GAMING ORDINANCE
Ordinance # 02-400-01

Article I. Purpose; Findings

1.01. *Purpose; Findings.* The Little River Band of Ottawa Indians, acting through its Tribal Council in the exercise of its inherent sovereign power to enact ordinances, regulate the economic enterprises of the Tribe, and otherwise safeguard and provide for the health, safety, and welfare of the members of the Tribe, hereby ordains and establishes this ordinance for the purpose of authorizing and comprehensively and preemptively regulating the terms and conditions under which Class II and Class III gaming may be conducted on the lands of the Tribe.

Article II. Adoption; Amendment; Repeal; Severability

2.01. *Adoption.* This ordinance is adopted by the Tribal Council through:

a. Resolution # 97-0115-01 which adopted the original ordinance;

b. Resolution # 99-0325-01 which re-codified and amended the ordinance;

c. Resolution # 00-1218-01 which further amended the ordinance; and

d. Resolution # 02-0508-08 which repealed ordinance # 97-400-01 and replaced it with ordinance # 02-400-01.

e. Resolution # 05-0323-121 which deleted references to management contractors, and made numbering clarifications among other amendments.

2.02. *Amendment.* This Ordinance may be amended from time to time as set forth in the Constitution or in procedures adopted by the Tribal Council.

2.03. *Severability.* If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Article III. Definitions

3.01. *General.* In this ordinance, except where otherwise specifically provided or the context otherwise requires, the following terms and expressions shall have the following meanings.

3.02. *Bingo* shall mean bingo as defined in IGRA and regulations promulgated thereunder.

3.03. *Class II Gaming* shall mean Class II gaming as defined in IGRA.

3.04. *Class III Gaming* shall mean Class III gaming as defined in IGRA and the Compact.

3.05. *Compact* shall mean either:

a. A gaming compact between the Tribe and the State of Michigan, entered into pursuant to Section 11(d)(3) of IGRA, and approved by the Secretary of the Interior including all renewals, amendments, appendices, exhibits and other attachments thereto, or

b. Procedures promulgated by the Secretary of the Interior pursuant to Section 11(d)(7)(B)(vii) of IGRA, governing the conduct of Class III gaming by the Tribe.

3.06. *Employee* shall mean any person employed in the gaming enterprise, whether employed by or contracted to the gaming enterprise, including without limitation, general managers, assistant managers, accounting personnel, security personnel, cashiers, supervisors, shift bosses, machine mechanics, and any other person whose employment duties require or authorize access to areas of any gaming facility not otherwise open to the public.

3.07. *Gaming* means Class II and Class III gaming authorized by this Ordinance and the Compact.

3.08. *Gaming Enterprise* shall mean any commercial enterprise of the Tribe authorized to engage in gaming,

and all ancillary commercial activities within the gaming facility(ies) and other improvements constructed for the conduct of gaming.

3.09. *Gaming equipment or supplies* means a machine, mechanism, device, or implement that affects the result of a gambling game by determining a win or loss, including without limitation, any of the following:

a. Electronic gaming devices;
b. Software;
c. Cards; and
d. Dice.

Gaming equipment or supplies also includes lay outs for live table games and representatives of values, including without limitation, chips, tokens, or electronic debit cards and related hardware and software that do not affect the result of the game.

3.10. *Gaming Facility* shall mean the building, buildings, or structure wherein gaming is permitted, performed, conducted, or operated, and associated and adjacent real property owned by the Tribe.

3.11. *Gaming Service* means any goods, services or concessions which directly relate to the conduct of gaming, security, or surveillance at Little River Casino Resort, including without limitation, providers of casino credit reporting services, casino surveillance systems or services, and suppliers, servicers or repairers of any gaming equipment or supplies, computerized gaming monitoring systems, drop boxes, bill exchangers, and credit voucher machines. No contract may be broken up into parts for the purpose of avoiding this definition or any requirement of licensure or certification required by this ordinance.

3.12. *Gaming Vendors* shall mean any vendors providing gaming services or gaming equipment or supplies.

3.13. *General Manager* means the highest level employee of the gaming enterprise.

3.14. *IGRA* shall mean the Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701 et seq, as amended from time to time.

3.15. *Immediate family* means with respect to the person under consideration, persons residing in the same household.

3.16. *Key employee* shall mean any employee that is --

a. not required to have a primary management official license, and
b. any employee not issued a non-gaming employee license.

3.17. *License* shall mean any official and revocable authorization granted for a limited period of time by the regulatory agency pursuant to this ordinance to an applicant to conduct or participate in any gaming activity on the Little River Band Reservation.

3.18. *National Indian Gaming Commission* shall mean the Commission established pursuant to IGRA.

3.19. *Net Revenues* shall mean the gross revenues of a gaming enterprise less amounts paid for or paid out as prizes and less total operating expenses, determined in accordance with generally accepted accounting principles.

3.20. *Non-Gaming Vendor* means any vendor providing goods and services to Little River Casino Resort, other than gaming services or gaming equipment and supplies, in an amount equal to or greater than $50,000, in any given twelve-month period.

3.21. *Primary Management Official* shall mean:

a. Any person who has authority:
    1. To hire and fire gaming employees; or
    2. To set up working policy for any gaming enterprise; or
b. The chief financial officer or other person who has financial management responsibility.

