

**Gaming Commission Regulation  
Regulation #R400-04:GC-07**

**Chapter 7 – Employee (Key and Primary Management Official) Licensing**

**Section 1. Purpose; Authority**

- 1-1. *Purpose.* It is the purpose of this Chapter to:
- a. To set a uniform process for the issuance and maintenance of licenses to prospective and current employees of the gaming enterprise or gaming operation required to be license in accordance with the Gaming Ordinance, including how the Gaming Commission makes determinations about whether to grant or renew a license in accordance with applicable federal, state, and tribal laws; and
  - b. Assist prospective and current licensees to understand the licensure process imposed upon persons that seek a license and maintain a license.
- 1-2. *Authority.* These rules and regulations are issued under and pursuant to the authority of the Gaming Ordinance #10-400-01, and the Gaming Commission Ordinance #04-400-04,. This regulation is specifically enacted in furtherance of the Little River Band of Ottawa Indians Gaming Commission’s duty to license employees of the gaming enterprise or gaming operation within the jurisdiction of the Tribe pursuant to the Gaming Ordinance.

**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, the Gaming Ordinance, and Gaming Commission Ordinance are defined for the purposes of all Gaming Commission regulations.
- 2-2. *Applicant* means an individual seeking a license from the Gaming Commission that authorizes the person to be employed or contracted by a gaming enterprise or gaming operation. “Applicant” also encompasses re-applicants.
- 2-3. *Employee* means any individual employed by a gaming enterprise or gaming operation in any capacity, whether by general operational terms of employment, contract, or agreement.
- 2-4. *Gaming* means Class II and Class III gaming authorized by this Ordinance, the Compact, and as may be further authorized under IGRA.
- 2-5. *Gaming enterprise* means the entities through which the tribe conducts, regulates, and secures gaming on Indian lands within such tribe’s jurisdiction pursuant to the Indian Gaming Regulatory Act.

- 2-6. *Gaming operation* means each economic entity that is licensed by a tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses.
- 2-7. *Gaming facility* means the building, buildings, or structures, wherein gaming is permitted, performed, conducted, or operated, and associated or adjacent real property owned by the Tribe. Each gaming facility shall be constructed, maintained, and operated in a manner that adequately protects the environment, health, and safety of the public.
- 2-8. *Gaming rules* means the tribal, federal, and state laws and regulations regarding gaming activities, including by way of example the Gaming Ordinance, Gaming Commission regulations, the Compact, and the IGRA.
- 2-9. *IGRA* means the Indian Gaming Regulatory Act of 1988, 25 U.S.C. § 2701 *et seq.*, as amended from time to time.
- 2-10. *Key Employee* means:
- a. A person who performs one of more of the following functions:
    1. Bingo Caller
    2. Count Room Supervisor
    3. Chief of Security
    4. Floor Manager
    5. Pit Boss
    6. Dealer
    7. Croupier
    8. Approver of credit
    9. Custodian of gaming systems as defined in 25 CFR 547.2 and similar Class III systems, gaming cash or gaming cash equivalents, gaming supplies, or gaming system records
    10. Custodian of surveillance systems or surveillance system records
    11. Any gaming operation employee authorized by the gaming operation for unescorted access to secured gaming areas designated as secured gaming areas by the Gaming Commission
  - b. If not otherwise licensed as a Key Employee or Primary Management Official, the four persons most highly compensated by the gaming operation.
  - c. Any person whose job description falls within the following gaming operation departmental organizational charts or as listed individually below: Finance Department, Information Technology Department, Security Department, Gaming Operations Department, Compliance Department, and Marketing Department.
    1. Legal Secretary (or other job title and job description indicating a direct report / assistant to the General Manager)
    2. Food & Beverage Manager
    3. Dining Room Manager

4. Conference Sales Manager
5. Banquet Events Manager
6. Executive Chef
7. Hotel Operations Manager

2-11. *License* means any official and revocable authorization granted for a designated period of time issued by the Gaming Commission pursuant to the Gaming Ordinance.

2-12. *National Indian Gaming Commission (NIGC)* means the Commission established pursuant to IGRA.

2-13. *Primary Management Official* means:

- a. Any person having management responsibility for a management contract.
- b. Any person who has the authority:
  1. To hire **and** fire employees of the gaming operation; or
  2. To establish policy for the gaming operation; or
- c. The Chief Financial Officer or a position with duties similar to a Chief Financial Officer.
- d. The General Manager or a position with duties similar to a General Manager.
- e. Any other person employed by the gaming enterprise as documented by the Tribe as a Primary Management Official.

