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Little Traverse Bay Bands of Odawa Indians
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GAMING REGULATORY COMMISSION REGULATIONS
REG-WOS 2011-005 -040915-014

SECTION I. PREAMBLE

A. Development of Regulations. The following regulations are issued pursuant to the powers vested in the Gaming Regulatory Commission by the Gaming Regulatory Ordinance enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians on February 20, 2011 (Waganakising Odawa Statute 2011-005) and approved by the National Indian Gaming Commission ("NIGC") on April 1, 2011, or Waganakising Odawak Statute 2011-005 upon approval of the NIGC. The Tribal Council reviewed and approved these Regulations on

B. Policy. It is the declared policy of the Tribe that all of the Gaming Enterprises and Gaming Operations subject to its jurisdiction be controlled through a comprehensive system of licenses, non-key licenses, and other appropriate regulations so as to ensure compliance with all applicable law and regulations governing the operation of the Gaming Enterprises

C. Authority. These regulations are promulgated and adopted under the authority of Waganakising Odawak Statute 2011-005 and replace any earlier regulations of the Gaming Regulatory Commission.

SECTION II. DEFINITIONS

A. "Chairperson" means the chairperson of the Gaming Regulatory Commission chosen by the members of the Commission under Section X (B) (2) of the Gaming Regulatory Ordinance.

B. "Collateral Agreement" means any written contract that is related, either directly or indirectly, to a management contract, or to any rights, duties or obligations created between a tribe or any of its members, entities, or organizations.

C. "Executive" means the Executive Branch of the Little Traverse Bay Bands ofOdawa Indians pursuant to the Constitution of the Little Traverse Bay Bands ofOdawa Indians adopted February 1, 2005

D. "Facility" means any building where gaming is conducted including related hotel and

restaurant services and ancillary enterprises and activities of the Tribe.

E. "Gambling game" or "game" or "gaming" means any game authorized by the LTBB Gaming Regulatory Statute.

F. "Gaming Authority" is a Committee of Tribal Council and is delegated management responsibilities as set forth in WOS 2010-021 or its successor.

G. "Gaming Enterprise" means any commercial enterprise of the Tribe authorized to engage in Gaming, and all ancillary commercial activities within the building(s) and other improvements constructed for the conduct of Gaming.

H. "Gaming Operations" means all operations directly related to the conduct of Gaming at the facilities.

I. "Gaming Regulatory Commission" or "Commission" means the Gaming Regulatory Commission which is comprised of three to five appointed officials, assisted by regulatory staff, to fulfill the duties required for regulation of the tribal gaming operations.

J. "Key Contractor/Gaming Vendor" means any person or other legal entity, other than a primary management official or key employee, who has a contract with the Gaming Operations where the contractor performs for the gaming operation any function described in the definition of a key employee or primary management official, included but not limited to all providers of Class II or Class III games of chance, gaming equipment, supplies or services.

K. "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
   1. Approver of Credit
   J. Custodian of gambling devices including persons with access to cash and accounting records within such devices; or
   k. Custodians of confidential or proprietary information or records

2. If not otherwise included, any other person whose total cash compensation is in excess of $50,000 per year; or

3. If not otherwise included, the four most highly compensated persons in the gaming operation.

4. Additionally, the Gaming Regulatory Commission may require a similar standard of review for employees who do not fall under the definition of key employee whose position and access to money or records warrants such review.

L. "License" means a revocable privilege (including temporary licenses) granted for a limited period of time by the Gaming Regulatory Commission, pursuant to these Regulations, to a person or entity to perform certain acts.

M. "Management contract" means any contract, subcontract, or collateral agreement between LTBB and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.

N. "Management contractor" means any person or other legal entity having a direct or indirect financial interest in a management contract. Provided, the Gaming Regulatory Commission may in its discretion treat spouses of any such person as management contractors where it is determined that such treatment is necessary to protect the interests of the Tribe.

0. "National Indian Gaming Commission" or "NIGC" means the federal gaming regulatory body created by the Indian Gaming Regulatory Act (Public Law 100-497, 25 U.S.C. §§ 2701 *et seq,)* ("IGRA").

P. "Non-key license" means a license issued to non-key employees under Section V.

Q. "Person having a direct/indirect financial interest in a management contract" means:

1. When a person is a party to a management contract, any person having a direct financial interest in such management contract;

2. When a trust is a party to a management contract, any beneficiary or trustee;

3. When a partnership is a party to a management contract, any partner;

4. When a corporation is a party to a management contract, any person who is a director or who holds at least 10% of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling; or

5. When an entity other than a natural person has an interest in a trust, partnership or corporation that has an interest in a management contract, all parties of that entity are deemed to be persons having a direct financial interest in a management contract.

R. "Person having management responsibility for a management contract" means the person designated by the management contract as having management responsibility for the gaming operation, or a portion thereof.

S. "Player" means a person who participates in a game other than as an employee or contractor of the gaming operation.

T. "Primary Management Official" means:

1. The person having management responsibility for a management contract;

2. Any person who has authority:

a. To hire and/or fire employees; or
b. To set up working policy for the gaming operation; or

3. The chief financial officer or other person who has financial management responsibility over the Gaming Enterprise.

4. Any other person designated by the Gaming Regulatory Commission based on level of signing authority or job position responsibilities.

U. "Regulatory" means the LTBB Gaming Regulatory Commission and or its staff.

V. "Regulatory Director" means the person employed by the Gaming Regulatory Commission designated by the Regulatory Commission as having management responsibility for the day to day operations of the Regulatory Departments.

W. "Standard employee" or "non-key employee" means any employee of a gaming operation who works in any capacity except primary management officials and key employees.

X. "Temporary License" means a revocable privilege granted for a limited period of time by the Gaming Regulatory Commission, pursuant to these Regulations, to a person or entity to perform certain acts that do not require separate approval from the federal government.

Y. "Tribal Council" means the Legislative Branch of the Little Traverse Bay Bands of Odawa Indians pursuant to the Constitution of the Little Traverse Bay Bands of Odawa Indians, adopted February 1, 2005.