Provided that, primary management official includes only persons employed by the gaming enterprise.

3.22. *Regulatory Agency* shall mean the body created pursuant to an ordinance or other document to regulate gaming in accordance with IGRA, any Class III gaming or Class II gaming regulations prescribed by the

Secretary and this ordinance.
3.23. *Reservation* shall mean those lands acquired by or for the Tribe pursuant to 25 U.S.C. 1300k-4(b) or such other lands upon which gaming may lawfully be conducted pursuant to IGRA.
3.24. *Secretary* shall mean the Secretary of the United States Department of the Interior or his/her designee.
3.25. *Service Vendors* means any vendor providing goods, services, or concessions to Little River Casino Resort, other than gaming services or gaming equipment and supplies, in an amount equal to or less than $50,000.00 in any given twelve-month period.
3.26. *State* shall mean the State of Michigan.
3.27. *Tribal Court* shall mean 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.
3.28. *Tribe* shall mean the Little River Band of Ottawa Indians.
3.29. *Vendor* means a person or business entity selling goods or services to the Little River Casino Resort.

Article IV. Classes of Gaming Authorized
4.01. *Class II Gaming Authorized.* Class II gaming as defined in the IGRA, 25 U.S.C. 2703(a)(7) and by regulations lawfully promulgated by the National Indian Gaming Commission that now or hereafter may be in effect is hereby authorized.
4.02. *Class III Gaming Authorized.* Class III gaming as defined in IGRA, 25 U.S.C. 2703(a)(8) and by regulations lawfully promulgated by the National Indian Gaming Commission that now or hereafter may be in effect is hereby authorized, provided such Class III gaming is also authorized by and consistent with the Compact, as defined in this ordinance.
4.03. *Class II and/or Class III License Required.* Class II and Class III gaming authorized by this ordinance shall be conducted only by persons or entities which have obtained a valid gaming facility license issued by the regulatory agency pursuant to criteria set forth this ordinance, and regulations adopted pursuant to and consistent therewith.
4.04. *Gaming Age Minimum.* No person under age 21 may gamble in a gaming enterprise authorized under this Ordinance.

Article V. Tribal Ownership Required
5.01. *Sole Proprietary Interest Required.* The Tribe shall have the sole proprietary interest in, and responsibility for, the conduct of any gaming enterprises authorized by this ordinance.
5.02. *Private/Individual Ownership Prohibited.* No individual, partnership, corporation or entity of any kind shall own in whole or in part any Class II or Class III gaming enterprise authorized or regulated by this ordinance.
5.03. *Management Contracts Authorized.* Nothing in this ordinance shall preclude the Tribe from entering into management contracts as authorized under IGRA.

Article VI. Use of Gaming Revenue
6.01. *Permitted Uses.* Net revenues from Class II and Class III gaming shall be used only for the following purposes:

a. to fund tribal government operations and programs;
b. to provide for the general welfare of the Tribe and its members;
c. to promote tribal economic development;
d. to donate to charitable organizations;
e. to help fund operations of local governmental agencies.

Article VII. Audit Required; Report to National Indian Gaming Commission

7.01. *Annual Audit.* The regulatory agency shall conduct or have conducted an independent audit of all gaming enterprises on an annual basis and shall submit the resulting audit reports to the Tribal Council and the National Indian Gaming Commission.

7.02. *Audit to Include Contracts for Gaming Services, Equipment or Supplies.* All contracts for gaming services, equipment, or supplies shall be specifically included within the scope of the audit, provided, that the regulatory agency or the Tribal Council may require that contracts for gaming services, equipment or supplies which are less than $25,000.00 annually be included in the scope of the audit if inclusion is deemed necessary to protect the public interest in the integrity of the operation of the gaming enterprise or gaming facility.

7.03. *Record-keeping Requirements.* Each gaming enterprise conducting Class III gaming shall keep accounting records on a double entry system of accounting, maintaining detailed, supporting, subsidiary records which can be identified to each gaming facility. Gaming enterprises subject to this provision shall maintain the following records for not less than three years:

a. Revenues, expenses, assets, liabilities and equity for the location at which Class III gaming is conducted;

b. Daily cash transactions for each Class III game at the location at which gaming is conducted, including but not limited to transactions relating to each gaming table bank, game drop box and gaming room bank;

c. All markers, IOUs, returned checks, hold checks or other similar credit instruments;

d. Individual and statistical game records (except card games) to reflect statistical drop and statistical win; for electronic, computer, or other technologically assisted games, analytic reports which show the total amount of cash wagered and the total amount of prizes won;

e. Contracts, correspondence and other transaction documents relating to all vendors;

f. Records of all gaming enforcement activities;

g. Audits prepared by or on behalf of the Tribe; and

h. Personnel information on all employees involved in the conduct of Class III gaming, including rotation sheets, hours worked, employee profiles and background checks.

Article VIII. Licensing

8.01. *Licenses Required.* The regulatory agency, consistent with IGRA, the Compact, and this ordinance, shall insure that the following minimum groups are licensed. Provided that, the regulatory agency may develop additional licensing requirements or background information requirements within regulations that meet or exceed to the requirements set forth in IGRA, the Compact or this ordinance.

a. Gaming facilities.

b. Employees of a gaming enterprise.

c. Vendors.