2-14. *State* means the State of Michigan.

2-15. *Tribal Court* means the Tribal Court and Tribal Court of Appeals of the Little River Band of Ottawa Indians and all other Tribal judicial forums now or hereinafter established by the Tribe.

2-16. *Tribal Gaming Regulatory Authority (TGRA or Gaming Commission) Agents* 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.

2-17. *Tribal-State Compact (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).

2-18. *Tribe* means the Little River Band of Ottawa Indians.

2-19. *Tribal Member* means an individual enrolled as a member of the Little River Band of Ottawa Indians.

### **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 statutory 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 Ordinance, the Gaming Commission Ordinance, and any regulation promulgated by the Gaming Commission.

#### *3-2. Severability, Preemption, Adoption and Repeal.*

- 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 Ordinance, Gaming Commission Ordinance, and any regulation promulgated by the Gaming Commission.

### **Section 4. General Rights and Duties of Applicants**

4-1. *No Property Interest or Promise of Employment.* Neither the consideration of the issuance of a license nor the issuance of a license creates or grants a property interest or due process rights to the applicant or licensee that are specifically granted by the Tribe's laws or this regulation. The granting of a license by the Gaming Commission does not constitute a commitment on behalf of the Gaming Commission or any other party to hire or continue to employ the licensee.

4-2. *Duties of Applicants and Licensees.* Applicants and licensees are required to provide or perform the following:

- a. *Responsibility to establish qualifications.* An applicant for a license governed by this regulation is seeking the granting of a privilege. The burden of proving eligibility to receive a license is on the applicant. It shall be the further responsibility and continuing duty of each applicant/licensee to produce such

information, documentation, and assurances as may be required to demonstrate by clear and convincing evidence his/her eligibility to hold a license in accordance with the Gaming Ordinance, the Compact, and Gaming Commission regulations.

- b. *Duty to disclose and cooperate.* It shall be the responsibility and continuing duty of each applicant/licensee to promptly furnish all information, documentation, assurances, consents, waivers, fingerprint impressions, photographs, or other materials required or requested by the Gaming Commission and to cooperate with the Gaming Commission in the performance of its duties. Failure to furnish same after receipt of a written request shall constitute grounds for delaying consideration or denial of the application/license.
- c. *Licensees' continuing duty to promptly furnish information.* Licensees shall provide information within five (5) calendar days of an occurrence or event in their life which constitutes a material change (i.e., arrest or criminal charges, address change) in the information provided in their application. Failure to report information within five (5) calendar days or refusing to comply with a formal request for information, evidence, or testimony shall be a basis for suspension or revocation of a license.
- d. *Authority to seize, revoke, and suspend license.* The Gaming Commission may seize, revoke, or suspend any license issued under this regulation in accordance with the procedures prescribed in the Gaming Ordinance, the Gaming Commission Ordinance, and Gaming Commission regulations. This authority to seize and suspend may be exercised by and through the Executive Director.
- e. *Waiver of liability for disclosure of information.* Applicants/licensees accept and assume the risks of any adverse public notice, embarrassment, criticism, or other action, as well as financial loss which may result from any licensing action. Applicants/licensees expressly waive any claims against the Gaming Commission, the Gaming Commission agents, and the Tribe as well as any entity or individual furnishing information in good faith to the Gaming Commission or its agents in any matter relating to licensing and the licensing process.
- f. *Consent to examination of accounts and records.* Each applicant/licensee shall, in writing, consent to the examination of all accounts, bank accounts, and records in his/her possession or under his/her control and shall authorize all third parties in possession or with control of such accounts or records to allow such examination thereof as may be deemed necessary by the Gaming Commission.
- g. *Non-transferability of license.* All licenses shall be non-transferable and shall prohibit the licensee from transferring any rights or duties related to the license either directly or indirectly.
- h. *Unauthorized Use of License.* Licensees are expressly prohibited from allowing any other person to use their license for any purpose. Any unauthorized use of a license may subject both the licensee and person using the license to civil and

criminal penalties, including suspension or revocation of a license.

