



June 28, 2018

Via U.S. Mail and email

Sean E. Cahill
Assistant General Counsel
Grand Traverse Band of Ottawa and Chippewa Indians
2605 N. Peshawbeston, MI 49682-9275

RE: Amendments to Grand Traverse Band Gaming Code

Dear Mr. Cahill:

This letter responds to your April 30, 2018 request on behalf of the Grand Traverse Band of Ottawa and Chippewa Indians for the National Indian Gaming Commission Chairman to review and approve the Band's amendments to its gaming ordinance.

The amendments to the gaming ordinance and gaming regulations were approved by Tribal Council on January 31, 2018, and April 25, 2018. Both reflect comprehensive review and revisions by the Tribal Council.

Thank you for bringing these amendments to our attention and for providing us a copy of the updated ordinance. The ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions, please contact Senior Attorney Jennifer Lawson at (202) 632-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonodev O. Chaudhuri".

Jonodev O. Chaudhuri
Chairman



The Grand Traverse Band of Ottawa and Chippewa Indians

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7750

Certification of Tribal Council Action Special Session of January 31, 2018

I hereby certify as the Tribal Council Secretary that the foregoing
Motion was Approved and Adopted at the Special Session of the
Grand Traverse Band of Ottawa & Chippewa Indians Tribal Council

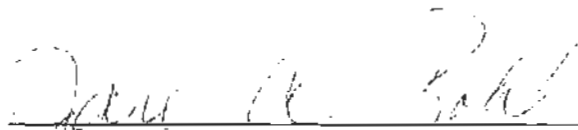
Approval of Amendments to the Gaming Ordinance, 30 Day Posting Complete

1. Motion made by Tribal Council Vice Chair Vargo and Supported by Tribal
Council Member Wilson to adopt the Title 18 amendments to the Gaming
Ordinance with the deletion in 201 (c).

5-FOR; 0-AGAINST; 1-ABSENT (Shomin); 0-ABSTAINING
Motion Carries

2. Motion made by Tribal Council Treasurer Arroyo and Supported by Tribal
Council Member Wilson to authorize submission to the National Indian Gaming
Commission (NIGC) for approval.

5-FOR; 0-AGAINST; 1-ABSENT (Shomin); 0-ABSTAINING
Motion Carries



Jane A. Rohl, GTB Tribal Council Secretary

CC: Sean Cahill

TRIBAL COUNCIL AGENDA REQUEST

The Grand Traverse Band of Ottawa and Chippewa Indians

This Original agenda request must have all original materials pertaining to it attached.

Agenda Topic/Title: Approval of Amendments to the Gaming Ordinance - 30-day posting complete

Requested/Presented by: Sean E. Cahill, Assistant General Counsel

If required, all signed documents will be returned to the above individual who is responsible to complete with the appropriate offices at GTB.

Regular Session Special Session Emergency Session
Date: 01/17/18 **Date:** _____ **Date:** _____

Placement on Agenda:

Unfinished Business New Business Closed Session

Action Requested:

Approval by Motion Information Only
 Resolution Approval # _____ Other (please specify)

Was a Work Session held for this Agenda Request? (date) _____ No

Do you have a past resolution: No Yes, (please attach)

Do you have a past motion: No Yes, (please attach)

Rationale/Explanation: (use second sheet as needed for clarification and attach all appropriate materials prior to submission to the Tribal Manager's Office.

Purpose: At the TCSS, November 29, 2017, Tribal, a 30-day posting was approved by Tribal Council regarding amendments to the Gaming Code. These amendments are ready to send to the National Indian Gaming Commission.

Outcome Requested: Motion to (1) adopt Title 18 amendments, and (2) authorize their submission to the NIGC.

Attached signed legal review form Attached signed CFO review form Legal/CFO review not applicable

Signatures: Program Director: [Signature] for MJK **Date:** 1-9-18

Supervisor: [Signature] for JP **Date:** 1-9-18

Department Manager: [Signature] for JP **Date:** 1-9-18

Please ensure that ALL proper and correct documents are attached prior to obtaining the TM signatures.

