

Chapter 12 Exclusions

1201 Introduction

Pursuant to Gaming Regulatory Act Section §8.5-98, the Agency is delegated the authority and responsibility to create and maintain the Exclusion List for any persons who may not enter the Gaming Operation. These regulations further define the protocols related to excluded patrons.

Any ban issued by the Gaming Operation, whether short-term or permanent, is not subject to these regulations, and shall be issued following internal procedures as described in GRA Section § 8.5-98L.

1202 Criteria for Exclusion

A person may be added to the exclusion list for the following reasons:

1. Conviction of any felony, any gaming-related crime or other crimes related to dishonesty (fraud, theft, embezzlement) or conspiracy to commit or be an accessory to the same;
2. Violation or conspired to violate any provisions of the GRA, the Indian Gaming Regulatory Act, the Compact or other applicable law;
3. Notorious or unsavory reputation that would likely undermine public confidence and trust in the integrity of gaming;
4. Exclusion from another jurisdiction;
5. Self Exclusion due to a gambling problem; and
6. Denied a license, or had a license revoked, by the Agency

Exclusion due to Felony Conviction

The Agency may be made aware of convictions that are worth exclusion from various sources, including law enforcement referrals, media reports, tips, and self-reporting. Types of convictions that would be considered for exclusion include, but are not limited to, felony level:

1. Illegal Gambling
2. Money-Laundering
3. Cheating
4. Embezzlement
5. Check Fraud
6. Theft or Larceny

Exclusion due to Violation

The Gaming Regulatory Act (GRA) §8.5-115 outlines a set of prohibited acts that, if violated, may result in enforcement actions taken by the Agency. The Agency is responsible for conducting thorough investigations to determine if any person has violated any of the prohibited acts outlined in GRA §8.5-115.

In the event that an individual is found to have violated any of the prohibited acts through an investigation conducted by the Agency, the individual may be subject to exclusion from gaming activities, as well as other enforcement actions that may be taken by the Agency. These enforcement actions are taken to maintain the integrity of the gaming industry and to ensure that all individuals involved in gaming activities are held accountable for their actions.

In addition to exclusion, other enforcement actions that may be taken by the Agency include imposing fines, revoking licenses, and/or referring cases to law enforcement for prosecution.

Exclusion due to Reputation

Notwithstanding criminal convictions and violations of the Prohibited Act of the GRA, the Agency may also add people to the Exclusion List if they are considered notorious or have an unsavory reputation that would likely undermine public confidence and trust in the integrity of gaming.

Examples of notorious or unsavory reputations may include persons who are:

1. Convicted murderers/serial killers
2. Organized crime bosses or members of criminal organizations
3. Fraudsters or Ponzi scheme operators
4. Involved in public scandal
5. Listed on a sex-offender registry
6. Publicly known for cheating or attempting to cheat casinos

Exclusion due to Reciprocal Exclusion

The Agency may exclude a person based on the knowledge that this person has been excluded from other gaming jurisdictions from shared blacklists, posted excluded person lists, tips, and self-reporting. Other gaming jurisdictions may include other Tribal, State, or Federal jurisdictions.

Self-Exclusion due to a gambling problem

Any person who submits a request for self-exclusion due to a gambling problem through a method approved by the Agency may be added to the Exclusion List. Such approved methods include requesting self-exclusion in person with a staff of the Agency, or through a request form that is complete, notarized, and mailed to the Agency.

Additionally, any person who has added their name to the Michigan Gaming Control Board's responsible gaming database shall be excluded from the Gaming Operation's internet gaming site.

Exclusion due to License Denial or Revocation

After denying or revoking a license, the Agency may require the individual to be added to the Exclusion list. This measure is taken to ensure compliance with safety protocols and protect the well-being of others. Should an individual's presence be deemed concerning and potentially disruptive to the industry or should there be concerns about the individual's ability to comply with industry regulations, the Agency may add them to the Exclusion list.

1203 Procedure for Entry of Names

The Agency will initiate the exclusion process for any persons. Additionally, the Gaming Operation can request the exclusion of an individual in writing to the Agency. The Gaming Operation must provide the individual's name, pertinent identification information, and the reasons for the exclusion. Subsequently, the Agency shall conduct a comprehensive investigation into the matter.