- i. *Licensing Period.* Any license issued in accordance to the Gaming Ordinance, other than a temporary license, shall be effective for a period of one (1) year from the date of issuance and shall contain the licensee’s photograph and shall state on its face the name of the employee, the gaming enterprise or gaming operation at which the individual is licensed to work, the type of license, the date that the license became effective, and the date the license expires. Licenses do not automatically renew and become invalid as of the date of expiration.
- j. *Renewals.* It is the responsibility of holders of a license to file their renewal application sixty (60) calendar days before their license expires. Temporary licenses may be granted where the holder of a license has timely filed for renewal, but the application has not been reviewed by the Gaming Commission. Employee licenses must be renewed annually. A holder of a license who fails to renew their license within the timeframe specified shall be assessed the following fines, unless defined otherwise by Gaming Commission Order:
  1. \$25.00 – first offense
  2. \$50.00 – second offense
  3. Revocation hearing before the Gaming Commission – third offense

A license shall not be granted to a licensee or applicant for a license who has been assessed a fine until such time that the fine is paid in full.

- k. *Expired License.* A holder of a license who allows their license to expire shall be assessed the following reinstatement fees, unless defined otherwise by Gaming Commission Order:
  1. \$50.00 – first offense
  2. \$100.00 – second offense
  3. Revocation hearing before the Gaming Commission – third offense

A license shall not be granted to a licensee or application for a license who has been assessed a reinstatement fee until such time that the fee is paid in full. An expired license will result in the individual’s inability to work until such time that the license is renewed, and the reinstatement fee is paid in full.

1. *Requirement to Produce License upon Request.* Any person receiving a license in accordance with the Gaming Ordinance must have that license on property during all working hours and must produce that license upon request.

## **Section 5. License Eligibility**

### *5-1. Licenses*

- a. *General.* The gaming operation shall be required to maintain a list of all

employees, their positions, and a copy of all job descriptions (including duties and responsibilities) on file with the Gaming Commission. Voluntary relinquishment of license will not preclude the Gaming Commission from addressing license issues that occurred during the time the licensee held a license.

b. *Specific Disqualifying Circumstances.* An applicant shall not be eligible for a Key Employee Gaming License or a Primary Management Official Gaming License if the application or background investigation confirms that the applicant:

1. Is a member of the Tribal Council, the Ogema, a Judge or Appellate Judge on the Tribal Court, the Tribal Prosecutor, or a Law Enforcement Officer of the Tribe. This subsection shall not apply to members of the Tribal Council or the Tribal Ogema sitting on an oversight body established by Tribal law to provide oversight to a gaming operation.
2. Is under the age of eighteen (18).
3. Has been convicted of or entered a plea of guilty or no contest to a gambling-related offense, fraud, or misrepresentation. The terms “fraud or misrepresentation” shall mean a criminal offense committed in Michigan or any other jurisdiction, involving theft, fraud or misrepresentation, which is a felony or would be a felony if committed in Michigan, and which was committed as an adult or prosecuted as an adult offense, and which has not been effectively removed from the applicant's/licensee's criminal record by executive pardon, state court order, or operation of law.
4. Has been convicted of or entered a plea of guilty or no contest to any offense not specified in paragraph (3) within the immediately preceding five (5) years; this provision shall not apply if that person has been pardoned by the Governor of the State where the conviction occurred or, if a Tribal Member, has been determined by the regulatory agency to be a person who is not likely again to engage in any offensive or criminal course of conduct and the public good does not require that the applicant be denied a Key Employee Gaming License or a Primary Management Official Gaming License. The term “any offense” shall mean any criminal offense not described in paragraph (3), whether committed in Michigan or any other jurisdiction, that is, or would be, a crime under the provisions of the Michigan Penal Code, Act 328 of the Public Acts of 1931, as amended being MCL 750.1 to 750.568, or the controlled substances provisions of the Public Health Code, Act # 68 of the Public Acts of 1978, as amended, being MCL 333.7101 to 333.7545, or any other criminal offense not included within the scope of paragraph (3) involving theft, dishonesty, fraud or misrepresentation arising under the law of Michigan or another state or jurisdiction, that was committed as an adult or prosecuted as an adult offense, and which has not been effectively removed from the employee's criminal record by executive pardon, state court order, or operation of law.
5. Is determined by the Gaming Commission to have participated in organized

crime or unlawful gambling or whose prior activities, criminal records, reputation, habits, and/or associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or to the carrying on of the business and financial arrangements incidental to the conduct of gaming.