Z. "Tribe" or "LTBB" means the Little Traverse Bay Bands of Odawa Indians.

SECTION III. SURVEILLANCE SERVICES

The Surveillance Department shall be supervised by the LTBB Gaming Regulatory Director. ~~General Manager of the Enterprise.~~ All Surveillance reports will be sent to the Regulatory Director and the General Manager ~~and Regulatory Director~~ or designee. In the event that a Surveillance report requires additional investigation by

Approved by Tribal Council ~~(J/-{P;-/5"~~

Regulatory, the General Manager will not release the report until the investigation is complete., When discussing changes to Surveillance Policies or Procedures, the General Manager ~~Regulatory Director~~ shall be invited to participate.

Suspected Criminal Activity or cheating by any Licensee shall be immediately reported to Regulatory.

SECTION IV. LICENSES

A. Revocable privilege.

1. An application for a license constitutes a request to the Gaming Regulatory Commission for a decision upon the applicant's suitability, character, integrity, and ability to participate or engage in, or be associated with, the gaming industry in the manner or position sought by the applicant.

2. The burden of proving an applicant's qualification to receive any license is at all times on the applicant.

3. The granting of a license by the Gaming Regulatory Commission does not constitute a commitment on behalf of the Gaming Regulatory Commission or any other party or entity to hire or continue to employ the licensee.

4. These regulations do not apply to bona fide traditional Indian gambling games, so long as such games are conducted by Indian persons or organizations at Tribal celebrations or gatherings and not as a business.

B. License categories.

1. Facility license. No gambling games may be played at any place, facility, or location within the Tribe's jurisdiction unless the manager or designee of the gaming operation first obtains and thereafter maintains in good standing a valid facility license issued in accordance with these regulations.

2. Management contractor's license. No person, corporation or other entity other than the Tribe may serve as the management contractor for a Tribally owned gaming operation within the Tribe's jurisdiction unless said management contractor first obtains and thereafter maintains in good standing a valid management contractor's license issued in accordance with these regulations.

3. Primary management official's license. No person, corporation, or other entity other than the Tribe may have a management interest, or financial interest in the profits of a gaming operation unless she/he first obtains and thereafter maintains in good standing a valid primary management official's license issued in accordance with these regulations.

4. Key employee license. No person shall be employed as a Key Employee by the Gaming Enterprise or by the Gaming Regulatory Commission unless such person first obtains and thereafter maintains in good standing a valid key employee license issued in accordance with these regulations.

5. Non-key license. Each non-key employee in a gaming operation shall first obtain and maintain in good standing a valid non-key license issued in accordance with Section V of these regulations.

6. Key contractor/Gaming Vendor license. No person or other legal entity shall enter into any contract with the Gaming Operation that establishes the entity as a key contractor unless the entity first obtains and thereafter maintains in good standing a valid key contractor/gaming vendor license issued in accordance with these regulations.

C. Standards for issuance of a license. No key or primary management official license may be issued to any applicant who:

I. Is under the age of 18;

2. Has been convicted of, or entered a plea of guilty or no contest to, a gambling related offense, fraud or misrepresentation. The terms "fraud or misrepresentation," as used in this subsection shall mean a criminal offense committed in Michigan or any other jurisdiction, involving, theft, fraud or misrepresentation, which is a felony or would be a felony if committed in Michigan, and which was committed as an adult or prosecuted as an adult offense, and which has not been effectively removed from the applicant's criminal record by executive pardon, state court order, or operation of law;

3. Has been convicted of, or entered a plea of guilty or no contest to, any offense not specified in subparagraph (2) within the immediately preceding five years; this provision shall not apply if the applicant has been pardoned by the Governor of the State where the conviction occurred or, if a Tribal Citizen, has been determined by the Gaming Regulatory Commission 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 license as a key employee or primary management official;

a. The term "any offense," as used in this subsection (C)(3), shall mean any criminal offense not described in subsection (C)(2), whether committed in this state or any other jurisdiction, that is, or would be, a crime under the provisions of the Michigan Penal Code, Act No. 328 of the Public Acts of 1931, as amended, being MCL 750.l to 750.568, or the controlled substance provisions of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, being MCL 333.7101 to 333.7545, or any other

criminal offense not specified in subparagraph (2) involving theft, dishonesty, fraud or misrepresentation arising under the law of Michigan or another state or jurisdiction, that was committed as an adult or prosecuted as an adult offense, and which has not been effectively removed from the applicant's criminal record by executive pardon, state court order, or operation oflaw.

4. Is determined by the Gaming Regulatory Commission to have participated in organized crime or unlawful gambling or whose prior activities, criminal records, reputation, habits, .and/or associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance t.qe 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;

5. Has knowingly and willfully provided materially false statements or fails to disclose (verbally or in writing) information to the Gaming Regulatory Commission or its licensing department or refused to respond to questions asked him/her by the Gaming Regulatory Commission;

6. Has any outstanding warrant for arrest from any jurisdiction;

7. Does not meet the federal requirements pertaining to Indian gaming licenses, especially the IGRA and related regulations;

8. Has been convicted of, or entered a plea of guilty or no contest to, a misdemeanor or felony sex offense. The term "sex offense," as used in this subsection shall mean a criminal offense committed in Michigan or any other jurisdiction, which is a misdemeanor or felony or would be a misdemeanor or felony if committed in Michigan, and which was committed as an adult or prosecuted as an adult offense, andwhich has not been effectively removed from the applicant's criminal record by executive pardon, state court order, or operation of law.

9. A licensing decision will not be made while charges for offenses found in section 2 and 3 are pending;

D. License application procedures.

1. General requirements. Applicants for a gaming license must complete the appropriate application form and submit the form, along with all necessary additional documents to the Gaming Regulatory Commission. The application will not be regarded as complete until all requested information has been received from the applicant.

