

Chapter 6 Investigations

0601 Investigations Department

The Investigations Department is an integral part of the Agency's delegated regulatory authority, responsible for ensuring that all incidents within its scope are properly investigated. With a focus on collecting, organizing, and presenting information in an unbiased manner, the department strives to derive accurate conclusions in regards to events or series of events. The Gaming Regulatory Act delegates to the Agency's Investigation Department the following broad regulatory functions:

1. Ensuring all incidents within the scope of the Agency's delegated regulatory authority are properly investigated.
2. Responsible for collecting, organizing and presenting various types of information in an unbiased manner in order to derive a conclusion in regards to an event or a series of events.
3. Monitors the property, identifying potential security and/or safety hazards and reporting appropriately to ensure the safety and protection of guests, employees, gaming revenues, assets and the entire facility.
4. Coordinates with the Agency's Auditing and Compliance Departments to investigate potential violations of the regulations, tribal internal control standard, the Compact and other laws within the Agency's jurisdiction which may be identified through audit activities.
5. Coordinates with the Gaming Operation's surveillance and security department on security-related matters.
6. Monitors the functionality of technical slot machine components for certification by the Agency; such as EPROMS, flash drives, and other software configurations.
7. Such other matters as the Executive Director may assign to the Department.

0602 Guest Disputes

The Agency will address and investigate disputes between patrons and the Gaming Operation pursuant to the standards and procedures set forth in the GRA Section §8.5-97. The Agency defers to the Gaming Operation in patron complaints involving customer service.

The Gaming Operation shall follow its procedures that address disputes with patrons. Authorized management-level/key employees, such as shift/floor supervisors, of the Gaming Operation will attempt to resolve disputes before notifying patrons of their right to seek review of the dispute by authorized representatives of the Agency with authority to make a final determination regarding the dispute on behalf of the Gaming Operation. If a patron is not satisfied with the resolution proposed by the management-level representative of the Gaming Operation, the patron will be informed of his/her right to request review of the matter by an authorized representative of the Agency.

Guest Disputes Less Than \$500

For disputes involving less than five hundred dollars (\$500) or an equivalent value in disputed gambling winnings or rewards, or other goods or services for which the patron claims to have paid the necessary consideration for, a representative of the Agency may, but is not required to, provide a guest with a dispute form to furnish the Agency with sufficient information to conduct an investigation. Patrons offered the dispute form must complete the form on the Gaming Operation's premises. At that time, the Agency's

representative may investigate the dispute claim and immediately resolve the matter. In areas related to guest service, the Agency's representative will have no authority to overrule the Gaming Operation's determination.

Guest Disputes Greater Than \$500

If a patron dispute involves at least five hundred dollars (\$500) or an equivalent value in disputed gambling winnings/rewards or other goods or services and the dispute could not be resolved under current procedures to the satisfaction of the patron, the management-level representative of the Gaming Operation who reviewed the dispute on behalf of the Gaming Operation shall inform the patron that he or she may file a written dispute with the Agency. The Gaming Operation representative shall also immediately notify the Agency of the patron dispute.

To facilitate that process, the Agency maintains personnel on property which can be reached via the on-duty phone at (269) 233-0362.

For disputes involving at least five hundred dollars (\$500) or an equivalent value in goods or services, the Agency's representative shall provide the patron with a dispute form to furnish the Agency with sufficient information to conduct an investigation. Any patron wishing to file a dispute involving at least five hundred dollars (\$500) or its equivalent, must do so on the premises of the Gaming Operation within three (3) days of the reported loss to preserve the right to file the dispute.

The Gaming Operation and its licensees shall, upon Agency request, provide information to the Agency needed to complete its investigation including:

1. game rules
2. surveillance footage
3. gaming instruments involved
4. statements from those involved

Non-compliance with the aforementioned requests may be grounds for reversal of the Gaming Operation's resolution of the dispute and may be deemed a violation of these regulations and may be subject to licensing actions or other enforcement actions, as stipulated herein.

In areas related to guest service, the Agency's representative will have no authority to overrule the Gaming Operation's determination.