6. Has knowingly and willfully provided materially false and misleading statements or information to the Gaming Commission or has refused to respond to questions and/or requests for information asked by the Gaming Commission specifically related to the person's eligibility to obtain or retain a license.
7. Has been convicted of any offense related to sexual crimes or criminal sexual conduct where the perpetrator was convicted as an adult at the time the crime was committed, and/or is registered in any jurisdiction's list of sexual offenders.

## **Section 6. License Applications**

6-1. *Complete Application Required.* The Gaming Commission shall require each applicant to complete an application in a manner required by the Gaming Commission. The application shall clearly identify whether the applicant is applying for a Key Employee Gaming License or Primary Management Official Gaming License.

6-2. *Privacy Act Notice.* The following notice shall be placed on the application for a license so that it can be read by the applicant before the application is completed:

*"In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. § 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribe's regulatory agency or the National Indian Gaming Commission (NIGC) members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal, or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial or revocation of a Gaming License, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in the tribe's inability to license you for a Primary Management Official or Key Employee position. The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application."*

6-3. *False Statement Notice.* The following notice shall be placed on the application for a Key Employee Gaming License or a Primary Management Official Gaming License so that it can be read by the applicant before the application is completed:



*“A false statement on any part of your license application may be grounds for denying a license, or the suspension and/or revocation of a license. Also, you may be punished by fine or imprisonment. (U.S. Code, Title 18, § 1001).”*

- 6-4. *Burden of Proof on Applicants.* It is the determination of the Tribe that the public interest in the integrity of gaming is such that the burden of proof to establish fitness or eligibility to obtain or maintain a license shall be upon the applicant or licensee as the case may be.
- 6-5. *Application for a License.* Each applicant for a license shall be required to complete an application in a manner required by the Gaming Commission. The application shall include the following information:
- a. Full name, other names used (oral or written), Social Security Number(s), date of birth, place of birth, citizenship, gender, and all languages (spoken or written).
  - b. Currently and for the previous five (5) years:
    1. Business and employment positions held
    2. Ownership interests in those businesses
    3. Business and residence addresses
    4. Driver’s License Numbers
  - c. The names and current addresses of five (5) personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under Section 6-5 (b)(3).
  - d. Current business, residence telephone numbers, and all cell phone numbers.
  - e. A description of any existing and previous gaming or other business relationships with any Indian tribe, including any ownership interest in the business.
  - f. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses.
  - g. The name and address of any licensing or regulatory agency with which the person has filed an application for a license permit, or certification related to gaming, the status of the application, and whether such license, permit, or certification was granted.
  - h. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name, and address of the court involved, and the date of disposition, if any.
  - i. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding

minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved and the date of disposition, if any.

- j. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to subsections (h) and (i) of this Section, the criminal charge, the name and address of the court involved, and the date and disposition, if any.
- k. The name and address of any licensing or regulatory agency with which the person has filed an application for a business or occupational license or permit, and whether such license or permit was granted.
- l. A list of any previous or existing business relationships with/in the gaming industry, including with any Tribes with gaming operations which includes the name and address of the entity along with contact information.
- m. One (1) piece of valid identification that includes a photograph and one (1) other form of identification (Social Security Card, birth certificate or passport) that allows the regulatory agency to verify the applicant's identity.
- n. For all applications for licenses for Primary Management Officials, a complete financial statement and/or income tax records showing all sources of income for the previous three (3) years, and assets, liabilities, and net worth as of the date of the application.
- o. A list of all professional or business licenses the applicant has applied for, whether those licenses were granted, status of said licenses, and the name, address and phone number of the regulatory agency involved.
- p. A sworn statement that to the best of his/her knowledge the applicant nor any member of his/her immediate family does not have a past or current financial interest, other than a salary interest, in any gaming operation anywhere. If the applicant has an immediate family member or member of his/her household who has such a relationship, the applicant shall fully disclose his/her name and the nature of the relationship.
- q. Written permission giving the Gaming Commission the right to investigate the applicant's background, including criminal records, civil and criminal judgments, and credit history.
- r. Each application shall be accompanied by a sworn statement that the applicant will submit to the jurisdiction of the Tribe and the Tribal Court, if licensed.
- s. Any other information required by the Gaming Commission.
- t. For all applications for a license, fingerprints shall be taken by the Gaming

Commission and shall then be forwarded to the NIGC for processing through the Federal Bureau of Investigation (FBI) and the National Criminal Information Center to determine the applicant's criminal history, if any.

- 6-6. *Fees.* The Gaming Commission may collect fees from applicants to defray the cost of processing and evaluating requests for licensure by applicants. If fees are imposed, the Gaming Commission will promulgate and publish a fee schedule.