8.02. *Gaming Facility.* No person shall conduct Class II or Class III gaming within the jurisdiction of the Tribe unless such gaming is conducted at a gaming facility licensed by the regulatory agency as set forth in Article IX.

8.03. *Employees of a Gaming Enterprise.* No person shall be employed in any gaming enterprise within the jurisdiction of the Tribe unless licensed by the regulatory agency as set forth in Article X.

8.04. *Vendor.* No vendor shall contract with any gaming enterprise within the jurisdiction of the Tribe unless licensed by the regulatory agency as set forth in Article XI.

8.05. *Temporary Licenses.* The regulatory agency may adopt regulations which identify the process by which an agent of the regulatory agency may authorize a temporary license for employees which may last

no longer than 90 days from the date of issuance. Provided that, a denial of a temporary license may be appealed to the regulatory agency.

Article IX. Gaming Facility Licenses

9.01. *License Required.* As set forth in section 8.02, no person shall conduct Class II or Class III gaming within the jurisdiction of the Tribe unless such gaming is conducted at a gaming facility licensed by the Tribe. No license may be issued for any gaming facility which is owned or operated by any person other than the Tribe. If gaming activity is proposed in more than one building at the site of any gaming enterprise, a separate gaming facility license shall be required for each building or location where Class II or Class III gaming is conducted under this ordinance.

9.02. *Types of Licenses.* The Tribe may issue each of the following types of gaming facility licenses.

a. *Class II Operations in a Gaming Facility.* This license shall be required of all gaming enterprises operating one or more Class II gaming activities in each gaming facility.

b. *Class III Operations in a Gaming Facility.* This license shall be required for all gaming enterprises operating any gaming other than Class I or Class II gaming in each gaming facility. A Class III gaming license includes the operation of Class I or Class II gaming when so noted on the license application and the issued license.

9.03. *Gaming Facility Application Procedures.* In order to obtain a gaming facility license, the gaming enterprise requesting such license shall submit an application on the form provided by the regulatory agency. The applicant shall include all of the following information:

a. A description of the gaming activity proposed, including, but not limited to:

1. the type of gaming proposed, along with all instructions, policies, procedures, internal controls, and other documents related to the proposed gaming,
2. the maximum number and types of gaming equipment and gaming devices expected to be in the gaming facility at any one time,
3. the number and types of gaming equipment and gaming devices expected to be in use when the gaming facility first opens; and
4. the days and hours of operation proposed.

b. A description of the gaming facility proposed, including the layout of the gaming equipment and gaming devices and the surveillance systems the gaming facility.

c. The location proposed for such gaming facility.

d. A description of the security, police, fire protection and other public safety services to be available in the proposed gaming facility and patrons of such gaming facility.

e. A description of the accounting procedures as required in section 7.03 for the gaming activities in each gaming facility.

f. The name, address, title, and a description of the duties and responsibilities of each primary management official and key employee who will be employed at the proposed gaming facility.

g. The number and categories of all other employees it is anticipated will be employed at the gaming facility.

9.04. *Threshold Criteria Which a Gaming Facility Must Meet.* In addition to the information required in the gaming facility license application, any applicant for a Class II or Class III gaming facility license must provide documentation that the gaming enterprise and proposed gaming facility will meet the following threshold criteria:

a. The proposed gaming facility is to be located on Reservation lands acquired for or by the Tribe under 25 U.S.C. 1300k-4(b) or on other lands upon which gaming may lawfully be conducted pursuant to IGRA.

b. The proposed gaming activity is to be played as Class II gaming as defined by this ordinance and IGRA.

c. The gaming enterprise and proposed gaming facility is authorized by a Tribal Council resolution.

d. The Tribe or one of its subdivisions will have the sole proprietary interest and the Tribe will have the exclusive responsibility for the conduct of any gaming enterprise.

e. The Tribal Council resolution authorizing the gaming enterprise and proposed gaming facility provides that:

1. The revenues of the gaming enterprise shall be audited annually and copies of those audits will be provided to the regulatory agency, Tribal Council and the National Indian Gaming Commission.
2. The gaming enterprise shall comply with all Internal Revenue Service reporting and filing requirements.
3. All of the proceeds of the gaming enterprise shall be used for the purposes stated in Article VI.
4. All gaming and non-gaming vendor contracts shall be subject to the annual audit.
5. The construction or maintenance of the gaming facility and the operation of the proposed gaming facility shall be conducted in a manner that adequately protects the environment and the health and safety.
6. All employees of the gaming enterprise shall pass the background checks and obtain the appropriate license required in Article X.
7. Any management contract between the Tribe and a principal has been approved by the Tribal Council and the National Indian Gaming Commission.
8. The gaming enterprise shall pay to the National Indian Gaming Commission such fees as federal law may require.
9. In the event that Class III Gaming is proposed, such gaming meets all other criteria established by the Compact, federal and tribal laws and regulations.