Tribal Manager: [Signature] **Date:** 1-9-2018
Signature of TM needed before this Agenda Request can be added to the TC Agenda

Tribal Council Directive Issued:
It is the directive of the Tribal Council that any topics that have not been included on the POSTED agenda must be brought to the attention of the Tribal Council PRIOR to the meeting. This information must be presented in written form. Please note that the agenda is posted one (1) week prior to Regular & Special sessions, and completed agenda items are due at 10:00 a.m. to the Tribal Manager Office 9 days before each session. Please plan accordingly.



**The Grand Traverse Band of
Ottawa and Chippewa Indians**
Legal Department

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7601 • FAX 231-534-7600

MANDATORY 30-DAY POSTING

MEMORANDUM

TO: Tribal Membership
FROM: GTB Legal Department
RE: 30-day Posting regarding Amendments to the Gaming Code
DATE: December 1, 2017

Please post the attached proposed amendments to the above referenced ordinance that was approved for posting by Tribal Council at a Tribal Council Special Session on November 29, 2017. Please post the above referenced amended ordinance in an area where GTB tribal members can review it for 30 days. This is an opportunity for tribal members to provide comments, if any, about the proposed amended ordinance. Your comments will be provided to Tribal Council prior to the adoption of this proposed amended ordinance. This posting will end on December 31, 2017 and can be removed at that time.

Any comments regarding the above referenced should be directed to the GTB Legal Department either by writing to the GTB Legal Department, 2605 N.W. Bayshore Dr., Peshawbestown, MI 49682, or by telephone (231) 534-7601, or by e-mail, to Mary.Kellev@gtbindians.com.

Posting Sites:

Administration Building	EDC Building
Accounting Department Annex	
Annex II – Human Resources Building	Leelanau Sands Casino –
Benodjehn Child Care Center	Employees/Supervisors' Break-room
Clinic	
Elder's Complex	
Housing	
SBR Plant	Leelanau Sands "The Lodge" --
Natural Resources/Conservation	Employees/Supervisors' Break-room
Maintenance Department	
Benzie Satellite Office -- via e-mail	Turtle Creek Casino – Employees/Supervisors'
Charlevoix Satellite Office -- via e-mail	Break-room
Traverse City Satellite Office - via e-mail	
Strongheart Center	
Library/You Building/Youth Center	
Tribal Court	

Attachments



**The Grand Traverse Band of
Ottawa and Chippewa Indians**

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7750


Certification of Tribal Council Action
Special Session of November 29, 2017

**I hereby certify as the Tribal Council Secretary that the foregoing
Motion was Approved and Adopted at the Special Session of the
Grand Traverse Band of Ottawa & Chippewa Indians Tribal Council**

30-day Posting for Amendments to the Gaming Code

Motion made by Tribal Council Member Shomin and Supported by Tribal Council Vice
Chair Vargo to post the Gaming Commission code for 30 days.

5-FOR; 0-AGAINST; 1-ABSENT (Rohl); 0-ABSTAINING
Motion Carries



Jane A. Rohl, GTB Tribal Council Secretary

CC: Sean Cahill

GRAND TRAVERSE

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ANTRIM

Title 18. Gaming.
Chapter 1 – Gaming Ordinance

§ 101. Findings; Purpose

- (a) The Tribal Council of the Grand Traverse Band of Ottawa and Chippewa Indians finds that gaming activity within its jurisdiction is essential to promote tribal economic development, self-sufficiency, and sovereignty, and that gaming activity must be control and regulated by the Band in a manner consistent with its best interests and with applicable federal law.
- (b) The Constitution of the Grand Traverse Band of Ottawa and Chippewa Indians vests in the Tribal Council the power to enact ordinances. Accordingly, the Tribal Council enacts this Gaming Ordinance to promote tribal economic development, self-sufficiency and sovereignty; to protect the operation of gaming enterprises from organized crime and other corrupting influences; and to ensure that gaming is conducted fairly and honestly by both the operators and players.

