. Prior to any software upgrades, a representative of the gaming enterprise shall provide twenty-four (24) hours' notice to the Gaming Commission.
- 4-2. *Replacement of Slot Machine; Addition of New Slot Machine*
 - a. Prior to replacing any slot machine on the gaming floor, or adding a new slot machine to the gaming floor, a representative of the gaming enterprise shall provide five (5) calendar days' notice to the Gaming Commission.
 - b. The notification to the Gaming Commission must include a list of the slot machine(s) proposed to be replaced, including the number assigned to such

slot machine(s), the location(s) of such slot machine(s), the theme of the new slot machine, the manufacturer, par sheets, specific pay table identification, approval letters, software type, software number(s) and any other information requested by the Gaming Commission or its staff.

4-3. *Slot Machine Game Conversion*

- a. Prior to conversion of any slot machine game or denomination conversion, a representative of the gaming enterprise shall provide not less than five (5) calendar days' notice to the Gaming Commission.
- b. The notification to the Gaming Commission must include a list of the slot machine(s) proposed to be converted, including the number assigned to such slot machine(s), the location(s) of such slot machine(s), the name of the new game, the manufacturer, par sheets, specific pay table identification, approval letters, software type, software number(s) (if applicable) and any other information required by the Gaming Commission or its staff.

Section 5. Table Games Notifications

- 5-1. *New Table Games.* Before any new table game is introduced at a gaming enterprise, management of the gaming enterprise must complete the following requirements:
 - a. An Agenda Request seeking approval must be submitted to the Gaming Commission not less than twenty (20) calendar days prior to the proposed start date.
 - b. All proposed rules and procedures must accompany the Agenda Request submission.
- 5-2. *Table Moves.* Before any existing table game is moved to a new location on the gaming floor, the Gaming Commission must have received not less than twenty-four (24) hours' advance notice. The Gaming Commission must also verify appropriate surveillance coverage prior to the game re-opening.

Section 6. Camera Coverage Notification

- 6-1. *Existing Camera Coverage.* The gaming enterprise shall provide the Gaming Commission with three (3) calendar days advance notice for requests changes (add, remove, reset, etc.) to camera coverage.
- 6-2. Where any change to camera coverage is not requested three (3) calendar days in advance, the gaming enterprise shall be charged \$1,000.00 to cover costs associated with the change.
- 6-3. The gaming enterprise shall confirm with the Surveillance Department that any addition of signage, movement of slot machines, or introduction of other equipment

to the gaming floor does not inhibit current camera coverage and does not inhibit coverage once cameras are adjusted prior to the use of such items or equipment.

Section 7. Accounting and Auditing Reports

- 7-1. The gaming enterprise shall ensure that the Gaming Commission is provided copies of the following reports as prescribed below.
- 7-2. The types of reports identified in this Section are the more significant ones noted in the Minimum Internal Controls (MICS); however, there are other reports that the Minimum Internal Controls (MICS) require the gaming enterprise to generate and forward to the Gaming Commission.

Report Type	Time for Receipt of Report
a. Security Incident Reports	Daily submittal by 4:00 p.m. the following calendar day.
b. Variance Reports <ol style="list-style-type: none"> 1. Cage Variances (individual counts; reports of investigation of discrepancies) (TMICS 10-3 (b)); 2. Slot Variances (including coin-to-drop meter reading vs. actual drop; actual currency drop vs. bill-in meter reading; exception report inspection/investigation reports) (TMICS 9-11 (d), (e), (f) and (g)); 3. Daily recap for table games (TMICS 8-10 (f)). 	Daily submittal by 4:00 p.m. the following calendar day.
c. Accounting and Auditing Standards Reports <ol style="list-style-type: none"> 1. Monthly reconciliation of cage accountability to general ledger (TMICS 10-5 (a)); 2. Monthly trial balance of accounts receivable reconciled to general ledger (TMICS 10-5 (b)); 3. *Copy of the unaudited monthly financial statements; 4. **Copy of the gaming enterprises credit card activity; 5. Copy of all external audits, reviews, and assessments (Title 31), including the 401K audit; 6. ***Minimum Bankroll Calculation and support; 	<p>Monthly (on the 20th of each month.)</p> <p>*Monthly (by the 21st of the following month).</p> <p>**Within five (5) days of the billing cycle.</p> <p>***Quarterly (by the 25th of January, April, July, and October)</p> <p>Submittal within three (3) calendar days following written request by the Gaming Commission.</p>