9.05. *Gaming Facility License Application Procedures.*

a. Upon receipt of a complete application for a gaming facility license for any Class II or Class III gaming facility, the regulatory agency shall:

1. Review the proposed gaming facility application to ensure that all threshold criteria required by this ordinance shall be met.
2. Ensure that the necessary background checks have been performed on all employees of the gaming enterprise required by Article X and that all employees of the gaming enterprise possesses a valid and current temporary or regular license.
3. Review and approve the accounting procedures to be used in the gaming enterprise, or as may be necessary at the gaming facility if more than one gaming facility is licensed by the gaming enterprise.
4. Review and approve the layout of the games and surveillance systems for the gaming facility, including any instructions, policies, procedures, internal controls or other documents related to the layout of games and surveillance systems.
5. Review and approve the plan for the protection of public safety and the physical security of patrons of the gaming facility.
6. Review all aspects of the proposed gaming enterprise and gaming facility to ensure that it will be in compliance with the provisions of the Compact, federal and tribal laws and regulations.
7. Take any additional steps necessary to ensure the integrity of gaming activities at the

gaming facility and by the gaming enterprise.

b. The regulatory agency shall approve the gaming facility application within 30 days following the receipt of a complete application unless the regulatory agency believes, based upon reasonable grounds, that the gaming will be operated at the proposed gaming facility in violation of tribal, federal or other applicable law or the terms and conditions of the Compact.

c. If the regulatory agency denies an application for a gaming facility license, the regulatory agency shall promptly notify the applicant of the specific reasons for such denial and a description of any corrective actions which the regulatory agency determines will cure the deficiencies which resulted in denial of the application.

9.06. *License Application Fees.* The license application and renewal fee shall be as set forth in the Gross Gaming Revenue Tax Ordinance.

9.07. *Terms of License.* A Class II and Class III gaming facility license shall be valid for a period of 12 months from the date of issuance.

9.08. *Posting of Licenses.* The gaming facility license must be posted in a conspicuous location at all times on the premises of each gaming facility. If the gaming enterprise conducts gaming at more than one location, the gaming enterprise must obtain and post a separate license for each gaming facility.

9.09. *Gaming Facility License Renewals.*

a. Each gaming facility license must be renewed annually. A renewal fee shall be required for each Class II or Class III gaming facility license in accordance with the section 9.06.

b. In order to obtain a renewal of a license, the gaming enterprise shall submit a written renewal application to the regulatory agency on the form provided by the regulatory agency. No renewal application shall be approved until the annual report, required by section 9.10, has been properly filed.

c. All renewal applications submitted shall be approved in 30 days or less unless the regulatory agency believes, based on reasonable grounds, that the gaming enterprise has been or will be operated in violation of tribal, federal or other applicable law or the terms and conditions of the Compact.

d. If the regulatory agency denies a renewal application for a gaming facility license, the regulatory agency shall, within seven calendar days, notify the applicant of the specific reasons for such denial and a description of any corrective actions which the regulatory agency determines will cure the deficiencies which resulted in denial of the application.

9.10. *Annual Reports.* Each gaming enterprise which possesses a Class II or Class III gaming facility license must file an annual report with the regulatory agency and the Tribal Council between the 15th and the last day of the 12th month of each such license. The report shall be submitted to the regulatory agency and shall include, at a minimum, the following information:

a. The name, address and telephone number of the gaming enterprise and gaming facility;

b. The names, addresses and titles of all of the current general managers of the gaming enterprise and at each gaming facility;

c. A description of the operations of the gaming enterprise for each gaming facility, including, but not limited to:

1. the number and type of games and gaming devices operated,
2. the number of days and hours of operation; and
3. the total gross sales;

d. A written copy of any changes anticipated or proposed in the operations of the gaming enterprise for each gaming facility, including any changes in its instructions, procedures, policies, internal controls, rules, public safety/security plan, layout of the games or surveillance systems, or other

documents related to activities in the gaming facility or of the gaming enterprise;

e. The name, address, title, and a description of the duties and responsibilities of each primary management official and key employee for the gaming enterprise at each gaming facility;

f. The name and addresses of the person who will be designated as a contact person for service of process, notice and other official correspondence from the Gaming Commission over the next license period for each gaming facility;

g. A statement of any changes in the duties or designation of the primary management officials or key employees who will operate the gaming enterprise over the next license period;

h. The names, addresses, and job descriptions of any employees who the regulatory agency has determined by the job description to be key employees or primary management officials;

i. Written proof that the gaming enterprise has paid to the National Indian Gaming Commission such fees as federal law may require it to pay and will continue to do so;

j. A sworn statement that the gaming enterprise has complied with the Internal Revenue Codes and regulations, including written notice of customer winnings, and a statement that the gaming enterprise shall continue to obey all tribal and federal laws and shall hold the regulatory agency and the Tribe harmless for failure to do so;

k. A verified copy of the last annual audited financial report following the end of the gaming enterprise's last fiscal year;

l. The number of full-time equivalent people, on an annualized basis, employed by the gaming enterprise at each gaming facility during the past 12 months, together with a projection of the number of full-time equivalent people who are expected to be employed during the next license period;

m. The total gross revenue of the gaming enterprise attributable directly or indirectly to gaming activity over the proceeding 12 months;

n. A sworn statement that the gaming enterprise and all of its employees continue to consent to Tribal Court jurisdiction and service of process in all matters arising from the conduct of gaming activity;

9.11. *Non-Interference with Management of Gaming Facility.* The regulatory agency is required to receive the information contained in the annual report provided under section 9.10 solely to ensure that the gaming enterprise is free from corruption and to aid in carrying out its regulatory responsibilities. The regulatory agency shall have no responsibility for, and shall not interfere with or regulate, any business or management activities or decisions of the gaming enterprise.