§ 102. Applicability

Unless specifically indicated otherwise, all provisions of this ordinance apply to all gaming activity within the Band's Indian lands.

§ 103. Definitions

For purposes of this Title 18 and associated regulations, certain terms and phrases will have the definitions assigned in this section, unless context clearly requires otherwise. Use of the word "will" or "shall" is mandatory; use of the word "may" is permissive. Words in the singular, or gendered words, are meant to be read alternatively as plural or neutral.

- (a) *Class I Gaming* means:
 - (1) Social games played solely for prizes of minimal value; or
 - (2) Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.
- (b) *Class II Gaming* means:
 - (1) Bingo or lotto (whether or not electronic, computer or other technologic aids are used) when players:
 - (A) Play for prizes with cards bearing numbers or other designations;
 - (B) Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
 - (C) Win the game by being the first person to cover a designated pattern on such cards;

Title 18. Gaming.
Chapter 1 – Gaming Ordinance

- (2) Pull-tabs, punch boards, tip jars, instant bingo and other games similar to bingo, if played in the same location as bingo or lotto;
 - (3) Non-banking card games that:
 - (A) The law of the state of Michigan explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 - (B) Players play in conformity with state laws and regulations concerning hours, periods of operation and limitations on wagers and pot sizes;
 - (4) Card games played in the states of Michigan, North Dakota, South Dakota or Washington, if:
 - (A) A tribe actually operates the same card games as played on or before May 1, 1988, as determined by the NIGC Chair; and
 - (B) The pot and wager limits remain the same as on or before May 1, 1988, as determined by the NIGC Chair.
- (c) *Class III Gaming* means all forms of gaming that are not Class I or Class II gaming, including, but not limited to:
- (1) Any house banking game, including, but not limited to:
 - (A) Card games such as baccarat, chemin de fer, blackjack (21) and pai gow (if played as house banking games); and
 - (B) Casino games such as roulette, craps and keno;
 - (2) Any slot machines, as defined in 15 U.S.C. § 1171(a)(1), and electronic or electromechanical facsimiles of any games of chance;
 - (3) Any sports betting and pari-mutuel wagering, including, but not limited to, wagering on horse racing, dog racing or jai alai; or
 - (4) Lotteries.
- (d) *Commission* means the Gaming Commission established by Chapter 2 of this Title 18.
- (e) *Facility License* means a license issued by the Band of each place, facility or location on its Indian lands where it elects to allow Class II or Class III gaming.
- (f) *Gaming Commission* means the subordinate governmental organization established as the tribal regulatory authority of gaming activity in § 105 of this ordinance.

Title 18. Gaming.

Chapter 1 – Gaming Ordinance

- (g) *Gaming Operation* means the economic entity established by the Band to operate gaming activity, receive the revenues, issue the prizes and pay the expenses.
- (h) *Indian Lands* means:
- (1) Land within the limits of the Band's Indian reservation; or
 - (2) Land over which the Band exercises governmental power and that is either:
 - (a) Held in trust by the United States for the benefit of any Indian tribe or individual; or
 - (b) Held by an Indian tribe or an individual subject to restriction by the United States against alienation.
- (i) *Key Employee* means:
- (1) A person who performs one or more of the following functions:
 - (A) Bingo caller;
 - (B) Counting room supervisor;
 - (C) Chief of security;
 - (D) Custodian of gaming supplies or cash;
 - (E) Floor manager;
 - (F) Pit boss;
 - (G) Dealer;
 - (H) Croupier;
 - (I) Approver of credit; or
 - (J) Custodian of gaming devices, including persons with access to cash and accounting records within such devices;
 - (2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000.00 per year;
 - (3) If not otherwise included, the four most highly compensated individuals employed in the gaming operation; or

Title 18. Gaming.