2. Application forms; contents; amendments.

a. Every application or report must be filed on forms furnished or approved by the Gaming Regulatory Commission and must contain and be accompanied by such documents and information as may be specified thereon or otherwise required.

b. All information required to be included in an application must be true and complete as of the date submitted to the Gaming Regulatory Commission, and an applicant shall have a continuing duty to promptly inform the Gaming Regulatory Commission of any material factual change or any new information occurring after the original application. Failure by an applicant to promptly update his/her application to include all material facts shall be deemed by the Gaming Regulatory Commission as a failure to disclose.

c. Every application for any gaming license, other than a facility license, shall include, at a minimum, the following information:

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

ii. Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;

111. 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 (c)(ii) of this section;

IV. Current business and personal telephone numbers;

v. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

VI. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

VIL 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, whether or not such license or permit was granted;

viii. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;

1x. 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;

x. For each 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 the application and is not otherwise listed pursuant to paragraph (viii) or (ix) of this subsection, the criminal charge, the name and address of the court involved and the date and disposition;

xi. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

xii. A photograph;

xm. Any other information the Gaming Regulatory Commission deems relevant; and

xiv. Fingerprints consistent with procedures adopted by the Tribe.

d. The Gaming Regulatory Commission may license only those facilities owned by the Tribe and operated by the Tribe itself or by the Tribe in conjunction with a management contractor pursuant to a management agreement approved by the NIGC. Every application for a facility license shall include, at minimum, the following information;

i. The name, address, and telephone number of the Gaming Operation;

ii. The name, address, and telephone number of the management company, if any, and the name, address, social security number, birth date, and percentage interest in the management company of each person possessing a financial interest in excess of 5% in the management company;

iii. An operating plan containing at a minimum the details specified in Section IV(L)(2) of these Regulations;

iv. A list of all primary management officials, including the position and annual salary of each individual listed; and

v. The complete current or proposed house rules of the gaming operation.

e. An application may only be amended after submission to Licensing with the consent and solely at the discretion of the Gaming Regulatory Commission or designee at any time prior to the Gaming Regulatory Commission's final action on the application.

f. Any document filed under any of the provisions of the Gaming Regulatory Ordinance or these regulations may be incorporated by reference in a subsequent application if the document is available in the files of the Gaming Regulatory Commission, to the extent that the document is currently accurate.

3. Fingerprints. An application for a primary management official or key employee license shall not be complete until the applicants fingerprints are taken by the Gaming Regulatory Commission or Tribal Police Department.

4. Application and investigation fees.

a. Non-refundable application fees as periodically set by the Gaming Regulatory Commission and approved by Tribal Council must be paid by the applicant or the Gaming Enterprise under section 4.d.

b. In addition to any non-refundable application fees paid, the Gaming Regulatory Commission may require an applicant to pay such supplementary investigative fees and costs as may be determined by the Gaming Regulatory Commission. The Gaming Regulatory Commission may estimate the supplementary investigative fees and costs and may require the applicant to pay the estimated fees and costs in advance as a condition precedent to beginning or continuing an investigation.

c. The Gaming Regulatory Commission may not act upon any application unless all application and investigation fees and costs have been paid in full. The Gaming Regulatory Commission shall deny an application if the applicant has failed or refused to pay all application and investigation fees and costs.

d. The Gaming Regulatory Commission may take preliminary or final action on an application before the required application and investigation fees are received only if payment of the fees is guaranteed by an agreement with the Gaming Enterprise.

e. In the case of a management contract, the application fee will be the actual cost of processing the application for a management contractor, including the cost of background investigations. A management contractor shall pay a $50,000.00 deposit with the application. After the application is processed, the Gaming Regulatory Commission shall either refund any portion of the deposit not needed to cover processing expenses, or bill the management contractor for any processing costs in excess of the deposit amount.

E. Background investigations.

1. Within 14 Calendar days after receipt of a complete application and such supplemental information as the Gaming Regulatory Commission may require, the licensing staff shall begin its investigation of the applicant's background to determine if the applicant meets the Gaming Regulatory Commission's minimum license standards. The licensing staff shall investigate the criminal history of each applicant for a license and the personal background, character, reputation and associations of each applicant for a license, and may make such inquiries of and/or about said associations as may be necessary to form a conclusion about the applicant's eligibility for a license. At a minimum, the following investigations shall be performed before taking preliminary or final action on any application:

a. Applicant for any gaming license. The criminal background of an applicant for any gaming license shall be investigated by submitting the applicant's vital information, including but not limited to: full name; any other names used, date and place of birth; citizenship, driver's license numbers; social security number; and physical description to the Michigan State Police and/or local law enforcement agencies, and to the Federal Bureau oflnvestigation Criminal Information Center, and to any other law enforcement agencies that the Gaming Regulatory Commission deems appropriate, requesting a criminal history report. Any fingerprints of applicants required to be taken under these regulations shall also be submitted to these law enforcement agencies.

b. Applicant for any gaming license - additional requirements. If the applicant lived outside the United States for more than six months during the preceding eight years, the Gaming Regulatory Commission shall also utilizethe applicant's vital information to searchintemational databases for any criminal history. The Gaming Regulatory Commission shall also interview at least three previous employers, associates, or other persons familiar with the applicant to determine if the applicant's reputation, character, habits, and activities meet the standards for issuance of a license. The Gaming Regulatory Commission shall also obtain a credit bureau report on the applicant, and shall take such other steps as it may deem reasonable to verify the information provided by the applicant.

c. Applicant for a primary management official's license. In addition to other investigations, the Gaming Regulatory Commission shall contact banks, other financial institutions, and other information sources as needed to verify the accuracy of financial information provided by each person in an application for a primary management official's license.

2. The Gaming Regulatory Commission is not limited to the above investigations and shall make additional investigations and inquiries as required by federal law or regulation or as needed to determine with reasonable certainty that an applicant either does or does not meet the minimum standards for issuance of a gaming license. Such investigation may include personal interviews with applicants.

3. The Gaming Regulatory Commission shall attempt to complete its background investigation within 60 days following receipt of a complete application. If the investigation cannot be completed within 60 days after receipt of a complete application, the Gaming Regulatory Commission shall notify the applicant in writing why the investigation is not complete and when it expects to complete the investigation.