Article X. Licensing of Employees of the Gaming Enterprise

10.01. *General - Types of Licenses.* All employees of the gaming enterprise are required to be licensed. These licenses shall be broken into non-gaming and gaming employees.

a. *Non-Gaming Employees.* All employees who under the age of 21 may only be issued non-gaming employee licenses.

b. *Gaming Employees.* Gaming employee licenses shall be required of all gaming employees who are age 21 or over. The regulatory agency shall identify levels of background investigations in regards to the following categories, which shall be consistent with any specific requirements set forth in this Article.

1. Primary management officials.
2. Key employees.
3. Employees not in one of the above categories.

10.02. *Non-Gaming Employee License.* All persons who are under age 21 and who are employees of the

gaming enterprise must obtain a non-gaming employee license from the regulatory agency before commencing employment. Such non-gaming employee license may be issued upon a determination by the regulatory agency that the employee is not a threat to the effective regulation of gaming and creates no risk or enhances no danger of unfair or illegal practices, methods or activities in the conduct of gaming. All applicants for non-gaming employee licenses shall provide such information as the regulatory agency shall require. A non-gaming employee is not authorized to be present on the gaming floor of a gaming enterprise as identified by the regulatory agency.

10.03. *Application for a Gaming Employee License.* The regulatory agency shall require each potential gaming employee to submit an application to the regulatory agency on the form and in the manner required by the regulatory agency. The application shall include all of the following information:

a. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, and all languages (spoken or written);

b. Currently and for the previous five years:

1. business and employment positions held,
2. ownership interests in those businesses,
3. business and residence addresses; and
4. drivers license numbers;

c. 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 under paragraph (b) of this subsection;

d. Current business and residence telephone numbers;

e. A description of any existing and previous gaming or other business relationships with any Indian tribe;

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 or permit related to gaming, the current status of the application, and whether or not such license or permit was granted.

h. A list of all felony charges and dispositions against the applicant, if any, and for each felony for which there is ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any, including identification of any conviction, or plea of guilty or no contest, to a gambling related offense, fraud or misrepresentation at any time;

i. A list of all misdemeanor charges and dispositions against the applicant, if any, (excluding traffic violations for which incarceration was not a possible punishment), and for each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition, including identification of any conviction, or plea of guilty or no contest, to a gambling related offense, fraud or misrepresentation at any time;

j. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge was within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (h) or (i) of this section, the criminal charge, the name and address of the court involved, and the date and disposition;

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, whether or not such license or permit was granted;

l. Two current photographs;

m. For all applications for licenses for principals and general managers, or primary management officials, a complete financial statement and/or income tax records showing all sources of income for the previous three years, and assets, liabilities, and net worth as of the date of the application;
n. A list of all professional or business licenses the applicant has applied for, whether or not those licenses where granted and the name, address and phone number of the regulatory agency involved;
o. A sworn statement that neither the applicant nor any member of his immediate family has a past or current financial interest, other than a salary interest, in any gaming-related enterprise anywhere. If the applicant has any relative who has such a relationship, the applicant shall fully disclose his name and the nature of the relationship;
p. Written permission giving the regulatory agency the right to investigate the applicant's background, including his criminal records, civil and criminal judgments and credit history;
q. 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 employed;
r. Any other information the regulatory agency deems relevant;
s. For all applications for licenses for primary management officials or key employees, fingerprints obtained on fingerprint impression cards taken consistent with procedures adopted by the regulatory agency according to 25 C.F.R. 522.2(h);
t. Any other information required regulatory agency rule or regulation.

10.04. *Application Forms - Notices.*

a. *Privacy Act Notice.* The following notice shall be placed on the application form for a gaming employee license so that it can be read before that form is filled out by an applicant:

> "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 employed in a gaming enterprise. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations, prosecutions, or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming enterprise. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in 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."

b. *False Statements Notice.* The following notice shall be placed on the application form for a gaming employee license so that it can be read before that form is filled out by an applicant:

> "A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment."

10.05. *Burden of Proof.* 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 gaming employee license shall be upon the applicant or licensee, as the case may be.

10.06. *Background Investigation.* The regulatory agency shall conduct, or cause to be conducted, an investigation sufficient to make a determination under sections 10.07 and 10.08. In conducting a background investigation, the regulatory agency shall keep confidential the identity of each person interviewed in the

course of the investigation. The background investigation shall consist of at least the following:

a. The regulatory agency shall contact each reference provided in the application and take other appropriate steps to verify the accuracy of the other information presented and prepare a report of their findings for the regulatory agency.

b. The criminal background of each applicant for a license shall be investigated by obtaining information concerning the applicant from law enforcement where the applicant has resided and, for primary management officials and key employees, submitting impressions of the applicant's fingerprints, taken under section 10.03(s), to the Federal Bureau of Investigation Criminal Information Center, and any other law enforcement agency(ies) that the regulatory agency 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. With respect to applicants for a primary management official's application for a gaming employee license, the regulatory agency 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. The regulatory agency shall also obtain a credit bureau report on the applicant.

d. The regulatory agency shall attempt to complete the background investigation described in this section within 30 days following receipt of a complete application.

e. The regulatory agency may contract with private, municipal, state, and/or federal investigation agencies to perform the required background and/or criminal history investigations.