Chapter 1 – Gaming Ordinance

- (4) Any other individual designated by the Band in writing as a key employee.
- (j) *License* means the revocable permission granted by the Gaming Commission to an individual or an entity to operate in a specific kind of gaming activity or related activity.
 - (1) *Employee License* means a license issued to each primary management official or key employee who is employed by a gaming operation.
 - (2) *Facility License* means a license issued to each facility, location or place where Class II or Class III gaming is conducted within the Band's jurisdiction. A separate license must be obtained for each facility.
 - (4) *Vendor License* means a license issued to an individual or entity who provides goods or services to a gaming operation.
- (k) *National Indian Gaming Commission (NIGC)* means the federal body established by 25 U.S.C. § 2704.
- (l) *Net Revenue* means gross gaming revenues of a gaming operation less:
 - (1) Amounts paid out as, or paid for, prizes; and
 - (2) Total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements.
- (m) *Primary Management Official* means any person who has the authority to hire and fire employees; or to set up working policy for the gaming operation; or the chief financial officer or other person who has financial management responsibility, or any other person designated by the Band in writing as a primary management official.
- (n) *Tribal-State Compact* means an agreement between the Band and the state about Class III gaming entered into under 25 U.S.C. § 2710(d).

§ 104. Gaming Authorized

Class I gaming is authorized subject to the requirements of the Gaming Commission or its authorized agent.

Class II is authorized on the Band's Indian lands, provided that such gaming is conducted in accordance with this ordinance, the Indian Gaming Regulatory Act, the NIGC's regulations and any other applicable laws or regulations.

Title 18. Gaming.

Chapter 1 – Gaming Ordinance

Class III gaming is authorized on the Band's Indian lands, provided that such gaming is conducted in accordance with this ordinance, the Indian Gaming Regulatory Act, and the Tribal-State Compact.

§ 105. Ownership of Gaming; Regulatory Authority; Agent for Service

- (a) The Grand Traverse Band of Ottawa and Chippewa Indians shall have the sole proprietary interest in and responsibility for the conduct of any gaming authorized by this ordinance.
- (b) The Gaming Commission is established as a subordinate governmental organization with primary regulatory authority over gaming activities, according to Chapter 2 of this Title 18.
- (c) The Chair of the Gaming Commission shall be the designated agent for service of process for any official determination, order or notice of violation from the NIGC. Nothing about this provision waives the inherent sovereign immunity of the Band or the Gaming Commission against suit into any jurisdiction or venue.

§ 106. Use of Net Gaming Revenues

Use of net revenues from tribal gaming shall be regulated by the Revenue Allocation Ordinance found at 18 GTBC Chapter 16. Net revenues shall only be used for the following purposes:

- (a) To fund the Band's government operations and programs;
- (b) To provide for the general welfare of the Band and its members;
- (c) To promote tribal economic development;
- (d) To donate to charitable organizations; or
- (e) To help fund operations of local non-tribal government agencies.

§ 107. Audits

- (a) The Band will arrange for independent audits of gaming operations annually and must submit the results of those audits to the NIGC. Such audits must conform to generally accepted auditing standards.
- (b) All gaming-related contracts resulting in the purchase of supplies, services or concessions for more than \$25,000.00 in any year (except contracts for professional legal and / or accounting services) must be specifically included within the scope of the audit conducted under § 107 (a) of this ordinance.

Title 18. Gaming.

Chapter 1 – Gaming Ordinance

§ 108. Environment; Patron Dispute Resolution.

- (a) Each gaming facility shall be constructed, maintained and operated in a manner that adequately protects the environment and the health and safety of the public.
- (b) Any dispute between GTB gaming enterprises and the gaming public which arises over the payment of winnings to a member of the gaming public will be resolved according to the following schedule:
 - (1) If the disputed win is less than two hundred dollars (\$200.00), the department head, or designee, of that game will resolve the matter at the time of the dispute, and that resolution will be final.
 - (2) If the disputed win is two hundred dollars (\$200.00) or more, but less than one thousand dollars (\$1,000.00), the gaming manager will resolve the matter within 8 hours, and that resolution will be final.
 - (3) If the disputed win is one thousand dollars (\$1,000.00) or more, the Tribal Commission will resolve the matter within 30 days, and that resolution will be final.
- (c) Nothing about this Section 108 is to be construed as creating a cause of action against the Band, its enterprises, agents or employees, nor is it to be construed as waiving sovereign immunity into any venue or jurisdiction.