4. The Gaming Regulatory Commission may contract with private, state, and/or federal investigation agencies to perform the required background and/or criminal history investigations when necessary.

F. Application reviews; approvals; denials; waivers.

I. Review. Within 14 calendar days following completion of the background investigation the Gaming Regulatory Commission shall review each applicant and all background investigation and criminal history reports to determine if the applicant meets the standards for issuance of the requested license.

2. License approval.

a. Preliminary approval; temporary licenses. If, in the Gaming Regulatory Commission's judgment, the applicant meets the standards for issuance of a license and all application and investigation fees are fully paid, the Gaming Regulatory Commission may grant its preliminary approval of the application. At its discretion, the Gaming Regulatory Commission may also issue a temporary or conditional license. A temporary license is valid for 90 days.

b. National Indian Gaming Commission review. Within seven (7) days after granting preliminary approval of a license application, the Gaming Regulatory Commission shall send the results of the background investigation per the NIGC requirements. The Gaming Regulatory Commission shall also include a cover letter indicating the Gaming Regulatory Commission's intent to issue the applicant a license and

request that the federal agency review the application pursuant to the requirements of federal law. A copy of this letter may also be sent to the applicant with a notice that the application is not finally approved.

c. Final approval. The Gaming Regulatory Commission may grant final approval of a license application only after:

i. Receiving notice from the NIGC that it has no objection to the issuance of the license; or

ii. 30 days have elapsed since the NIGC was notified of the Gaming Regulatory Commission's intent to issue the license and the NIGC has not responded; or

111. The NIGC timely objected to the issuance of the license, the Commission has reconsidered the application, taking into account the NIGC's objections and the Commission has determined that the applicant may be licensed notwithstanding those objections.

The Gaming Regulatory Commission shall promptly notify each approved applicant that his/her application is approved and issue a license. If a temporary license was previously issued, the effective date of the license shall be the issue date of the temporary license.

3. License limitations and restrictions. No license shall be valid unless signed by a majority of the Gaming Regulatory Commission members. The Gaming Regulatory Commission may limit the term of the license, or place such conditions thereon as it may deem necessary to protect the Tribe or public interest.

4. Denial.

a. The Gaming Regulatory Commission shall deny an application for any class oflicense if, in the Gaming Regulatory Commission's opinion, the applicant does not meet the standards required for issuance of the requested license under these regulations and applicable law. The Gaming Regulatory Commission has the discretion to deny any application or to revoke a license, if, in the Gaming Regulatory Commission's judgment, such a denial or revocation is in the best interest of the Tribe.

b. The Gaming Regulatory Commission may deny an application at any time during the application process, including after granting preliminary approval to the application.

c. The Gaming Regulatory Commission shall promptly notify an applicant that his/her application was denied and shall specify the reasons for the

denial, including a list of criminal conviction(s), date(s), and location(s), if any, that contributed to the Gaming Regulatory Commission's decision to deny the application. If an application was denied as a result of information contained in the applicant's FBI identification record, the applicant shall be advised of the procedures to change, correct, or update the record as set forth in Title 28 CPR, Section 16.34.

5. Waivers, Any emolled LTBB Tribal Citizendenied a license may request a waiver of the license standards, only to the extent allowed under Section IV (C)(3) pursuant to the hearing provisions set out in Section VII of these regulations. Waivers will not be considered for any non-LTBB member. The eligible LTBB Tribal Citizen must show that a waiver is in the best interests of the Tribe or the Gaming Regulatory Commission may not grant the requested waiver.

G. Expirations.

1. Except for a facility license, management contractor's license or a key contractor/gaming vendor license, the expiration date of each license shall be determined by the licensee's anniversary date. The license shall expire on the licensee's next anniversary date.

2. A key contractor/gaming vendor or management contractor's license shall expire not later than one year from the date it was issued.

3. A facility license shall expire not later than threeyears from the date it was issued.

4. The expiration schedules in this section describe the maximum period for which a license may be granted. The Gaming Regulatory Commission may issue any license for a shorter period if the Gaming Regulatory Commission deems the shorter period is necessary to adequately protect the interests of the Tribe or the public.

5. Employment of expired licensed persons prohibited. The Gaining Operation shall not allow any person or contractor to work if that person does not possess the proper and valid license as required by these regulations. It shall be the discretion of the gaming operation's General Manager on whether or not the licensee receives wages or benefits

H. Renewals. Subject to the power of the Gaming Regulatory Commission to deny, revoke, suspend, or limit licenses, any gaming license in force may be renewed for the next year with payment of applicable license and investigation fees as required by law and the regulations of the Gaming Regulatory Commission. The Gaming Regulatory Commission shall encourage license holders to apply for a license renewal at least 60 days prior to expiration of the current license, but the Gaming Regulatory Commission may not accept a renewal application more than 120 days prior to expiration of the

current license.

I. Issuance of License Identification Cards.

1. The Gaming Regulatory Commission shall issue a license identification card to every person granted a license. The identification card shall include the licensee's photograph, name, license number, name of the gaming operation by which they are employed or to which they provide services, expiration date of the license, logo, and such other identifying marks deemed necessary by the Gaming Regulatory Commission to readily identify legitimate cards from counterfeit cards. The licensing staff shall issue identification cards pursuant to procedures established by the Gaming Regulatory Commission. A temporary license identification card may not be issued until the applicant's application has been approved by the licensing department. The license is no longer temporary when signed by the majority of the Gaming Regulatory Commission.

2. Every licensee shall at all times while on duty wear their license identification card issued by the Gaming Regulatory Commission. Gaming Regulatory Commission employees or off duty licensees are not required to wear their identification card, however, are required to carry it with them at all times and are required to promptly show their identification card to any person requesting to inspect the card.

   a. The Gaming Regulatory Commission may consider a waiver for this requirement upon receipt of a written request from the Gaming Operation General Manager for special events.

3. Each licensee shall be required to surrender their photo identification card when: the card expires; a new license is issued; the licensee's association with the gaming operation ends, whether or not the termination is voluntary; or the license is suspended or revoked.