## **Section 7. Background Investigation Process**

- 7-1. *Verification of Completed Application.* Prior to accepting an application for a license, an agent of the Gaming Commission will review the application with the applicant to verify that all necessary information has been provided. The Gaming Commission agent shall ensure that the applicant fully understands his/her obligation to disclose the facts relative to any criminal history as required in Section 6-5 (h), (i), and (j).

- 7-2. *Steps to Complete Background Investigation.* An investigation will be conducted sufficient to determine eligibility under Section 5. In conducting a background investigation, the Gaming Commission agent shall keep confidential the identity of each person interviewed during the investigation. The background investigation must be sufficient to allow the Gaming Commission to make an eligibility determination under Section 10.07 of the Gaming Ordinance and shall consist of at least the following:

- a. A Gaming Commission agent shall attempt to contact each personal and business reference provided in the application and take other appropriate steps to verify the accuracy of the other information presented.
- b. The criminal background of each applicant for a Key Employee Gaming License or a Primary Management Official Gaming License shall be investigated by obtaining information concerning the applicant from law enforcement where the applicant has resided and submitting impressions of the applicant's fingerprints, taken under Section 10.03 (r) of the Gaming Ordinance, to the Federal Bureau of Investigation Criminal Information Center, and any other law enforcement agency that the Gaming Commission deems appropriate, requesting a criminal history report. The vital information which may be provided to identify the applicant may include: the applicant's full name, any other names used by the applicant, date and place of birth, citizenship, Driver's License Numbers, Social Security Number, and a physical description.
- c. If the criminal history provided by applicant, or obtained in initial phase of the background investigation, identify incidents which may disqualify the applicant as a result of his/her habits, reputation, or associations, the Gaming Commission agent shall endeavor to obtain copies of police reports, court records, or other information to determine specific details relative to such criminal offenses or charges.

- d. With respect to applicants applying for a Primary Management Official Gaming License, the Gaming Commission agent shall also investigate and verify the accuracy of financial information provided by the applicant by contacting banks, other financial institutions, or other sources as deemed necessary. A Credit Bureau Report on the applicant shall also be obtained annually.
- e. The regulatory agency shall attempt to complete the background investigation described in this section within thirty (30) calendar days following receipt of a complete application.
- f. The Gaming Commission agent may contract with private, municipal, state, and/or federal investigation agencies to perform the required background and/or criminal history investigations.

### 7-3. *Eligibility Determination*

- a. Before a license is issued, the Gaming Commission shall make a finding concerning the eligibility of that person in receiving a license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits, and associations.
- b. If the Gaming Commission, in applying the standards adopted in the Gaming Ordinance, determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and / or activities in the conduct of gaming, it shall not license that person in a Key Employee or Primary Management Official.
- c. Copies of the Eligibility Determination shall be included with the Notice of Results that must be submitted to the NIGC before the licensing of a Key Employee or a Primary Management Official.

## **Section 8. Action on Applications**

### 8-1. *Action on Applications for a License*

- a. Within fifteen (15) calendar days a Gaming Commission agent shall review the application, the results of background investigation, the criminal history reports, and financial report, if required, to determine if the applicant qualifies for the license applied for.
- b. If a determination is made that an applicant qualifies following a preliminary review period, during which time the Gaming Commission shall perform a credit check and a cursory background check, the Gaming Commission may issue a temporary license to the applicant. A temporary license shall not be valid for more than thirty (30) calendar days from the date of issuance. A temporary license may be rescinded prior to the conclusion of the thirty (30) calendar day period if the

applicant has been determined to be ineligible or unsuitable for licensure under applicable gaming rules. Notice of rescission of a temporary license shall be presented to the applicant and the gaming operation.

