



Little River Band of Ottawa Indians

2608 Government Center Drive

Manistee, MI 49660

(231) 723-8288

Resolution #20-0923-270

*Accepting for Filing the 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, 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-20 – Chapter 20 – Prohibitions on Gaming was recently revised to expand who (persons and/or positions) can participate in Class II and/or Class III gaming at enterprises owned and operated by the Little River Band of Ottawa Indians, including modifications to the rules by which persons and/or positions can participate in gaming; and

WHEREAS, the revised Gaming Commission Regulation #R400-04:GC-20 – Chapter 20 – Prohibitions on Gaming was approved by the Gaming Commission on September 1, 2020 by Resolution #GC20-0901-11; 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 7 FOR, 1 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Open Session of the Little River Band of Ottawa Indians Tribal Council held on September 23, 2020, via ZOOM, with a quorum being present for such vote.


Gary Di Piazza, Tribal Council Recorder


Ronald Pete, Tribal Council Speaker

Attest:

Distribution: Council Records
Gaming Commission

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 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 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.

- 2-7. *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.
- 2-8. *IGRA* means the Indian Gaming Regulatory Act of 1988, 25 U.S.C. § 2701 *et seq.*, as amended from time to time.
- 2-9. *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.
- 2-10. *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.
- 2-11. *Tribe* means the Little River Band of Ottawa Indians.

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

- 3-1. *Prohibition against Participation in Gaming at the Gaming Enterprises.* This section shall identify positions that shall be prohibited from play, placing wagers at, or collecting winnings from any Class II and/or Class III gaming and/or limited gaming at 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 Body.* All members of any gaming enterprise oversight body are prohibited from 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.* 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 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).
- a. All attorneys within the Unified Legal Department.

- b. Chief Financial Officer and Controller.
 - c. Comptroller General and support staff.
 - d. Public Safety Department, officers and support staff.
 - e. Information Technology Department and support staff.
- 3-4. *Regulatory Agency.* No member of a regulatory agency or employee of a regulatory agency may 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 Employee Limitations and Prohibition(s) 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 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). 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 2-9;
 - b. All Auditing/Accounting, Information Technology, and Compliance employees; 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 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.
- 5-2. *Gaming Enterprise Employees.* 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 participate in, be eligible for, or offered to participate in the following:
- a. Promotions;
 - b. Drawings or Promotional Drawings;
 - c. Tournaments.
- 5-3. *Complimentary Services and Items.* Elected Officials nor employees of the gaming enterprise shall 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).
- 5-4. *Point Redemption Awards.* Elected Officials shall accrue points, solely based on their play.