4. Any person who has lost their photo identification card must report the loss to the licensing staff within 24 hours of the loss or discovery of the loss. Replacement of a lost photo identification card may be made for a fee as approved by the Gaming Regulatory Commission.

5. For any licensee that works the gaming floor or with the general public the license identification card must be displayed in a consistent manner with the exception of waivers approved under 2. a.

J. Employment of unlicensed persons prohibited. The Gaming Operation shall not employ any person or enter into any contract or agreement for services with any person in a capacity for which that person is required to obtain a license if that person does not possess the proper and valid license as required by these regulations. The gaming operation shall immediately discharge any employee and cancel any contract or

agreement upon notification by the Gaming Regulatory Commission that the employee's or contractor's/vendor's license has been revoked by the Gaming Regulatory Commission or that the employee or contractor/vendor does not possess the required license.

K. Background review for hiring. Employees of the Gaming Enterprise who make hiring determinations may review the background information, to the extent allowed by applicable law and regulation, compiled by the Gaming Regulatory Commission for applicants who have been issued a license.

L. Facility license requirements.

1. License fees. The Tribal Govermnent may require and set a facility licensing fee to cover or help offset the actual expenses incurred by the Gaming Regulatory Commission in carrying out its licensing and compliance functions.

2. Operating plan.

a. Every facility licensee shall at all times maintain on file with the Gaming Regulatory Commission a current operating plan, verified by the affidavit of the operation's general manager, including, but not limited to: days and hours of operation; the maximum number and type of gaming tables or devices expected to be uncovered or in use at any time during the year; the number of gaming tables or devices expected to be in actual use during the first month of the report year. The approved operating budget shall be submitted to the Gaming Regulatory Commission within one week of its approval by the operation's manager but not later than two weeks prior to the begiuning of the operation's new fiscal year.

b. Any significant changes (up or down) to the operating plan shall be reported to the Gaming Regulatory Commission in writing no more than two weeks following the end of the month in which the change occurred. Significant changes include, but are not limited to: a change of 15% or more in the number of gaming tables or devices uncovered or in use; a change of 15% or more in the net profit forecast for the balance of the current year; or a change in the operation's fiscal year or accounting policies.

3. Key employee report.

a. Each facility licensee shall submit an annual key employee report to the Gaming Regulatory Commission on a form to be furnished by the Gaming Regulatory Commission.

b. The annual key employee report shall identify every primary management official and key employee of the operation and their annual wage or salary

compensation. The report shall also include an organization chart for the operation and a description of each primary management official's and key employee's duties and responsibilities, and the authority delegated to each individual identified in the report.

c. Any changes, additions, or deletions to any information contained within the annual key employee report which occurs subsequent to the filing of the report and prior to the filing of the next year's report shall be reported to the Gaming Regulatory Commission in writing no more than two weeks following the month during which the change, addition, or deletion occurred.

4. Financial Reports. A copy of the final annual audit report shall be submitted to the Gaming Regulatory Commission by the Gaming Enterprise within three (3) days of when the annual audit report is received by the Gaming Enterprise. This report is required to be received no later than one-hundred-twenty (120) days from the end of the fiscal year from the person responsible for preparing such report under the Tribe's law, regulations, and contracts.

5. Environmental, Public Health, and Safety (EPHS) Certification

a. The Gaming Regulatory Commission shall receive a document listing all laws, resolutions, codes, policies, standards, and procedures identified as applicable to the gaming facility in :

i. Emergency Preparedness
ii. Food and Potable Water
iii. Construction and Maintenance
iv. Hazardous Materials
v. Sanitation
vi. Any other applicable areas related to environmental or public health and safety standards adopted by the Tribe.

b. The Gaming Regulatory Commission is required to receive Annual Certification that the gaming facility complies with and enforces the identified laws, resolutions, codes, policies, standards, and procedures.

c. The annual certification requirements listed in a. and b. must be completed by the LTBB Tribal Government.

d. The annual certification must be obtained byt the Gaming Operation and submitted to the Gaming Regulatory Commission.

6. Purpose. The Gaming Regulatory Commission is required to receive the reports and information specified in subsections 1., 2., 3., 4., and 5., to ensure that the gaming operation is in compliance with Environmental, Public Health, and Safety

standards established by the Tribal Government, to ensure that the gaming operation is free of corruption and to aid in planning staffing and budgeting for Regulatory Departments. The Gaming Regulatory Commission is not responsible for, and shall not interfere with, any business decisions of the Gaming Enterprise.

M. Posting of facility license. A facility license by the Gaming Regulatory Commission must be prominently displayed at all times upon the licensed premises in such position as it may be observed by persons participating in the gaming activities.

N. Notice to patrons. In each facility of the Tribe where Class III Gaming is conducted the Tribe shall post in a prominent position a Notice to Patrons at least two (2) feet by three (3) feet in dimension with the following language:

NOTICE

THIS FACILITY IS REGULATED BY ONE OR MORE OF THE FOLLOWING: THE NATIONAL INDIAN GAMING COMMISSION, BUREAU OF INDIAN AFFAIRS OF THE U.S. DEPARTMENT OF THE INTERIOR AND THE GOVERNMENT OF THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

THIS FACILITY IS NOT REGULATED BY THE STATE OF MICHIGAN

SECTION V. NON-KEY LICENSE

A. Non-key licenses required. All non-key employees must obtain and maintain in good standing a non-key license issued by the Gaming Regulatory Commission as set out in this section. A non-key employee cannot be employed in key employee position without frrst obtaining a license under Section IV of these Regulations. The application contents and procedures for a non-key license are the same as those for a license under Section IV, except information on non-key employees need not be sent to the NIGC or made available to the State of Michigan, and the investigation need only include criminal history checks

B. Issuance standards. The Gaming Regulatory Commission shall not issue a non-key license to any applicant under any of the following:

1. The applicant is under the age of eighteen, with the exception of applicants in approved work programs in non-gaming floor areas of the Enterprise;

2. The applicant has knowingly and willfully provided materially false statements or fails to disclose (verbally or in writing) information to the Gaming Regulatory Commission or its licensing department or refused to respond to questions asked him/her by the Gaming Regulatory Commission;

3. The applicant has knowingly and willfully provided materially false statements to the Gaming Regulatory Commission or Regulatory staff or refused to cooperate with Gaming Regulatory staff conducting an investigation;

4. The applicant has been convicted in the past ten years of any felony involving theft, fraud or violence. Provided, this provision shall not apply if the applicant has been pardoned by the Governor of the State where the conviction occurred or, if a Tribal Citizen, has been determined by the Gaming Regulatory Commission 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 non-key license; or

5. The applicant is determined by the Gaming Regulatory Commission, based on criminal history checks, to pose a threat to the safety or security of the Enterprise or persons present in the facilities.