10.07. *Eligibility Determination.* The regulatory agency shall review a person's prior activities, criminal records, if any, reputation, habits, and associations to make a finding concerning the eligibility of an applicant to receive a gaming employee license. If the regulatory agency determines that employment of, or contract with, a person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the gaming enterprise shall not employ that person position requiring a gaming or non-gaming employee license.

10.08. *Standards for Issuance of a Gaming Employee License.* The regulatory agency shall not grant a license to any applicant for a gaming employee license:

a. Is a member of the Tribal Council, the Ogema, a Judge or Appellate Judge on the Tribal Court, the Prosecutor or a Law Enforcement Officer of the Tribe;

b. Is under the age of 21; or

c. Has been convicted of or entered a plea of guilty or no contest to a gambling-related offense, fraud or misrepresentation; or

d. Has been convicted of or entered a plea of guilty or no contest to any offense not specified in paragraph (c) within the immediately preceding five 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 gaming employee license; or

e. Is determined by the regulatory agency 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;

or

f. Has knowingly and willfully provided materially false and misleading statements or information to the regulatory agency or refused to respond to questions asked by the regulatory agency.

g. The terms "fraud or misrepresentation" as used in paragraph (c) 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 employee's criminal record by executive pardon, state court order, or operation of law.

h. The term "any offense" as used in paragraph (d) shall mean any criminal offense not described in paragraph (c), 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, or the controlled substances provisions of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended or any other criminal offense not included within the scope of paragraph (c).

10.09. *Action on Applications for Non-gaming Employee Work License*

a. Within 15 days following the completion of the background investigation, the regulatory agency shall review the application, and the results of background investigation to determine if the applicant qualifies for the non-gaming employee license applied for.

b. If the regulatory agency determines that an applicant for a non-gaming employee license qualifies, pursuant to section 10.07, for the issuance of the license or non-gaming employee license applied for, the regulatory agency may approve the application and issue the license or non-gaming employee license, as the case may be.

c. If the regulatory agency denies any application for a non-gaming employee license, the regulatory agency shall, within seven calendar days, notify the applicant that the application was denied and specify the reasons for the denial, including information concerning any criminal conviction(s), which prompted the denial. The notice to each applicant shall also inform the applicant of the applicant's right to request a hearing and appeal provided in Article XII.

d. If a license is not issued to an applicant, the regulatory agency:

1. ~~Shall notify the National Indian Gaming Commission; and~~
2. May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

10.10. *Action on Applications for Gaming Employee License*

a. Within 15 days following the completion of the background investigation(s) described in this Article, the regulatory agency 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 the regulatory agency determines that an applicant qualifies, pursuant to sections 10.07 and 10.08, for the issuance of a license the regulatory agency may approve the application on a preliminary basis and may, in its further discretion, issue a temporary license to the applicant. A temporary license shall be valid for not more than 90 days.

c. Within seven business days after granting preliminary approval of a license application, the regulatory agency shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

1. Steps taken in conducting a background investigation;

2. Results obtained;
3. Conclusions reached; and
4. The basis for those conclusions.

The regulatory agency shall submit, with the investigative report, a copy of the regulatory agency's eligibility determination and notify the National Indian Gaming Commission of the regulatory agency's intention to issue the applicant a license and request that the agency review the application and investigative report pursuant to IGRA.

d. The regulatory agency may grant final approval of a license application submitted under this subsection only after the one of the following has occurred:

1. The regulatory agency has received notice from the National Indian Gaming Commission that it has no objection to the issuance of the license; or
2. Thirty days have elapsed since the National Indian Gaming Commission was notified of the regulatory agency's intent to issue the license and the National Indian Gaming Commission has not responded; or
3. The National Indian Gaming Commission timely objected to the issuance of the license, the regulatory agency has reconsidered the application in light of the objections received and has determined that the applicant may be licensed notwithstanding those objections.

e. The regulatory agency shall promptly notify the applicant that the application is approved and shall issue the license. If a temporary license was previously issued, the effective date of the license shall be the date the temporary license was issued.

f. The gaming enterprise shall not employ as a gaming employee a person who has not received either a temporary or regular license.

g. If the regulatory agency denies any application for a license under this Article, the regulatory agency shall, within seven calendar days, notify the applicant that the application was denied and specify the reasons, including information concerning any criminal conviction(s), which prompted the denial. The notice to each applicant shall also inform the applicant of the applicant's right to request a hearing and appeal provided in Article XII.

h. If a license is not issued to an applicant, the regulatory agency:

1. Shall notify the National Indian Gaming Commission; and
2. May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

i. With respect to key employees and primary management the regulatory agency shall retain employment and reports (if any) of background investigations for inspection by the National Indian Gaming Commission or his or her designee for no less than three years from the date of termination of employment.

10.11. *Licensing Period.* Any gaming employee license issued pursuant to this Article shall be effective for a period of one year from the date of issuance and shall contain the licensee's photograph and shall state on its face the name of the gaming employee, the gaming facility at which the gaming employee is licensed to work, the type of license, the date that the license became effective and the date that it expires.