§ 109. Licenses

- (a) The Band must issue a separate facility license to each place, facility or location on Indian lands where Class II or Class III gaming is conducted under this ordinance.
- (b) All primary management official and key employees of a gaming operation must have a valid employee gaming license as a condition of hire and continued employment in a licensed gaming facility.

§ 110. Application for Employee Gaming License

- (a) Application forms for employee gaming licenses must bear the following notices when provided to an applicant:
 - (1) 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 individual to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission members and staff who have need for the information in performance of their official duties. The information may be disclosed by the

Title 18. Gaming.

Chapter 1 – Gaming Ordinance

Band or the NIGC to the appropriate federal, tribal, state, local or foreign law enforcement or regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or by 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 Band being unable to license you for a primary management or key employee position.

The disclosure of your Social Security Number is voluntary. However, failure to supply a SSN may result in errors in processing your application.

- (2) A false statement on any part of your license application may be grounds for denying a license or for the suspension or revocation of a license after it has been issued. You may also be punished by fine or imprisonment pursuant to 18 U.S.C. § 1001.
- (b) The application must gather, at a minimum, all of the following information:
- (1) The full name of the applicant and any other names used, and his or her social security number, birth date, place of birth, citizenship, gender, driver's license number and all language spoken and / or written;
 - (2) Current business and employment positions, any ownership interest in those businesses, and the address(es) and telephone number(s) of the business, and all similar information for the five-year period prior to the date of application;
 - (3) Current residential address, and telephone number, including cellular telephone numbers, and each residential address, telephone number and / or cellular telephone number for the five-year period prior to the date of application;
 - (4) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed in paragraph (b)(3) of this section;
 - (5) A description of any existing and previous business relationships with other tribes, including any ownership interests in the business(es);
 - (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in the business(es);
 - (7) The name and address of any licensing or regulatory agency with which the applicant has applied for a license or permit related to gaming, whether or not such license or permit was granted;

Title 18. Gaming.

Chapter 1 – Gaming Ordinance

- (8) Whether the applicant has ever been convicted of a felony and, if so, the charge, the name and address of the court involved, and the date of disposition, if any, and also whether the applicant is subject to ongoing prosecution for a felony;
 - (9) Whether the applicant has been convicted of a misdemeanor (excluding minor traffic violations) within ten years of the date of the application, and, if so, the charge, the name and address of the court involved and the date of disposition, if any, and also whether the applicant is subject to an ongoing prosecution for a misdemeanor;
 - (10) For any other criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of application and is not otherwise listed pursuant to paragraphs (b)(8) or (b)(9) above, the charge, the name and address of the court involved and the date of disposition, if any.
 - (11) The name and address of any licensing or regulatory agency with which the applicant has applied for an occupational license or permit, whether or not such license or permit was granted;
 - (12) A current photograph;
 - (13) Fingerprints obtained in accordance with procedures adopted by the Band pursuant to 25 C.F.R. § 522.2(h); and
 - (14) Any other information the Band deems relevant.
- (d) When a primary management official or key employee is employed by the Band, the complete application file, containing all of the information listed in § 110(c) above, must be maintained.

§ 111. Fingerprints

The Band must request fingerprints from each applicant for a primary management official and key employee. Fingerprints are to be taken by the Grand Traverse Band Tribal Police. The Tribal Police will forward the fingerprints to the NIGC for processing through the Federal Bureau of Investigation and the National Criminal Information Center to determine the applicant's criminal history, if any.

§ 112. Background Investigations

- (a) The Band must perform a background investigation for each person who applies for a gaming employee license. The investigation must be sufficient to allow the Gaming Commission to make an eligibility determination under § 113 of this ordinance.

Title 18. Gaming.

Chapter 1 – Gaming Ordinance

- (b) The Gaming Commission must create and maintain an investigative report for each applicant for an employee gaming license.
- (c) Investigative reports shall include, at a minimum, all of the following information:
 - (1) Steps taken in conducting the investigation;
 - (2) Results obtained;
 - (3) Conclusions reached; and
 - (4) The basis for those conclusions.