C. A non-key license may be suspended or revoked if the applicant does not meet the standards required for issuance of a non-key license.

SECTION VI. PENALTIES

A. Suspensions.

1. Emergency suspensions. If, in the Regulatory Director's or Licensing Manager's judgment, the licensee's actions pose a threat to the integrity of the gaming operation, the safety of the general public, patrons, or other employees, or the image and reputation of the Tribe, the Gaming Regulatory Commission's Regulatory Director, Licensing Manager or their designees may seize an individual's identification card and exclude that individual from the gaming establishment for up to 72 hours. The Gaming Regulatory Commission or its designated staff shall immediately notify the gaming operation's General Manager of the emergency suspension. At its discretion, the Gaming Regulatory Commission may take formal suspension action against the individual. The gaming operation's General Manager, attheir discretion, may or may not pay the employee or contractor any wages, benefits, or other compensation except for legitimate services actually rendered prior to the suspension.

2. Formal suspension.

a. The Regulatory Director or Licensing Manager may issue a Notice suspending a license ifthere is reasonable cause to believe that:

1. The suspension is necessary for the immediate preservation of the public peace, health, safety, morals, good order, or general welfare of the Tribe;

ii. The licensee may have violated any condition or requirement imposed on the licensee by the Gaming Regulatory Commission or applicable laws;

111. The licensee has been convicted of a criminal offense related to gambling, theft, fraud;

IV. There is clear evidence that the licensee is involved in activities that occurred during the course of employment that if convicted would impact the licensee's ability to be licensed;

v. The licensee has knowingly and willfully provided materially false statements to the Gaming Regulatory Commission or Regulatory staff or has refused to cooperate with Gaming Regulatory staff conducting an investigation.

b. The suspension Notice becomes effective when it is signed by the Regulatory Director or Licensing Manager and the holder of the license receives actual or constructive notice of the order.

c. The Notice issued by the Regulatory Director or Licensing Manager is a suspension pending a revocation hearing before the Gaming Regulatory Commission. The suspension Notice suspending the license must state the reason for the suspension, and shall advise the licensee of the time limit for requesting an appeal hearing.

d. The suspension Notice shall state that the licensee shall forfeit his/her right to a hearing and any appeal ifs/he fails properly to request a hearing before the Garuing Regulatory Commission within 30 days following effective date of the Notice.

e. By the end of the next business day following the effective suspension date of a license, the Regulatory Director or Licensing Manager shall notify the General Manager of the gaming operation employing or contracting services of the suspended license(s) of the suspension. The gaming operation's General Manager shall immediately suspend the employee or contractor/vendor and shall not pay the employee or contractor/vendor any wages, benefits, or other compensation except for legitimate services actually rendered prior to the suspension.

1. n the event that the suspension is overturned by the Commission, it shall be at the discretion of the gaming operation's general manager on whether or not the suspended employee or contractor receives any wages, benefits, or other compensation that would have been paid during the period of suspension.

11. In the event that the Commission suspends an employee's

or contractor's license for a set period of time and such period of time is less than the actual time that the employee or contractor was suspended, then it shall be at the discretion of the gaming operation's General Manager on whether or not to compensate the employee or contractor any wages, benefits, or other compensation during the period not included in the suspension as set by the Commission.

f. If the suspension involves the license of theGeneral Managerr or the facility, the Regulatory Director or Licensing Manager shall notify the management contractor or other representative of the operation's owner.

g. The Gaming Regulatory Commission may suspend a license for any period of time up to one year in length.

h. The Gaming Regulatory Commission, Regulatory Director or Licensing Manager may reinstate a license only after the licensee resolves to the Gaming Regulatory Commission's satisfaction the cause for making the suspens10n.

B. Civil Penalties. The Gaming Regulatory Commission may issue citations against any Licensee for any violation of the Gaming Regulatory Statute, these Regulations and MICS, or any applicable Tribal or Federal law or regulation, or provisions of the Compact. The Commission may adopt a schedule of fines and/or forfeitures as a recommendation for sanctions that may be imposed by the Court upon receipt of an admission of guilt or plea of no contest for violations committed. This schedule shall not apply as to penalties assessed by the Court after adjudicating a violation where the defendant has entered a plea of not guilty. No citations for fines shall be issued against a facility license of the Enterprise that would violate any covenant in an existing agreement between the Tribe or Enterprise, and lenders. (See Addendum I)

C. Criminal Prosecution. The Gaming Regulatory Commission shall promptly submit any knowledge or evidence of criminal wrongdoing that it may discover to the appropriate law enforcement official for prosecution.

D. Revocations. In addition to any penalty the Gaming Regulatory Commission may elect to impose against a licensee, the Gaming Regulatory Commission may revoke any gaming license if the Gaming Regulatory Commission determines that the licensee:

1. No longer meets the minimum standards or requirements for issuance of a license;

2. Failed to disclose, misstated, or otherwise misled the Gaming Regulatory Commission about any fact contained within any application for a license;

3. Violated any of the terms or conditions under which the Gaming Regulatory Commission granted the license;

4. The licensee has been convicted of a criminal offense related to gambling, theft, fraud, or for activities that occur during employment.

5. The licensee has knowingly and willfully provided materially false statements to the Gaming Regulatory Commission or Regulatory staff or refused to cooperate with Gaming Regulatory staff conducting an investigation; or

6. The licensee failed to request a hearing before the Gaming Regulatory Commission to reinstate a suspended license within 30 days.

