

Gaming Commission Regulations

Regulation #R400-04:GC-09

Chapter 9 – Patron Complaints

Section 1. Purpose; Authority

- 1-1. *Purpose.* It is the purpose of this Chapter to define the process for resolving patron complaints based on health, safety, and/or the conduct of gaming, at a gaming facility regulated by the Gaming Commission.
- 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 #04-105-06.

Section 2. Definitions

- 2-1. *Executive Director* means the Executive Director of the Gaming Commission or any successor position with responsibility for managing all aspects of the day-to-day operations of the regulatory agency.
- 2-2. *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.
- 2-3. *Gaming Commission agent* means officials or employees of the Gaming Commission, including the Gaming Commissioners, Executive Director, Compliance personnel, Surveillance personnel, Internal Audit personnel, the Background Investigator(s), and administrative staff of the Gaming Commission.
- 2-4. *Patron Complaint* means all complaints a patron may have regarding health, safety, and/or conduct of gaming while at a gaming facility regulated by the Gaming Commission.
- 2-5. *Request for Review* means a process in which a patron can submit in writing a request for the Gaming Commission to further investigate the circumstances and/or response to a patron complaint acted upon by the gaming operation.

Section 3. Construction and Application of the Rules

- 3-1. *Construction and Amendments.*
 - a. These rules shall be liberally construed to permit the Gaming Commission to effectively carry out its regulatory functions and secure a just and expeditious determination of issues properly presented to the Gaming Commission.

- b. These rules may be amended by the Gaming Commission from time to time in accordance with the provisions of the Gaming Commission Ordinance, the Gaming Ordinance and any regulation promulgated by the Gaming Commission.
- 3-2. *Application.* All patron complaints shall be presented and addressed in compliance with these rules.
- 3-3. *Severability and Preemption.*
 - a. If any clause, sentence, subparagraph, paragraph, subsection, section, chapter or other portion of these rules or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, impair or invalidate the remainder of these rules or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, chapter or other portion thereof directly involved in such holding or to the person or circumstances therein involved.
 - b. The Gaming Commission shall have jurisdiction over all matters delegated to it or within the scope of its powers under the provisions of the Gaming Commission Ordinance and Gaming Ordinance these rules.

Section 4. Patron Complaint Process

- 4-1. *Resolution by Gaming Operation.* The gaming operation shall submit for Gaming Commission approval, procedures for resolving patron complaints. The procedures must include, at a minimum, procedures for the following:
 - a. Documenting patron complaints received by the gaming operation.
 - b. Responding to patron complaints within five (5) calendar days after receiving a complaint, including identification of the job title(s) of the person(s) responsible for receiving and resolving patron complaints.
 - c. Training provided to employees of the gaming operation on the procedures for resolving patron complaints; and
 - d. Advising patrons of the right to request review by the Gaming Commission if they are unable to resolve the complaint with the gaming operation.
- 4-2. *Complaint(s) Received by the Gaming Commission.* Should a patron send a complaint directly to the Gaming Commission, the Gaming Commission shall forward the complaint to the gaming operation. The gaming operation shall respond to the patron within five (5) calendars days of receipt of the complaint.
- 4-3. *Filing of Request for Review by Gaming Commission.*

- a. If the gaming operation and the patron cannot resolve the complaint, the gaming operation shall advise the patron of the right to file a Request for Review with the Gaming Commission and shall provide the patron with the form approved by the Gaming Commission for that purpose. The Request for Review may be received by any Gaming Commission agent or delivered (via mail or hand delivery) to the Gaming Commission's office.
- b. At a minimum, the Request for Review shall contain the following information:
 - 1. The name, address, and telephone number of the patron.
 - 2. A summary of the nature of the patron complaint, including the date and time the incident occurred which the patron's complaint is based on.
 - 3. A list of names, if known, of any employees of the gaming operation involved in the incident that led to the patron complaint.
 - 4. The name, address, and telephone number, if known, of any witnesses to the incident that led to the complaint; and
 - 5. A summary of the gaming operation's attempt to resolve the patron's complaint and the specific reason(s) the patron disagrees with the gaming operation's proposed resolution, if any.
- c. The patron shall submit the Request for Review to the Gaming Commission within thirty (30) calendar days of the incident.
- d. All claims by patrons shall be limited to a maximum recovery of proven damages, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize.
- e. The Gaming Commission shall serve a copy of the Request for Review on the gaming operation's designated agent within five (5) calendar days after receipt of the Request for Review.
- f. The gaming operation shall respond in writing to the patron's Request for Review within ten (10) calendar days of receiving it. A copy of the gaming operation's response shall be mailed to the patron and the Gaming Commission within the ten (10) calendar days allowed for the response.
- g. The Executive Director shall, within thirty (30) calendar days of receiving the patron's Request for Review and the gaming operation's response, review that information and determine if any additional investigation is required. If the gaming operation fails to request surveillance coverage during their investigation, this extended period will result in a lack of coverage.

- h. Following the conclusion of any investigation authorized by the Executive Director, or the Executive Director's review of the patron's request for review and the gaming operation's response (if no additional investigation is requested), the Executive Director shall advise the patron in writing of the determination of the Gaming Commission and the resulting actions for resolution of the Request for Review.
 - i. The Executive Director shall advise the gaming operation of the response to the patron and shall provide the gaming operation with its investigative finding which may include recommendations to the Gaming Commission for actions by Gaming Commission Order if the integrity of gaming activity is at risk.
 - j. The Gaming Commission's decision shall constitute the complaint's final remedy.
- 4-4. *Possible Disciplinary Action.* If it is determined that the incident giving rise to the patron complaint involved a violation of any "gaming rules" as defined in the Gaming Ordinance #10-400-01, the Executive Director may initiate action under Little River Band of Ottawa Indians Gaming Commission Regulations – Chapter 10 – Compliance and Enforcement.
- 4-5. *Violation of Rules.* Failure of a gaming operation to comply with this regulation may result in the initiation of action under Little River Band of Ottawa Indians Gaming Commission Regulations –Chapter 10 – Compliance and Enforcement.
- 4-6. *Reports by the Executive Director.* The Executive Director shall, not less than monthly, report to the Gaming Commission any action he/she has taken under this regulation at the closed session portion of a regular meeting. The Gaming Commission may take additional or different actions by Gaming Commission Order if deemed necessary.