§ 113. Eligibility Determinations

- (a) Before a license is issued to an applicant, an authorized tribal official must make a finding concerning the eligibility of that applicant to receive a gaming license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits and associations.
- (b) If the authorized tribal official, in applying the standards adopted in this ordinance, determines that licensing an applicant 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, he or she must not grant the applicant's application for a gaming employee license.
- (c) Copies of eligibility determinations must be included with the notice of results that are to be submitted to the NIGC before a gaming employee license is granted to an applicant.

§ 114. Notice of Results of Background Investigations

- (a) Prior to issuing an employee gaming license, the Gaming Commission must prepare a notice of results of the applicant's background investigation. The notice of results must be submitted to the NIGC within sixty (60) days of the date the applicant begins employment with the Band.
- (b) The notice of results must include all of the following information:
 - (1) The applicant's name, date of birth and social security number, if one was provided;
 - (2) The date on which the applicant began, or intends to begin, working as a primary management official or key employee;
 - (3) A summary of the information presented in the investigate report, include:

Title 18. Gaming.
Chapter 1 – Gaming Ordinance

- (A) licenses that have previously been denied;
 - (B) gaming licenses that have been revoked, even if subsequently reinstated;
 - (C) every known criminal charge brought against the applicant within the ten year period prior to the date of the application;
 - (D) every felony offense of which the applicant has been convicted or is subject to an ongoing prosecution; and
- (4) A copy of the eligibility determination made in accordance with § 113 above.

§ 115. Granting Gaming Licenses

- (a) All primary management officials and key employees of a gaming operation must have a gaming license issued by the Band.
- (b) The Gaming Commission is responsible for granting and issuing gaming licenses to primary management officials and key employees.
- (c) The Gaming Commission may license a primary management official or key employee applicant after submitting the notice of results of the applicant's background investigation to the NIGC, as required by § 114.
- (d) The Gaming Commission must notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of issuance.
- (e) A gaming operation must not employ an individual as a primary management official or key employee if that individual does not have an employee gaming license within 90 days of beginning work at the gaming operation.
- (f) The Gaming Commission must reconsider a license application for a primary management official or key employee if it receives a statement of itemized objections to the issuance of such license from the NIGC, if those objections are received within thirty (30) days of the NIGC's receipt of the Commission's notice of results of the applicant's background investigation. The Commission must take the NIGC's objections into account when reconsidering a license application.
- (g) The Gaming Commission must make the final decision whether to issue a license to an applicant for a primary management official or key employee position.
- (h) If the Gaming Commission issued a license to a primary management official or key employee prior to receiving the NIGC's statement of objections, notice and a hearing must be provided to the primary management official or key employee pursuant to § 117 below.

Title 18. Gaming.
Chapter 1 – Gaming Ordinance

§ 116. Denying Gaming Licenses

- (a) The Gaming Commission must not license an applicant as a primary management official or key employee if an authorized tribal official determines, in applying the standards in § 113 for making a license eligibility determination, that licensing the person:
 - (1) Poses a threat to the public interest;
 - (2) Poses a threat to the effective regulation of gaming; or
 - (3) Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and / or activities in the conduct of gaming;
- (b) When the Gaming Commission denies a license to an applicant based on subparagraph (a)(1)-(3) above, or revokes a previously issued license after reconsideration, it shall:
 - (1) Notify the NIGC; and
 - (2) 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.
- (c) The Gaming Commission must not issue a license to a person who has been convicted of, or entered a plea of guilty or no contest to, any gambling-related offense, or any felony with an element of theft, fraud, or misrepresentation, or to a misdemeanor or other charge with an element of theft, fraud, or misrepresentation that would be considered a felony under Michigan law, provided that the conviction is based upon a charge prosecuted against the applicant as an adult offense and that the offense has not been effectively removed from the applicant's record by executive pardon, state court order, or operation of law.
- (d) The Gaming Commission must not issue a license to a person who has been convicted of any felony not described in paragraph (c) above, or of any misdemeanor within the prior five year period, unless that person is a member of the Grand Traverse Band of Ottawa and Chippewa Indians and has obtained a certificate of rehabilitation.
 - (1) If a tribal member is ineligible for a gaming license under this subparagraph (d), he or she may apply to the Gaming Commission for a certificate of rehabilitation.
 - (2) The Gaming Commission may issue a certificate of rehabilitation to the tribal member upon a showing that the tribal member is not likely again to engage in any offensive or criminal course of conduct, and that the public good does not require a denial of a license to him or her.