7. Any person or other legal entity who has had a license revoked by the Gaming Regulatory Commission shall not be eligible to apply for a new license for a period often (10) years after the effective date of the revocation.

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SECTION VII. APPEALS AND HEARING PROCEDURES (Denials, Suspensions and Revocations)

A. Applicability

These Hearing Procedures apply to Licensees under the jurisdiction of the Gaming Regulatory Commission (hereafter referred to as "Commission") and shall be used in all Licensing Hearings conducted by the Commission.

B. Fair Hearings

The Commission is comprised of appointed officials with delegated authority under Tribal and Federal law to promulgate regulations for the Little Traverse Bay Bands Gaming Enterprise(s). The Commission shall make every effort to take affirmative steps to provide fair and objective hearings.

C. Roles and Responsibilities

The Commission shall serve in the capacity of "hearing officers", of which one shall serve as the "Presiding Officer." The Regulatory Director or his /her delegate shall serve in the capacity of "Petitioner," whose responsibility is to provide facts and arguments relating to the licensing matter. "Licensee" refers to applicants, employees, vendors and facilities and includes both key and non-key licenses. Together, Petitioner and Licensee are referred to as the "Parties." The Commission reserves the right to designate and assign duties to the Gaming Regulatory Director and/or Gaming Regulatory Administrative Assistant.

D. Service of a Notice to Deny, Suspend or Revoke a License

Notices and other hearing documents that deny, suspend or revoke a license shall be served upon the Licensee by personal service or by United States mail. If the notice is served by mail, it shall be addressed to the Licensee's last !mown address. It is the Licensees' duty to keep the

Commission's designee informed of current address.

E. Rights of Licensee

The Licensee whose license is denied, suspended, or revoked:

1. Has the right to a hearing before the Gaming Regulatory Commission on the Gaming Regulatory staff's Notice of Denial, Suspension or Revocation..

2. Must file a written notice of appeal request to the Gaming Regulatory Commission for a hearing within 30 days following the effective date of the Gaming Regulatory staffs Notice of Denial, Suspension, or Revocation as stated on the Notice. Failure to properly request a hearing in within 30 days waives the person's right to a hearing or any other appeal of the Gaming Regulatory Commission's or staffs Notice of Denial, Suspension, or Revocation.

F. Timing of Hearing

After receipt of a written request for an appeal, the Gaming Regulatory Commission shall schedule a hearing not later than 21 calendar days after receipt of the request unless the Commission and the person requesting the appeal mutually agree to an extension. Fallowing the hearing the Gaming Regulatory Commission shall make a decision to uphold, modify, or reverse the staffs Notice imposing the license denial, suspension or revocation.

G. Prohibition of Ex Parte Communication

In an effort to assure a fair hearing process, unless required for the disposition of ex parte matters authorized by law or by the Commission:

1. Commissioners shall not communicate, directly or indirectly with any party or their representative in connection with any issue of fact or law related to a hearing except upon notice and opportunity to all parties to participate;

2. This section shall not preclude Gaming Regulatory staff from having contact with a Licensee at any stage of the proceedings.

H. Appearance through an Advocate

Parties to proceedings governed by this regulation may appear personally or through an advocate (i.e. attorney, tribal member, friend, etc.). If a party appears through an advocate, the party must attend hearings unless excused by the Commission. Parties retaining an advocate who requires a fee shall retain the advocate at their own cost.

1. When a party has appeared through an attorney, service of notices of hearings, decisions or any other matters shall thereafter be made upon the attorney.

2. When a party has appeared through a non-attorney advocate, service of all notices of hearings, decisions or any other matters shall thereafter be made upon the Licensee, who assumes the responsibility of sharing information with tbe advocate.

3. The Commission reserves tbe right to directly question the Licensee during the hearing.

I. Discovery and Mandated Exchanges

Prior to the hearing the parties shall exchange all evidence tbey intend to introduce, and shall also exchange written lists of all persons each party intends to call as a witness. Each witness shall be identified by name, with a brief description of the reason for which tbe witness will be called. Failure to disclose evidence and witness lists prior to the hearing may limit a party's opportunity to introduce evidence.

J. Confidential and Privileged Materials

If any document or otber material required to be produced is the subject of a privilege or is confidential under applicable law or is subject to a confidentiality agreement, the document shall be marked "confidential" before disclosure or use in a hearing. A Licensee shall not further disseminate confidential or privileged materials except to counsel/advocate of record in the action.

K. Request for Information

Either party may make a written request to tbe Commission for its assistance in obtaining relevant documents, witnesses and other evidence witbin the Commission's jurisdiction. Information requests must be specific and contain type of evidence and date of occurrence. Determinations regarding relevancy, admissibility, and confidentiality shall be in the Commission's sole discretion.

L. Limitations

If any party or their attorney/advocate fails reasonably to comply with these regulations, or any order entered regarding any matter, including discovery, the Commission may impose upon such party, advocate, or attorney, or both, appropriate limitations including an order prohibiting the use of any witness or evidence which should have been disclosed, produced, exhibited, or exchanged.

M. Conduct of Hearings

The hearing before the Commission will proceed as follows:

I. Opening comments and questions.

a. Presiding Officer
b. Petitioner
c. Licensee

2. Case Presentation

a. Petitioner
b. Licensee

3. Rebuttals

a. Petitioner
b. Licensee

4. Commission/Hearing Officer's Questions.

5. Closing Argument

a. Petitioner
b. Licensee

N. Evidence

The Commission shall consider evidence that it finds relevant and material to the heai-ing, giving the evidence such weight as is appropriate. The Commission may limit testimony to exclude evidence that would be immaterial or unduly repetitive. Upon request before the hearing, the Commission in its discretion may permit the introduction of additional previously undisclosed evidence.

0. Failure to Testify

If a party fails to testify in their own behalf or asserts a claim of privilege in response to any question, the Commission may infer that such testimony or answer would have been adverse to Licensee's case. Licensee may rebut such inference with an explanation based on a legitimate legally binding reason, such as a confidentiality agreement.