10.12. *Renewals.* A holder of a gaming employee license shall apply to the regulatory agency for a renewal 60 days before his original license has expired and updating all information contained in the original application. Temporary licenses may be granted where the holder of a gaming employee license has timely renewed a license but the renewal application has not been reviewed by the regulatory agency. A holder of a gaming employee license may be issued a temporary license where the renewal was not timely filed, provided that the regulatory agency may assess fines as a result of failure to timely renew.

10.13. *Requirement to Produce License Upon Request.* Any person receiving a gaming employee license must carry that license upon his person during all working hours and must produce that license upon the request of any person.

Article XI. Vendor License

11.01. *General - Types of Licenses.* All vendors contracting with the gaming enterprise are required to be licensed. These licenses shall be broken into the following categories – gaming vendors, non-gaming vendors, and service vendors. The regulatory agency shall be required to develop a vendor license inquiry form which would tend to identify the type of license required and cause to be forwarded an application for that license to the vendor.

11.02. *Service Vendor Permits.* Vendors contemplating $50,000 or less of business with the gaming enterprise and who enter into contracts not related to a gaming service or gaming equipment or supplies, are required to maintain a service vendor permit. The regulatory agency shall define processes in regulations which set forth how the amount of business conducted with the gaming enterprise will be calculated. The regulatory agency shall create application forms which tend to identify appropriate levels of information from which to issue a service vendor permit.

11.03. *Non-Gaming Vendors License.* Vendors contemplating greater than$50,000 of business with the gaming enterprise during the fiscal year, and who enter into contracts not related to a gaming service or gaming equipment or supplies, are require to maintain a non-gaming vendors license. Non-gaming vendors shall be required to fill out the same form required for a gaming vendor's license, provided that, the regulatory agency shall clearly identify the level of background investigation that will be conducted. The regulatory agency may identify specific exceptions to the background investigation for vendors which conduct business activities in highly regulated areas such that the presentation of a permit, license or other document is sufficient to identify that a background investigation is unnecessary; provided that, the qualifications for any exceptions shall be clearly identified in regulations.

11.04. *Gaming Vendors License.* Vendors contemplating any business with the gaming enterprise that contains any element, which includes the supply of gaming services, equipment, or supplies regardless of value or proportion of the contract, are required to maintain a gaming vendors license. The regulatory agency shall identify appropriate levels of information and releases necessary to assure the integrity of the vendor in suppling gaming services or gaming equipment or supplies.

Article XII. Denial/Suspension/Revocation of License; Right to Appeal

12.01. *License.* This Article shall apply to the denial, suspension or revocation of any license by the regulatory agency under Article X or XI.

12.02. *Hearing upon Denial of License.* Any applicant who is affected by an adverse action by the regulatory agency in connection with denial of a license applied for under this ordinance may request a hearing before the regulatory agency by written request submitted within 30 days following notice of the action by the regulatory agency. Within 14 days following receipt of a notice requesting a hearing, the regulatory agency shall afford the applicant an opportunity to appear and be heard before the regulatory agency, in person or with a representative or legal counsel, and to submit such evidence as the applicant or entity deems relevant in the matter. The regulatory agency may receive evidence from the applicant or licensee, the Tribe, regulatory agency or any person or entity that the regulatory agency deems relevant to the matter. The regulatory agency shall either affirm or reconsider its decision to deny the license within seven days following hearing.

12.03. *Suspension of License.*

a. Any license may be temporarily and immediately suspended by the regulatory agency for not

more than 30 days if the regulatory agency receives reliable information that any of the following have occurred:

1. The licensee has been charged with a violation of any gaming law under applicable Tribal, state or federal law.
2. The licensee has been charged with any other offense that would disqualify the licensee from holding a license under applicable Tribal law.
3. The licensee's continued employment poses a threat to the general public.
4. The licensee has knowingly made a material false and misleading statement in his license application.
5. The licensee has participated in unauthorized gaming activity whether or not regulated by this ordinance.
6. The licensee has refused to comply with any lawful order of the regulatory agency, the Tribal Court or the National Indian Gaming Commission.

b. Except as provided in paragraph (d), the regulatory agency shall only suspend a license after notice and hearing.

c. In the event the regulatory agency receives reliable information that a licensee no longer meets all or part of the criteria required for issuance of a license, the regulatory agency may issue a Notice of Intent to Suspend the license which shall be served upon the licensee and the general manager. The Notice of Intent to Suspend shall state the grounds upon which it is issued. The Notice of Intent to Suspend shall inform the licensee of the date and time set for the hearing and of the licensee's right to offer sworn oral and documentary evidence relevant to the grounds upon which the Notice of Intent to Suspend was issued.

d. In the event the regulatory agency receives reliable information and determines that any a licensee no longer meets all or part of the licensing criteria for the issuance of a license or that non-compliance is a direct and immediate threat to the peace, safety, morals or health or welfare of the community, the regulatory agency shall issue a notice of summary suspension of a gaming license which shall be served upon the licensee and upon the general manager. The Notice of Summary Suspension shall state the grounds upon which it is issued and the revocation hearing date and time. The licensee shall cease and desist as directed in the order upon receipt of the order. The Notice of Summary Suspension shall notify the licensee of his right to request a hearing before the regulatory agency within 14 calendar days and right to offer sworn oral and documentary evidence relevant to the grounds upon which the Summary Suspension was granted.

e. The regulatory agency, upon written agreement of the licensee, may move up the date of the Notice of Intent to Suspend or Notice of Summary Suspension hearing in the event of an earlier conclusion of the investigation.

f. The licensee may file an immediate appeal with the Tribal Court of the regulatory agency's decision on any suspension of a gaming license and the Tribal Court shall hear the appeal within 14 calendar days of its receipt of the appeal.