<ul style="list-style-type: none"> 7. Statistical reports from evaluation of theoretical vs. actual hold percentages for electronic games (TMICS 9-8 (n)); 8. Analysis of table games performance standards (TMICS 8-9); 9. Investigation reports for variances or exceptions noted (TMICS 9-11 (e) and 8-10); and 10. Other reports required by Internal Controls Standards (i.e., TMICS 9-11 (b)), by the Tribal/Federal Regulation or the Tribal-State Compact. 	
d. Daily Manager Report (DMR)	Daily submittal by 4:00 p.m. the following calendar day.
e. Personnel Action Reports involving the following: <ul style="list-style-type: none"> 1. Suspension of any licensed employee; 2. Termination (voluntary or involuntary) of any licensed employee; 3. Title change of any licensed employee; 4. *Employee Roster. 	<p>As generated. Submittal by 4:00 p.m. the first calendar day following action.</p> <p>*Monthly (on or before the last Friday of each month).</p>
f. Updated Slot Floor Plan	Monthly (on or before the 1 st Friday of each month).
g. Exception Notices <ul style="list-style-type: none"> 1. Compliance 2. Auditing 	Monthly (on or before the 15 th of each month).
h. Currency Transaction Reports (CTR)	As generated. Submittal by 4:00 p.m. the first calendar day following generation.
i. Suspicious Activity Reports (SAR)	As generated. Submittal by 4:00 p.m. the first calendar day following generation.
j. Service Vendor Program <ul style="list-style-type: none"> 1. *Full and Current list of approved Service Vendors; 2. *Tracking of year-to date sales by or compensation paid to each approved Service Vendor; 3. **Service Vendors the gaming enterprise has refused to conduct business with or suspended business as a result of investigation finding. 	<p>*Monthly (on or before the 19th of each month).</p> <p>**As generated. Submittal by 4:00 p.m. the first calendar day following generation.</p>

k. Verification of Payments Verification that required payments have been submitted to National Indian Gaming Commission (NIGC) and the State of Michigan (per the Tribal-State Compact).	As generated. Submittal by 4:00 p.m. the first calendar day following generation.
l. Health & Safety Inspection Reports	Upon receipt.
m. External Enforcement Actions 1. Internal Revenue Service; 2. State of Michigan; 3. Any other external regulatory agency.	Within twenty-four (24) hours of receipt of any enforcement action.

Section 8. Required Notification to the Gaming Commission

8-1. A representative of the gaming enterprise shall notify the Gaming Commission's Surveillance Department immediately for any of the following events. For purposes of this Section, the term "immediately" means verbal notification (via radio or telephone) as soon as practical. Failure to comply with any required reporting requirements set forth in this Section may result in a \$1,000.00 fine.

- a. A payout and/or jackpot of \$1,200.00 or greater from any slot machine.
- b. A payout and/or jackpot of \$10,000.00 or greater from any table game.
- c. All jackpots of \$35,000.00 or greater from any a slot machine or table game. The Gaming Commission Compliance Department **must** verify the jackpot **before** a gaming enterprise can pay out any such jackpot.
- d. Accident or other incident resulting in damage to gaming equipment or electronic data processing (EDP) equipment used in connection with gaming operations.
- e. The arrest of any person at the gaming enterprise.
- f. If an outside law enforcement agency is on property.
- g. Failure of the slot accounting system, progressive system, or power failure.
- h. Restriction of a former or current employee of the gaming enterprise.
- i. Any suspicious or suspected criminal activity.

8-2. *Adoption, Amendment, Repeal of System of Internal Controls; Processes*

- a. Approval of any revisions to System of Internal Control Standards must be requested from the Gaming Commission in writing twenty (20) calendar days from the proposed start date.
- b. The Gaming Commission may provide, by resolution or order, exceptions to the approval processes.

Section 9. Job Descriptions

- 9-1. The Human Resources Department must forward to the Gaming Commission a copy of all job descriptions and organizational charts (including when modified or discontinued).

Section 10. Hours of Operation

- 10-1. The gaming enterprise shall operate 24 hours a day, 7 days a week, 365 days a year. Management of the gaming enterprise may request that the hours of operation be changed, by submitting a written request to the Gaming Commission Chairperson. The request must be approved or denied by the Gaming Commission.

Section 11. Dealer School

- 11-1. The gaming enterprise shall provide the Gaming Commission with no less than sixty (60) days advance notice of the start date of a Dealer School.

Section 12. Failure to Comply

- 12-1. Failure to comply with any required reporting requirements set forth in this Chapter may result in the following fines, unless defined otherwise within the Chapter (Sections 6 and 8) or by Gaming Commission Order.
 - a. Warning – first offense
 - b. \$200.00 – second offense
 - c. \$500.00 – third offense
- 12-2. Offenses shall be cumulative within a six-month period from the date of the last offense.
- 12-3. All fines are assessed against the gaming enterprise.