Title 18. Gaming.

Chapter 1 – Gaming Ordinance

- (e) The Gaming Commission may deny a license to an applicant if it determines that the applicant participated in organized crime or unlawful gambling, or whose prior activities, criminal record, reputation, habits and / or associations indicate good cause for disqualification under Section 116(a), or indicate a threat to the conduct of gaming or the carrying on of business and financial arrangements incidental to the conduct of gaming.

§ 117. Gaming License Suspensions and Revocations

- (a) If, after a license is issued to a primary management official or key employee, the Band receives notice from the NIGC that the primary management official or key employee is not eligible for licensure, the Gaming Commission shall do the following:
 - (1) Immediately suspend the license;
 - (2) Provide the licensee with written notice of the suspension and proposed revocation; and
 - (3) Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.
- (b) The right to a revocation hearing vests only when a license is granted under an ordinance approved by the NIGC Chair.
- (c) Following a revocation hearing, the Gaming Commission must decide whether to revoke or reinstate the license at issue.
- (d) The Gaming Commission must notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a primary management official or key employee is not eligible for licensure.

§ 118. Records Retention

- (a) The Gaming Commission must retain, for not less than three years from the date that a primary management official or key employee separates from employment with the Band, all of the following documentation:
 - (1) Applications for licensing and re-licensing;
 - (2) Investigative reports;
 - (3) Eligibility determinations; and
 - (4) All correspondence to and from the NIGC regarding the employee.

§ 119. Prohibited Acts Criminal Penalties

Title 18. Gaming.

Chapter 1 – Gaming Ordinance

- (a) No person shall:
- (1) Operate or in any way participate in any on-reservation Class II or Class III gaming activity not authorized according to this ordinance;
 - (2) Knowingly make a false statement in an application for a license;
 - (3) Knowingly make a false statement in connection with any contract to participate in gaming activity;
 - (4) Bribe or attempt to bribe any person participating in any gaming activity;
 - (5) Promote or participate in any illegal gaming activity;
 - (6) Fail to keep sufficient books and records to substantiate receipts, disbursements and expenses incurred or paid from any gaming activity authorized pursuant to this code;
 - (7) Falsify any books or records which relate to any transaction connected with any gaming activity conducted under this code;
 - (8) Conduct or participate in any gaming activity which results in cheating or misrepresentation, or which allows any other disreputable tactics that detract from the fair nature and equal chance of participation among gaming players, or which otherwise creates an advantage to the actor or an associate of the actor an advantage over and above the regular chance of the game and which affects the outcome of the game;
 - (9) Employ or possess any cheating device or device used in a manner to facilitate cheating;
 - (10) Willfully use any fraudulent scheme or technique to change the odds of any game of chance including, but not limited to, exercising the technique of "card counting";
 - (9) Conduct a gaming activity with, or to allow participation in any gaming activity by, a visibly intoxicated or disorderly player;
 - (10) Allow or participate in the sale of liquor or alcohol at gaming facilities in a manner prohibited by tribal law;
 - (11) Accept or offer consideration other than money, personal checks or other approved consideration for the chance to play or participate in any gaming activity;

Title 18. Gaming.