12.04. *Revocation of Gaming License.*

a. Any gaming license may be revoked by the regulatory agency if, following the hearing described in paragraph (b), the regulatory agency finds that any of the following have occurred:

1. The licensee has violated any gaming law or regulation.
2. The licensee's continued employment poses a threat to the general public.
3. The licensee made a material false and misleading statement in a license application.
4. The licensee participated in an unauthorized gaming activity whether or not regulated by this ordinance.

5. The licensee wilfully refused to comply with any lawful order of the regulatory agency, the Tribal Court or the National Indian Gaming Commission.

b. In the event the regulatory agency receives information indicating that any licensee has committed any of the violations stated in paragraph (a) or that non-compliance with this ordinance is a direct and immediate threat to the peace, safety, morals or health or welfare of the community, the regulatory agency shall issue a notice of intent to revoke the gaming license which shall be served upon the licensee and upon the general manager. The order shall state the grounds upon which it is issued and the licensee's right to a hearing before the regulatory agency within 14 calendar days and right to offer sworn oral or documentary evidence relevant to the violation charged. Subject to review by the Tribal Court, a license may be suspended during such pre-hearing period by the vote of a majority of the members of the regulatory agency then in office where such extraordinary action is essential to protect the public safety or the integrity of gaming; a license shall be suspended during such period as required under IGRA if the revocation hearing arises as a result of notice from the National Indian Gaming Commission.

c. The licensee may file an immediate appeal with the Tribal Court of the regulatory agency's decision under this Article, including the decision to issue a temporary suspension issue and the Tribal Court shall hear the appeal within 14 calendar of its receipt of the appeal.

12.05. *Appeal to the Tribal Court.* Subject to the burden of proof set forth in this ordinance, a finding or licensing decision of the regulatory agency, including but not limited to a decision to deny, suspend, revoke, modify or condition any license pursuant to this ordinance, may be appealed to the Tribal Court by the applicant or licensee. In all appeals before the Tribal Court, there shall be deference given by the Tribal Court to the determination of the regulatory agency as the agency charged with responsibility for interpreting its own regulations. The Tribal Court does not have authority to grant injunctive relief authorizing a return to work pending any appeal. The Tribal Court review of Gaming Commission hearing determinations are limited to interpretation and application of law or regulation. The findings of fact made by the Gaming Commission are not subject to review or appeal. The decision of the Tribal Court shall be final.

12.06. *Notice to NIGC of Revocation.* After a revocation hearing and the regulatory agency determination to revoke and, after appeal, that decision is upheld, the regulatory agency shall notify the National Indian Gaming Commission of its decision.

Article XIII. Patron Complaints

13.01. *Resolution of Disputes Between the Gaming Public and the Gaming Enterprise.* Disputes between a patron and a gaming enterprise shall be resolved as follows:

a. The patron shall have the opportunity to present his/her complaint, verbally or in writing, to the general manager of the gaming enterprise or a person designated by the general manager to resolve complaints by patrons.

b. If the complaint is not resolved under paragraph (a) to the satisfaction of the patron, he/she may file a written complaint with the regulatory agency. The regulatory agency shall provide the patron with a complaint form which requests the sufficient information to conduct an investigation.

c. The regulatory agency shall have processes in place, through regulations, to review and, if necessary, hold hearings in regards to patron complaints.

Article XIV. Tribal Employees Prohibited from Gaming

14.01. *Prohibition Against Participation in Gaming Related Activities at the Gaming Enterprise.* This Article shall identify employees of the Little River Band of Ottawa Indians who shall be prohibited from participating in gaming activities at the gaming enterprise. Such prohibition is limited to gaming activities,

and does not extend to conference, training, dining, hotel and other non-gaming activities.

14.02. *Employees Prohibited.* The following elected and employment positions are prohibited. The position names shall be for the purposes of identification and shall include any reasonably related position title that may be created in the future.

a. Tribal Council members and office support staff.
b. Ogema and executive assistant.
c. Tribal Court and Tribal Court support staff.
d. Legal Department, including all attorneys and support staff.
e. Chief Financial Officer, Controller, Budget Manager, and Staff Accountants.
f. Tribal Manager, Tribal Assistant Manager, executive assistants.
g. Comptroller General, auditors, and Internal Audit Department support staff.
h. Public Safety Department, officers and support staff.
i. Management Information Services, or other networking/computer service office or personnel.
j. All Little River Casino Resort employees.

14.03. *Prohibition on Gaming Commission Personnel Participating in Gaming Activities.* No commissioner or Gaming Commission employee may participate in any gaming activity of the Little River Casino Resort or any gaming enterprise of the Little River Band of Ottawa Indians, unless as part of a job related duty.