- c. The regulatory agency shall create and maintain an Investigative Report for each background investigation of a Key Employee or Primary Management Official which shall include the following:
  1. Steps taken in conducting a background investigation
  2. Results obtained
  3. Conclusions reached
  4. The basis for those conclusions
- d. The applicant shall be promptly notified that their application is approved, and the license shall be issued. If a temporary license was previously issued, the effective date of the license shall be the date the temporary license was issued.
- e. If any application for a license is denied under this section, the temporary license shall be seized if one was issued. The applicant shall be notified within seven (7) calendar days that the application was denied, and the reasons shall be specified, including information concerning any criminal conviction(s), which prompted the denial with reference to the specific eligibility criteria described in Section 6. The notice to each applicant shall also inform the applicant of the applicant's right to request a hearing within fourteen (14) calendar days following receipt of the notice of the denial.
  1. Within twenty-one (21) calendar days following receipt of a request for a hearing, the Gaming Commission shall afford the applicant an opportunity to appear and be heard before the Gaming Commission, in person and with a representative or legal counsel, and to submit such evidence as the applicant deems relevant in the matter. The Gaming Commission may receive evidence from the applicant or licensee, the Tribe, any gaming regulatory agency, or any person or entity that the Gaming Commission deems relevant to the matter.
  2. The Gaming Commission shall either affirm or reconsider its decision to deny the license within seven (7) calendar days following hearing.
- f. If a license is not issued to a Key Employee or Primary Management Official applicant, the Gaming Commission:
  1. Shall notify the National Indian Gaming Commission.
  2. Shall forward copies of its Eligibility Determination to the National Indian

Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

3. Shall notify the gaming operation.
- g. The Gaming Commission shall retain applications and reports (if any) of background investigations for inspection by the National Indian Gaming Commission or its designees for no less than five (5) years from the date of termination of employment or denial of a license.
- 8-2. *Notice of Results.* Before issuing a license to a Key Employee or Primary Management Official, the Gaming Commission shall prepare a Notice of Results on the applicant's background investigation to submit to the NIGC. The Notice of Results must be submitted to the NIGC no later than sixty (60) calendar days after the applicant begins working for the Tribe. The Notice of Results shall include, at a minimum, the following information:
- a. The applicant's name, date of birth and Social Security Number
  - b. The date on which the applicant began, or will begin, working as a Key Employee or Primary Management Official
  - c. A summary of information presented in the Investigative Report, including:
    1. Licenses that have been previously denied
    2. Licenses that have been revoked, even if subsequently reinstated
    3. Every known criminal charge brought against the applicant within the last ten (10) years of the date of the application
    4. Every felony offense of which the applicant has been convicted and any ongoing prosecution
  - d. A copy of the Eligibility Determination in accordance with Section 7-3.
- 8-3. *Granting Licenses.* All Key Employees and Primary Management Officials must have a license issued by the Gaming Commission. The Gaming Commission may license a Key Employee or Primary Management Official according to the following:
- a. The Gaming Commission submitted a Notice of Results of the applicant's background investigation to the NIGC according to Section 8-2.
  - b. The Gaming Commission notifies the NIGC of the issuance of the license within thirty (30) calendar days of issuance.
  - c. A Key Employee or Primary Management Official who does not have a license after ninety (90) days shall not be permitted to perform the duties, functions,

and/or responsibilities of a Key Employee or Primary Management Official until so licensed.

8-4. *Reconsideration after NIGC Objections.* The Gaming Commission must reconsider a license application for a Key Employee or Primary Management Official if it receives a statement of itemized objections to issuing such a license from the NIGC and those objections are received within thirty (30) calendar days of the NIGC receiving a Notice of Results of the applicant's background information:

- a. The Gaming Commission shall take the NIGC's objections into account when reconsidering a license.
- b. The Gaming Commission shall make a final determination whether to issue a license to an applicant for a Key Employee Gaming License or Primary Management Official Gaming License.
- c. If the Gaming Commission has issued a license to a Key Employee or Primary Management Official before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as provided in Article 12 of the Gaming Ordinance.
- d. If the Gaming Commission revokes a license after reconsideration under this section, it shall notify the NIGC and the gaming operation and forward copies of its Eligibility Determination and Notice of Results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

8-5. *Denying License*

- a. If the Gaming Commission does not issue a license to an applicant for a Key Employee Gaming License or Primary Management Official Gaming License, it shall notify the NIGC and forward copies of its Eligibility Determination and Notice of Results to the NIGC for inclusion in the Indian Gaming Individual's Record System.

8-6 *Revoking License*

- a. If the Gaming Commission revokes a Key Employee's License or Primary Management Official's License, it shall notify the NIGC and shall forward copies of its license revocation decision for inclusion in the Indian Gaming Individual's Record System.

8-7 *Notice from NIGC Impacting Eligibility and Licensee's Right to Hearing*

- a. If, after the issuance of a license, the NIGC receives reliable information indicating that a Key Employee or Primary Management Official is not eligible for a license, the NIGC shall notify the Tribe.