P. Continuances

Continuances will not be granted except for good cause shown.

Q. Default

Failure of a Licensee to appear personally at the hearing, unless otherwise excused by the Commission, shall constitute admission of all matters and facts. A judgment by default shall be rendered against an unexcused Licensee and the Commission may take action against the gaming license without further notices to the Licensee.

R. Decision of the Connnission

At the conclusion of the hearing the Commission may;

1. Reinstate the license;
2. Reinstate the license with conditions or limitations;
3. Modify the suspension for a period of time up to one year in length; or
4. Revoke the license.

The Commission's decision shall be in writing and shall be based upon a preponderance of the evidence standard (the offense or other cause for the suspension, revocation, denial or penalty more likely than not occurred). Written notice of the decision shall be sent to the parties.

S. Tribal Court Review

1. Fallowing a final decision of the Gaming Regulatory Commission after a hearing under this Section, a Licensee has a right to file an appeal with the LTBB Tribal Court. The burden of proof in the appeal process is on the applicant or Licensee.

2. All appeals shall be in writing. A Licensee shall have 20 calendar days from the date of receiving the hearing decision of the Gaming Regulatory Commission to file an appeal in writing with the Tribal Court.

3. The sole purpose of the Tribal Court appeal will be to determine if the Commission made a procedural error that significantly prejudiced the Licensee. In the event the Tribal Court determines such error was made, it shall remand to the Gaming Regulatory Commission to hold a new hearing in accordance with these Regulations.

SECTION VIII. GAMING OPERATIONS

A. Gaming Equipment.

1. No Class III or Class II games of chance, equipment or supplies may be operated, purchased, leased or otherwise acquired by the Tribe uuless the equipment or supplies meet the technical standards of either: the State of Nevada, State of New Jersey or the State of Michigan.

2. The seller, lessor, manufacturer, or distributor shall provide, assemble and install all Class III or Class II games of chance, gaming equipment, and supplies in a manner approved and licensed by the Tribe.

B. Gaming Prohibitions.

1. No employee or member of the Gaming Regulatory Commission, and no Member of the Gaming Authority Committee shall be permitted to participate as a player

in any game operated within the Facility.

2. Gaming operations employees, except those employed in the Surveillance Department, may participate as players in any game operated within the Facility while off-duty provided that the employee is not directly involved in operating or maintaining such game in the course of their work. By way of example, slot attendants shall not play slot machines, and table games managers or dealers shall not play table games. Employees on the gaming floor while not on duty shallnot openly display their license, but must have their license on their person and accessible for review upon request by Gaming Regulatory staff, management or security or other such designated individuals.

3. Members of the Tribal Council, the Tribal Chair, Vice-Chair and members of the Judiciary may participate as players in any game operated within the Facility, but shall not receive complimentary rewards.

4. Surveillance Department employees shall be barred from participating as players in any game operated within the facility for a period of one (1) year after their employment terminates, whether the termination of the employment relationship was voluntary or involuntary, unless waiver is approved by the Gaming Regulatory Commission.

5. Gaming operations employees and Tribal officials listed in subsections 2 and 3 are not eligible for promotions, incentives or awards related to gaming activity, including but not limited to vehicle drawings, players club cards and earning points.

6. Employees of Gaming Vendors licensed by the LTBB Gaming Regulatory Commission are not permitted to participate in any game operated in the Facility.

7. Gifts may only be accepted by a Licensee in accordance with policies approved by the Gaming Regulatory Commission.

C. Credit Prohibited. No credit shall be extended by a gaming operation to any player. This prohibition shall not be construed, however, to prevent players or customers from utilizing bank cards, credit cards, and other forms of personal credit when the credit is guaranteed or extended by an independent financial institution.

D. Age Requirements.

I. At the Facility located at 1760 Lears Road, Petoskey, Michigan, no individual under nineteen (19) years of age may play any game in the Enterprise, nor shall any such person be allowed to loiter or remain in the immediate area in which any such game is being played, provided that individual is not an employee of the Enterprise.

2. In the event that LTBB opens a second class III gaming site in accordance with the 2003 Amendment to the Compact Between LTBB and the State of Michigan, no individual under twenty one (21) years of age may play any game in such second Enterprise site, nor shall any such person be allowed to loiter or remain in the immediate area in which any such game is being played, provided that individual is not an employee of the Enterprise.

SECTION IX. DISPUTE RESOLUTION

Disputes between the gaming public and the Tribe or management official shall be resolved as follows:

A. The complaining member of the gaming public shall first have an opportunity to present his/her grievance, verbally or in writing, to the general manager of the Gaming enterprise or a person designated by the general manager to resolve grievances with members of the gaming public.

B. If the grievance is not resolved under Section A. the complaining member of the general public may file a written grievance with the Gaming Regulatory Commission. The Gaming Regulatory Commission shall prepare and malce available grievance forms that include space for the name, address, and phone number of the grievant, and a description of the situation or incident complained of. The Gaming Regulatory Commission or designee shall review the written grievance within seven (7) days of receipt and shall investigate the incident. If the Gaming Regulatory Commission deems it necessary, it may hold a fact finding hearing to question the grievance and any employees of the facility involved in the grievance. The Gaming Regulatory Commission shall take final action on the grievance within thirty (30) days of receipt which may include any action authorized under the Gaming Regulatory Ordinance and these regulations.

CERTIFICATION

As Chairperson, I certify that I approve these Gaming Regulatory Commission Regulations.

Date: J.,.. 9 - 15 _____

Regin sco Bentley, Tribal Chair

Received by the Tribal Council Office on: (J/--{fj-/5· by:

As the Legislative Leader and Tribal Council Secretary, we certify that these Gaming Regulatory Commission Regulations were approved by the Tribal Council of the Little raverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on • tft. Z 0,'5 at which a quorum was present, by a vote of..&_ in favor, _Q_ oppose , _fl_ abstentions, and 2.,_absent.

Date: 4.13.2015

Marcella Reyes , Treasurer

Date: 4-9-15

Julia Shananaquet , Secretary

Approved by Tribal Council /Jtl-tft-/S