The Executive Director shall review the findings of the investigation to determine whether sufficient grounds exist to warrant the exclusion of the person from the gaming establishment. Upon

determination of suitability, the Agency shall issue a written notice to the individual, providing an opportunity to request a hearing to present evidence and testimony to the Commission regarding their exclusion. Failure to request a hearing within fourteen days of receiving the written notice shall result in an inability to request a hearing for one calendar year from the date of addition to the Exclusion List.

The Agency will send written notification to the Gaming Operation of all individuals added to the Exclusion List. Notably, any additions to the Exclusion List shall be permanent unless otherwise specified by the Executive Director.

1203 Exclusion List Information

The following information, to the extent known, shall be provided for each excluded person:

1. Full name, date of birth, and all aliases;
2. A physical description;
3. The effective date the person's name was placed on the list;
4. A photograph, if available;
5. The person's occupation and his current home and business address;
6. The specific reason for exclusion;
7. The date, if any, the exclusion will expire; and
8. Such other information as may be deemed necessary by the Agency or as set forth in Commission regulations.

Distribution and availability of exclusion lists

To ensure the effectiveness of the Exclusion List, the Agency must maintain a current and accurate record of all individuals excluded from participating at the Gaming Operations. As such, the Exclusion List must be regularly updated and made available to all Gaming Operations. This practice ensures that Gaming Operation can readily identify individuals on the Exclusion List and take the necessary measures to prevent their participation in gaming activities.

Law enforcement agencies may require access to the Exclusion List to facilitate the enforcement of the law. In such cases, the Agency may furnish the Exclusion List to a law enforcement agency upon receipt of a subpoena or a legitimate request. Subpoenas will be required to go through the Tribal Court for approval.

1204 Exclusion Persons Obligations

A person on the exclusion list must adhere to the following requirements:

1. Refrain from entering any Gaming Operations within the tribe's jurisdiction
2. Refrain from all wagering activities at the Gaming Operation (including, if applicable, all internet wagering)
3. Notify the Agency of any change in address or other personal information; and
4. Notify the Agency if he/she receives any direct mail or other marketing solicitations addressed to him/her during the time of his/her exclusion

1205 Duty to Exclude

Excluded persons must not be allowed to enter the Gaming Operation, be allowed to continue gaming, nor provided any services within the Gaming Operation once they have been identified. When personnel of the Gaming Operation are made aware that a person on the exclusion list is attempting to enter or has entered any Gaming Operation within the jurisdiction of the tribe, the Gaming Operation must notify the appropriate security and surveillance personnel and perform any other tasks that fall within their job responsibilities and power to prevent the excluded person from entering or eject them from the premises.

The Gaming Operation must call the on-duty phone at (269) 233-0362 to allow an Agency representative the opportunity to address the excluded person.

1206 Trespass Civil Infractions and Forfeiture of Gaming Devices

An individual who has been notified that they have been placed on the exclusion list may face charges of criminal trespass under applicable tribal and/or federal law and be subject to civil liability if they attempt to enter the Gaming Operation.

If an excluded person enters a gaming establishment or engages in wagering despite being on the Exclusion List, they will forfeit any gaming chips, tickets, or other items of value obtained through the wagering activity. These forfeited items will either be withheld by a representative of the gaming establishment or seized by an authorized representative of the Agency. However, the excluded person has the right to request a hearing to dispute the forfeiture or seizure if they can prove that the funds or items of value seized were not obtained through the Gaming Operation.

1207 Removal from Exclusion List

A person who has been added to the exclusion list has the right to submit a written petition to the Agency for removal, subject to an annual limitation.

The request for reinstatement shall be in writing through the following options:

1. Mail

Executive Assistant
Gaming Commission
11177 E Michigan Ave
Battle Creek, MI 49014

2. Email info@nhbpgc.org

3. Text (SMS) Messaging

Text "Ban" to (269) 841-1060

Once a request has been initiated, the excluded person will be required to provide additional information to the Agency for reinstatement purposes, including

1. Name
2. Contact information, including phone number and email address
3. Date of exclusion
4. A statement or questionnaire explaining the circumstances of the exclusion

Upon receipt of the information, it is the responsibility of the Agency to conduct a thorough review. In cases where neither the Agency nor the Gaming Operation opposes the return of the guest, the Commission reserves the right to take action on the reinstatement without a hearing. However, if any opposition is present, the Commission shall schedule a hearing in strict accordance with the regulations set forth in GRA Section §8.5 – 99 et seq.

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