- b. Upon receipt of such notification, the Tribe's regulatory agency shall immediately suspend the license and shall provide the licensee with written notice of suspension and proposed revocation. The notice of revocation shall include the following:
  - 1. Shall notify the licensee of the time and the place for a hearing on the proposed revocation of the license.
  - 2. The right to a revocation hearing shall vest upon receipt of a license or at such an earlier time as is determined the Tribal law and/or regulation.
- c. After the revocation hearing, the Gaming shall decide to revoke or to reinstate the license. The Gaming Commission shall notify the NIGC of its decision within forty-five (45) days of receiving notification from the NIGC.

## **Section 9. Re-applications**

- 9-1. *Re-application after denial or revocation of license.* Except as provided below, any person required to be licensed under the provisions of the Gaming Ordinance or regulations of the Gaming Commission whose license is either denied or revoked by the Gaming Commission on the basis of that individual's failure to satisfy the eligibility criteria of the Gaming Ordinance or Gaming Commission regulations, or due to the Gaming Commission finding that such person is disqualified under the criteria of any law, may not reapply for a license until six (6) months after notice of the denial or revocation. This prohibition on re-application shall not apply to persons who have been denied a license prior to the effective date of the Gaming Ordinance #10-400-01, for which the denial was based on an offense that no longer constitutes a disqualifying circumstance. This prohibition on re-application shall also not apply to persons who, after receiving notice of denial or revocation, have had an offense that was the sole basis for his/her license denial or revocation removed from their criminal record by executive pardon, court order, or operation of law.

## **Section 10. Disclosure of Information**

- 10-1. The Gaming Commission may, consistent with its duties and responsibilities under the law and to preserve and enhance the integrity of tribal gaming, disclose applicant and licensee information, documents, photographs, records, and other materials.
- a. To appropriate federal, Tribal, state, local or foreign law enforcement, and regulatory agencies when relevant to civil, criminal, or regulatory investigations or prosecutions.
  - b. Pursuant to a written request from a duly authorized agent of any agency of the United States or the Tribe in accordance with any applicable agreements with such other governmental agencies for the exchange or release of confidential information.



- c. If ordered to do so by a court of competent jurisdiction.
- d. Disclosure is made by the Gaming Commission under the following circumstances:
  - 1. *National Indian Gaming Commission (NIGC)*. The Gaming Commission is required to forward to the NIGC a Notice of Results and Eligibility Determination on each background investigation of a Key Employee or Primary Management Official. The Gaming Commission shall disclose to the NIGC the revocation of any license and if that license is reinstated as well.
  - 2. *Michigan Gaming Control Board*. Under Section 4 (L) of the Compact the Gaming Commission is required to provide representatives of the Michigan Gaming Control Board background information compiled by the Tribe to allow the State to verify the Tribe's background information and to make an independent determination as to the eligibility of these individuals, consistent with the standards set forth in Section 4 (D).
  - 3. *Third Parties; Law Enforcement Agencies; Regulators*. The Gaming Commission may disclose applicant and licensee information to third parties, law enforcement agencies, and regulatory bodies when authorized by, and in accordance with, the terms and conditions described in Gaming Commission Regulation #R400-04:GC-01 – Chapter 1 - General Provisions.

## **Section 11. License Denials, Suspensions, Revocations, and Right to Appeal (Hearing)**

- 11-1. *Hearing upon Denial of License*. Any applicant who is denied a license applied for under the Gaming Ordinance may request a hearing before the Gaming Commission by written request submitted within fourteen (14) calendar days following receipt of notice of the action by the Gaming Commission.
  - a. Within twenty-one (21) calendar days following receipt of a notice requesting a hearing, the Gaming Commission shall afford the applicant an opportunity to appear and be heard before the Gaming Commission, in person or with a representative or legal counsel, and to submit such evidence as the applicant deems relevant in the matter. The Gaming Commission may receive evidence from the applicant or licensee, the Tribe, any gaming regulatory agency, or any person or entity that the regulatory agency deems relevant to the matter.
  - b. The Gaming Commission shall either affirm or reconsider its decision to deny the license within seven (7) calendar days following the hearing.

