



Little River Band of Ottawa Indians

2608 Government Center Drive

Manistee, MI 49660

(231) 723-8288

Resolution #21-0120-013

*Accepting for Filing the Revised Gaming Commission Regulation
#R400-04:GC-10 – Chapter 10 – Compliance and Enforcement*

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 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 policies and procedures of the Gaming Commission and its staff; and

WHEREAS, Gaming Commission Regulation #R400-04:GC-10 – Chapter 10 – Compliance and Enforcement was recently revised to better serve the regulatory function of the Gaming Commission; and

WHEREAS, the revised Gaming Commission Regulation #R400-04:GC-10 – Chapter 10 – Compliance and Enforcement on Gaming was approved by the Gaming Commission on January 5, 2021 by Resolution #GC21-0105-01; and

WHEREAS, the Gaming Commission Regulation – Chapter 10 – Compliance and Enforcement is now being forwarded to Tribal Council for filing in accordance with Gaming Commission Ordinance #04-400-04 – Section 6.04 (b).

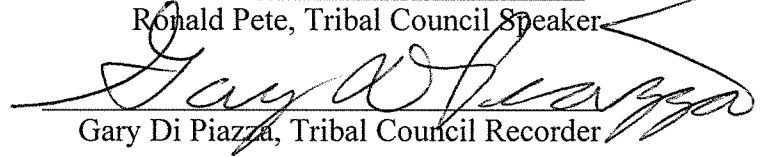
NOW THEREFORE IT IS RESOLVED THAT that Gaming Commission Regulation #R400-04:GC-10 – Chapter 10 – Compliance and Enforcement is hereby accepted for filing by the Little River Band of Ottawa Indians Tribal Council.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 5 FOR, 4 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Open Session of the Little River Band of Ottawa Indians Tribal Council held on January 20, 2021, at the Government Center in Manistee, Michigan, with a quorum being present for such vote.



Ronald Pete, Tribal Council Speaker



Gary Di Piazza, Tribal Council Recorder

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Gaming Commission

**Gaming Commission Regulations
Regulation #R400-04-GC-10**

Chapter 10 – Compliance and Enforcement

Section 1. Purpose; Authority

- 1-1. *Purpose.* The purpose of this Chapter is to define the process for issuing a Notice of Citation to a gaming enterprise which fails to comply with applicable laws and/or regulations of the Gaming Commission and to establish a citation schedule of fines. Issuance of a citation is limited to Little River Band of Ottawa Indians Gaming Commission licensed gaming enterprises.
- 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.

Section 2. Citations

- 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. Citations shall be issued against the gaming enterprise for specific violations of the Indian Gaming Regulatory Act (IGRA), the Tribal-State Compact (Compact), the Gaming Ordinance, and Gaming Commission Regulation(s) as identified below:
- a. Conducting gaming activity without a valid facility license - \$5,000
 - b. Failure to submit a completed Facility License Application - \$5,000
 - c. Failure to submit a completed Renewal Facility License Application sixty (60) days prior to the expiration of the current license - \$1,000
 - d. Failure to post the Gaming Facility License in a conspicuous location at all times on the premises of each gaming facility - \$5,000
 - e. Failure to submit the Annual Report between the 15th and the last day of June each year - \$1,000
 - f. Failure to timely submit the annual fees to the National Indian Gaming Commission, State of Michigan (MGCB), and local municipalities - \$5,000
 - g. Placing an unapproved gaming device or table game in service for play to the general public - \$5,000

- h. Individuals under the legal gambling age participating in any Class II and/or Class III gaming activity - \$5,000
- i. Employing an individual in a position (Key Primary Management Official) without the proper license (including individuals hired by or contracted within an employment position with the gaming enterprise) - \$5,000
- j. Allowing a Key Employee or Primary Management Official to work with an expired license - \$5,000
- k. Conducting business with an unlicensed Gaming Vendor - \$5,000
- l. Failure to comply with the Bank Secrecy Act of the United States Code – Title 31 reporting requirements - \$5,000
- m. Failure to maintain all accounting records in a double entry of accounting system for not less than five (5) years - \$5,000
- n. Failure to post rules of each Class II card game and Class III table game - \$5,000
- o. Failure to post in a prominent position within the gaming facility a Notice to Patrons as described in the Tribal-State Compact - \$5,000
- p. Violations of Tribal or State law relating to the sale and regulation of alcoholic beverages - \$5,000

Section 3. Procedure

- 3-1. *Provisional Determination.* Prior to issuing a citation, the Gaming Commission shall provide notice of a provisional determination including the alleged violation and a summary of the information considered in making the determination.
- 3-2. *Notice.* The gaming enterprise shall receive the provisional determination notice fourteen (14) calendar days prior to a final decision. During this notice period, the gaming enterprise may provide additional information for consideration.
- 3-3. *Final Decision.* After the conclusion of the notice provisional determination period, the Gaming Commission shall issue a final decision within fourteen (14) calendar days. The final decision may include alternate remedies to paying the citation such as a warning, probationary period, and/or corrective actions.

Section 4. Appeal

- 4-1. *Appeals to the Gaming Commission.* Citation Determinations that impose a citation may be reviewed on appeal by the Gaming Commission. If the gaming enterprise seeks an administrative review of a citation, they shall initiate the process in writing by titling the submission “Request for Administrative Review”. The submission must be delivered to the Gaming Commission within fourteen (14) calendar days of the issuance of the final decision. The submission shall identify the citation and

include in the submission any information supplied in response to the original decision. The Gaming Commission shall review the Request for Administrative Review and issue a written ruling in response. The Gaming Commission in its sole discretion may provide the gaming enterprise an opportunity to be heard on the issues involved in the matter. The Gaming Commission shall render a written decision within fourteen (14) calendar days of receipt of the Request for Administrative Review or at the close of a hearing, if any, on the matter.

- 4-2 *Appeals to the Tribal Court.* The gaming enterprise may seek judicial review in Tribal Court of any citation determination administrative review.
- 4-3. *Standard of Review.* In all appeals before the Tribal Court, there shall be deference given by the Tribal Court to the determination of the Gaming Commission as the agency charged with the responsibility for interpreting its own regulations. The Tribal Court review of Gaming Commission citation determinations is limited to interpretation and application of law or regulation. The decision of the Tribal Court shall be final.