

## **Chapter 10 Draft Enforcement Regulation**

### **1001 Enforcement:**

The Commission requires that Gaming Operations within the Tribe's jurisdiction are conducted honestly, free from unlawful conduct and corruptive elements in order to maintain public confidence and trust in the honesty and integrity of gaming. The Agency strives to provide clarity regarding its regulatory goals and methods and seeks to work with Gaming Operations to meet those standards. In those instances where there is non-compliance with the laws and regulations, the Agency is compelled to address those alleged violations.

### **1002 Scope of Enforcement Authority**

Employee licensees, vendor licensees, patrons, and guests of Gaming Operations within the Tribe's jurisdiction fall within the Agency's regulatory jurisdiction.

The Agency shall monitor all Gaming Operations at random or periodic intervals with or without prior notification to the Gaming Operation to determine compliance with the law, regulations, and other standards. Upon receiving a creditable report of a violation of the law, regulations, or other standards, the Agency shall investigate the allegation or refer the matter to the appropriate entity.

### **1003 Prohibited Activities.**

GRA Section §8.5-115 lists acts that are prohibited for any person or employee of the Gaming Operation playing or conducting any game of chance on Tribal land.

In addition to those activities prohibited by the Tribal-State Compact, Gaming Act, or these Regulations, it shall be a violation for any employee of the Gaming Operation to:

1. Employ or possess any device to facilitate cheating.
2. Conduct gaming activity without a valid facility license
3. Operate a Gaming Operation without a current Facility License
4. Fail to submit a completed Facility License Application or Renewal Facility License as described in §8.5-48-49 and Facility License Regulations
5. Place an unapproved gaming device or table game in service for play to the general public
6. Violate Tribal or State law relating to the sale and regulation of alcoholic beverages
7. Conduct business with an unlicensed Vendor
8. Employ an individual in a position without the proper license
9. Allow an individual to conduct job duties (cash handling, dealer, etc.) for a position without the proper license
10. Allow an employee to work with a suspended, revoked, or expired license
11. Fail to update the Agency with changes to contact information, police contact, or other information as required, or allow licensee to not provide required information

12. Violate the TICS or SICS as approved by the Agency.
14. Fail to comply with the Bank Secrecy Act of the United States Code Title 31 reporting requirements
15. Fail to maintain all accounting records in a double entry of accounting system for not less than five (5) years

### **1004 Violations**

Upon Agency determination of an alleged violation, the Agency at its sole discretion may issue enforcement action as described in these regulations and may suspend or revoke an Employee Gaming License, per Employee License regulations.

When the Agency has decided to take enforcement action, unless the circumstances preclude notice of an alleged violation, the Agency will provide notice of a violation or alleged violation. Depending on the facts and circumstances, notice may be provided to the alleged violator's chain of command. In some circumstances, upon notice if the violator or their chain of command cures the alleged violation, the Agency may take that into account in evaluating its enforcement activities.

The Notice of Violation shall contain:

1. A citation to the Gaming Regulatory Act, Tribal-State Compact, or these Rules and Regulations provision that has been or is being violated.
2. A description of the circumstance surrounding the violation.
3. Measures required to correct the violation.
4. A statement that the violation must be corrected within seven (7) calendar days from the date the notice was issued.
5. A statement of the alleged violator's rights of appeal.
6. The maximum number of civil fines that the alleged violator may be assessed to pay pursuant to the Gaming Ordinance.

If a Notice of Violation results in an Employee Gaming License suspension or revocation, the notice will meet the standards of notice per the Employee Gaming License regulations.

### **1005 Enforcement Procedures Guidelines**

Depending on the seriousness of the particular regulatory violation or infraction, this process may be initiated at any step deemed appropriate by the Agency.

#### **Step 1 – Notice of Concern**

A Notice of Concern may be sent to an alleged regulatory violator by hand delivery, email, certified or overnight mail (with signature required) at the last known mailing address of the offender, or any other means deemed appropriate by the Agency which provides actual notice to the person or entity suspected of committing a regulatory

violation. The Commission may accept an assurance of voluntary compliance regarding any violation. The assurance must be in writing.

### **Step 2 – Notice of Violation**

A Notice of Violation may be sent to an alleged violator by hand delivery, email, certified or overnight mail (with signature required) at the last known mailing address of the offender, or any other means deemed appropriate by the Agency which provides actual notice to the person or entity suspected of committing a violation. The Notice of Violation will include the proposed penalty, suspension, revocation, and any fines or assessment determined by the Commission. The offender has seven (7) days to respond with any action they have taken to correct the condition resulting in the Violation or to request a hearing.

### **Step 3 – Hearing**

If the alleged regulatory violator receiving a Notice of Violation requests a hearing, the Commission must schedule and conduct a hearing in accordance with Section XX of these Rules and Regulations.

### **1006 Enforcement Powers**

The Agency may take any one or a combination of the following actions with respect to any person, Licensee, entity, or contractor who violates any provision of the Gaming Regulatory Act, Tribal-State Compact, order of the Commission, or other applicable law. The Commission may:

1. issue a temporary order to cease and desist from the activity, act, or practice for a period not to exceed sixty (60) days.
2. issue a permanent order to cease and desist from the activity, act, or practice.
3. revoke the license of a Licensee as provided in the Gaming Regulatory Act and these Regulations.
4. suspend the Licensee as a part of the license revocation process provided in the Gaming Regulatory Act and in these Regulations.
5. place a Licensee on probation.
6. place condition(s) on a Licensee.
7. seek a civil penalty against the alleged violator in accordance with the Gaming Act, following a hearing.
8. take other disciplinary action as necessary to enforce compliance with applicable laws and regulations.

### **1007 Civil Actions**

Following a hearing, the Commission may bring an action in a court of competent jurisdiction for imposition of one or more of the following sanctions:

1. seizure of any gaming apparatus, proceeds, or other property of a Licensee connected with the gaming activities engaged in by the Licensee.
2. collection of any unpaid fees, interest, penalties, and of any civil fines unpaid after thirty (30) calendar days; or
3. execution on any nonexempt property of a violator located within the exterior boundaries of Tribal lands.

### **1008 Acknowledgment of Jurisdiction of the Commission**

All persons, entities, and Licensees acknowledge the civil enforcement jurisdiction and authority of the Commission under the Gaming Act, Tribal-State Compact, and these Regulations.

### **1010 Criminal Enforcement**

The Commission may report any suspected criminal violations to the appropriate law enforcement agencies.

### **1011 Effect of License Termination or Revocation Licensure is a condition of employment in any Gaming Facility.**

Any loss of a gaming license pursuant to these Rules will follow the Employee License regulations and Hearing regulations. The Tribe's personnel and employment policies, and any appeals or remedies therein, do not apply in the case of license termination or revocation, except as described in the GRA or regulations.