### 11-2. *Suspension and/or Revocation a License*

- a. If, after issuance of a license, a Gaming Commission agent receives and verifies information that a person licensed under the Gaming Ordinance or this regulation has violated or been charged with a violation of any criminal law that disqualifies the licensee from holding a license, any provision of the Gaming Ordinance, or any regulation promulgated by the Gaming Commission, or is otherwise not eligible for a license, an investigation shall be conducted to determine whether revocation proceedings should be initiated.
- b. The person's license shall be immediately suspended, and revocation proceedings shall be initiated by serving the licensee with a written Notice of Suspension and proposed revocation, including notice of time and place of the hearing, if:
  1. The licensee has been convicted of or pled guilty or no contest to any criminal offense that disqualifies the licensee from holding a license under applicable law or the Compact.
  2. The Gaming Commission received a written notification from the NIGC.
  3. The licensee has been charged with any criminal offense related to gambling, fraud, theft, or other activities arising during employment.
- c. In the event a Gaming Commission agent determines, following an investigation conducted pursuant to that any licensee's actions or conduct disqualify the licensee from holding a license, the agent shall schedule a hearing and prepare a notice directed to the licensee requiring the licensee to appear before the Gaming Commission at a specified date and time to show cause why his/her license should not be revoked. The notice shall identify the witnesses whose testimony would be submitted and summarize the facts and evidence that will be presented to demonstrate that cause exists to revoke the license. The notice shall inform the licensee that he/she has the right to present written documentation, testimony or other evidence to rebut the grounds specified in the notice or to present mitigating circumstances demonstrating that revocation of his/her license is not warranted or in the interests of the purposes of the Gaming Commission's regulatory purposes.
- d. After the hearing, the Gaming Commission shall either (a) revoke the license; (b) reinstate the license; or (c) reinstate the license with conditions or limitations. The Gaming Commission shall notify the NIGC of any decision to revoke or reinstate a license. If the suspension or revocation was based on an objection to licensure by the NIGC, the notice shall be provided to the NIGC within forty-five (45) calendar days of the date the Gaming Commission received the notification from the NIGC.
- e. Any appeals from the Gaming Commission's determination following that hearing shall be conducted in accordance with Article 12 of the Gaming Ordinance.

### 11-3. *Suspension of License Pending Investigation*

- a. Any license may be suspended for not more than thirty (30) calendar days pending completion of an investigation to determine whether any of the following have

occurred:

1. The licensee has violated any gaming rules as defined in the Gaming Ordinance.
  2. The licensee has engaged in conduct that poses a threat to the integrity of gaming activities, the health or safety of the public or employees at the gaming enterprise, or the assets of the Tribe.
  3. The licensee knowingly and substantially made a materially false and misleading statement related to his/her license application.
  4. The licensee has participated in unauthorized gaming activity whether regulated by the Gaming Ordinance.
  5. The licensee knowingly and substantially refused to comply with any lawful order of the Gaming Commission or the Tribal Court.
- b. Upon receipt of reliable information that a licensee has engaged in any conduct described in paragraph (a), a Notice of Suspension shall be served upon the licensee. The Notice of Suspension shall state the grounds upon which it is issued, summarizing the information that warrants the suspension of the license. The licensee shall cease and desist his/her employment immediately upon receipt of the suspension notice.
- c. An investigation into the facts and circumstances shall be conducted, including interviewing persons with personal knowledge of such circumstances and obtaining documentary evidence that would confirm or refute the information alleged.
- d. In the event a Gaming Commission agent determines, following an investigation that any licensee's actions or conduct disqualifies the licensee from holding a license, they shall immediately schedule a revocation hearing and prepare a notice directed to the licensee requiring the licensee to appear before the Gaming Commission at a specified date and time (within seven (7) calendar days of the date on the suspension letter) to show cause why his/her license should not be revoked. The notice shall identify the witnesses whose testimony would be submitted and summarize the facts and evidence that will be presented to demonstrate that cause exists to revoke the license. The notice shall inform the licensee that he/she has the right to present written documentation, testimony, or other evidence to rebut the grounds specified in the notice or to present mitigating circumstances demonstrating that revocation of his/her license is not warranted or in the interests of the purposes of the Gaming Commission's regulatory purposes.
- e. After the hearing, the Gaming Commission shall either (a) revoke; (b) reinstate the license; or (c) reinstate the license with conditions or limitations. The Gaming Commission shall notify the NIGC of any decision to revoke or reinstate a license.

- f. Any appeals from the Gaming Commission's determination following a hearing shall be conducted in accordance with Section 12.05 of the Gaming Ordinance.
- g. In the event it is determined, following an investigation, that the reliable information received does not disqualify the licensee from holding a license, the Executive Director or designee shall issue a notice to the licensee identifying reinstatement of the license.