

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 the issuance of notice of citations and fines for failure to comply with “gaming rules” as defined in the Gaming Ordinance #10-400-01. All fines are levied against the licensed gaming operation.
- 1-2. *Authority.* These rules and regulations are issued under and pursuant to the authority of the Gaming Ordinance #10-400-01 and 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, the Gaming Ordinance, and Gaming Commission Ordinance are defined for the purposes of all Gaming Commission regulations.
- 2-2. Citations and fines shall be levied against the gaming operation for violations 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 - \$5,000
 - d. Failure to post the Gaming Facility License in a conspicuous location on the premises of each gaming facility at all times - \$5,000
 - e. Failure to submit the Annual Report in accordance with Gaming Ordinance #10-400-01 - \$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. Individuals under the legal gambling age participating in any Class II and/or Class III gaming activity - \$5,000

- h. 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 operation - \$5,000
- i. Allowing a Key Employee or Primary Management Official to work with an expired license - \$5,000
- j. Conducting business with an unlicensed vendor who is providing gaming services or concessions, gaming equipment, gaming devices or supplies - \$5,000
- k. Failure to comply with the Bank Secrecy Act of the United States Code – Title 31 reporting requirements, USA Patriot Act, Anti Money Laundering Act (AMLA) of 2020 and update AMLA of 2023 - \$5,000
- l. Failure to comply with the Internal Revenue Code and Regulations - \$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
- q. Placing an unapproved gaming device or table game in service or the continued use of unapproved gaming device control programs for play to the public – up to \$3,000 per day
- r. Failure to comply with any Gaming Commission regulation (excluding those chapters with incorporated fines on licensees and vendors). Violations shall be cumulative within a six-month period from the date of the last offense.
 - i. \$1,000 – first offense
 - ii. \$2,000 – second offense
 - iii. \$3,000 – third offense
 - iv. Investigative Hearing before the Gaming Commission – fourth offense and beyond
- s. Failure to respond to Tribal Minimum Internal Control Standard violation within ten (10) calendar days or the specified time frame indicated in notice of violation – \$1,000
- t. Failure to correct a Tribal Minimum Control Standard violation within the time frame indicated in the response from management - \$1,000
- u. Failure to respond to an internal audit finding within fourteen (14) calendar days or the specified time frame indicated in the audit report - \$1,000

Section 3. Procedure

- 3-1. *Provisional Determination (Citation).* Prior to issuing a fine, the Gaming Commission shall provide notice of a provisional determination including the alleged violation and a summary of the evidence gathered to support the notice.
- 3-2. *Notice.* The gaming operation shall receive the provisional determination (citation) notice fourteen (14) calendar days prior to a final decision. During this notice period, the gaming operation may provide additional information for consideration.
- 3-3. *Final Decision.* After the conclusion of the notice provisional determination period, a final decision on the issuance of a fine within fourteen (14) calendar days shall be issued. The final decision may include an alternative to a fine such as a written warning.

Section 4. Appeals

- 4-1. *Appeals to the Gaming Commission (body).* Determinations that impose a fine (or alternative) may be reviewed by appeal to the Gaming Commission as a body. If the gaming operation seeks an administrative review of a fine (or alternative), they shall initiate the process in writing by titling the submission “Request for Administrative Review”. The submission must be delivered to the Gaming Commission office within fourteen (14) calendar days of the issuance of the final decision. The submission shall identify the fine and include in the submission any information supplied in response to the original decision. The Gaming Commission (body) shall review the Request for Administrative Review and issue a written ruling in response. The Gaming Commission (body) in its sole discretion may provide the gaming operation an opportunity to be heard on the issues involved in the matter. The Gaming Commission (body) 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 operation may seek judicial review in Tribal Court of any fine determination administrative review.
- 4-3. *Standard of Review.* In all appeals before the Tribal Court, there shall be a 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.