Chapter 1 – Gaming Ordinance

- (12) Use bogus or counterfeit bills, chips, or tickets, or to substitute or use any cards, tickets, or equipment that has been marked or tampered with;
- (13) Solicit, directly or indirectly, or use, or offer, furnish or provide inside information on the nature or status of any gaming activity for the benefit of any person;
- (14) Tamper with a gaming device or manipulate the outcome or payoff of a gaming device, or otherwise interfere with the proper functioning of any machinery or equipment;
- (15) Alter or counterfeit any type of gaming license, or to fraudulently lend or use any type of gaming license;
- (16) Operate, use or make available to the public any illegal gaming device, apparatus, material or equipment, or sell, hold out for sale or transport the same into or out of the Band's jurisdiction;
- (17) Possess any illegal narcotics or controlled substances at any licensed gaming facility;
- (18) Assist a person who is less than eighteen (18) years of age to participate in any gaming activity;
- (19) Steal, divert, convert or embezzle funds or other items of value from a gaming operation or from the Gaming Commission;
- (20) Employ a person at a licensed gaming operation whom the gaming operator knows or has reason to know has been convicted of a gaming crime or a crime of fraud;
- (21) To conspire with, aid, abet or induce another person to violate any provision of this code or any tribal or federal law;
- (22) Fail or refuse to comply with any lawful order or decision of the Gaming Commission;
- (23) Offer or accept a loan, financing or other thing of value between a Tribal Commission member or employee and any person participating in any gaming activity.
- (24) Attempt to engage in any of the conduct prohibited by this Section § 119(a)(1) – (23) or to engage or attempt to engage in conduct which contravenes the provisions of this Chapter 1.

§ 120. Criminal Penalties

**Title 18. Gaming,
Chapter 1 – Gaming Ordinance**

- (a) An Indian person convicted of engaging in the conduct prohibited by Section 119(a) shall be guilty of a misdemeanor and subject to a maximum fine of \$5,000.00 or imprisonment for up to one year;
- (b) Each day or instance, as appropriate, of conduct under Section 119(a) shall constitute a separate violation for purposes of criminal liability.

§ 121. Civil Penalties

- (a) Any person who engages in the conduct prohibited by Section 119(a) or in contravention of this Chapter 1 shall be liable to the Band for a civil fine not to exceed \$5,000.00 for each violation. The amount of such civil fine may be recovered in a civil action in the Tribal Court. All civil fines accruing hereunder shall be cumulative and a suit for the recovery of one fine shall not bar or affect the recovery of any other fine or judgment, penalty, forfeiture, or damages, nor shall any such action bar the power of the Tribal Court to exercise its contempt powers, nor shall any such action operate as a bar to criminal prosecution.
- (b) The civil fines imposed under this code are intended to be remedial and not punitive and are designed to compensate the Band for the damage done to the peace, security, economy and general welfare of the Band and its Indian lands, and to compensate the Band for costs incurred by enforcing this code.
- (c) The civil fines under this code are also intended to coerce persons into complying with this code and Tribal Commission regulations and are not intended to punish such persons for violation of such laws and regulations.
- (d) In enforcing the civil infraction provisions of this code, the Tribal Commission shall proceed, in the name of the Tribe, by civil complaint pursuant to the provisions of this code.
- (e) The Tribal Commission in such action shall have the burden of showing, by a preponderance of the evidence, that such person violated the applicable provision of this code.

§ 122. Referral to Tribal Prosecutor

The Gaming Commission must refer allegations or suspicions of criminal conduct to the Tribal Prosecutor's Office. Official action by the Gaming Commission, including denial, suspension, or revocation of a gaming license, shall not foreclose criminal or civil prosecution for charges arising from the same set of circumstances or events.

§ 123. Seizure and Forfeiture of Property

Title 18. Gaming.

Chapter 1 – Gaming Ordinance

All property used or gained in violation of this code shall be subject to seizure and forfeiture by order of the Tribal Court.

§ 124. Notice to Tribal Commission

Upon final order of the Tribal Court in any action for criminal or civil violation under this Section, the Clerk of the Tribal Court must notify the Gaming Commission in writing of the final court disposition. Notice from the Tribal Court or any other court of a criminal conviction, plea of guilty or plea of nolo contendere may subject a licensee to a hearing.

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