Dispute Resolution and Appeal Process

In response to a written patron dispute involving at least five hundred dollars (\$500) or an equivalent value in goods or services, after performing its due diligence, the Agency will issue a written decision. If neither the patron nor the Gaming Operation dispute the Agency's decision in writing within seven (7) business days, the decision is final, and both the patron and the Gaming Operation shall adhere to the decision. If either the patron or the Gaming Operation do not agree with the Agency's decision, either party may appeal to the Gaming Commission. An appeal to the Gaming Commission must be in writing and delivered to the Gaming Commission offices addressed as follows:

NHBP Gaming Commission c/o Commission Chairperson
11177 East Michigan Avenue
Battle Creek, MI 49014

The Commission will review the matter and determine whether an evidentiary hearing will serve the Commission in evaluating the dispute. If the Commission determines that a hearing is beneficial, it will schedule a hearing and provide notice to the parties. If the Commission determines that a hearing is not necessary, the Commission will issue its decision on the appeal in writing. The Commission's resolution of a patron dispute shall be final and shall not be subject to further appeal.

Games Rule Changes

Accurate and up to date information regarding any Class II and Class III game rules, including payouts and progressive amounts is necessary for the accurate investigation and resolution of gaming disputes. Therefore, the Gaming Operation must notify the Agency of any and all changes relating to those rules at least 24 hours prior to them being implemented.

0603 Crimes and Other Prohibited Activities

Under GRA Section §8.5-40, § 8.5-115, and § 8.5-98, the Agency has the authority and duty to investigate any matters as assigned by the Executive Director in addition to potential violations of the Gaming Regulatory Act, regulations, Tribal Minimum Internal Controls, the Compact, the NHBP Liquor Code, and other applicable laws within the Agency's jurisdiction subject to any limits on the Agency's power set forth in such laws. The primary focus of the Agency will be in these four areas:

1. **Manipulating Outcomes and Bets:** Activities that involve altering or misrepresenting gaming outcomes, placing or increasing bets based on acquired knowledge, or aiding others in manipulating bets;
2. **Theft, Embezzlement and Fraudulent Actions:** Actions that include unlawfully taking any money or property, fraudulently claiming or collecting more than the actual winnings, attempting to defraud the Tribe, licensees, or participants, and falsifying records related to the Gaming Operation;
3. **Violations and False Information:** Violations such as enticing others to violate gaming provisions, participating in unauthorized gaming, providing false information in applications or contracts, and making false or misleading statements during official inquiries;
4. **Corruption and Interference:** Involves offering or accepting incentives to act against official duties as a licensee and taking actions that interfere with the responsibilities of the Agency.

The Agency is responsible for collecting, organizing, and presenting various types of information in an unbiased manner in order to derive a conclusion regarding an event or series of events. Pursuant to an investigation into crimes and other prohibited activities committed by licensees, guests, and/or any individual at the Gaming Operation, authorized Agency personnel shall have access to all areas of the Gaming Operation, and to all records, files, information, and data of the Gaming Operation. Advance notice to the Gaming Operation or any employee, agent, or representative of the Gaming Operation shall not be required. The Gaming Operation and licensees, upon request, shall provide the necessary information to the Agency to complete the investigation. This may include, but is not limited to, surveillance footage, patron records, employee records, and statements from those involved. Failure to comply with these requests may result in civil fines, license suspension or revocation when applicable, or other enforcement actions within these regulations.

A. Reporting Obligation

Upon the reasonable suspicion that a violation of any gaming law, gaming regulation or other prohibited act (as defined in Article VII of the Gaming Regulatory Act) may have been committed by a licensee, vendor, or guest, employees of the Gaming Operation shall see that the Agency is notified within 72 hours. This obligation will be satisfied by following the Gaming Operation's reporting protocol, such as informing a superior or a designated department. Such designated departments would include Surveillance, Human Resources, and Compliance, who shall subsequently transmit the information to the Agency utilizing preapproved methods. Upon making a determination that there is reasonable suspicion that a violation of a gaming law, gaming regulation or other prohibited act may have occurred, appropriate Gaming Operation supervisors and managers shall contact the Agency personnel on property designated to investigate via the on-duty phone at (269) 233-0362.

Additionally, the Agency may be contacted directly and at any time through the following methods:

Local Tip Line (269)841-1076

Tip Email Address: tips@nhbpgc.org

Anonymous Reporting Website: <https://www.lighthouse-services.com/nhbpgc>

Anonymous Reporting Hotline: 833-210-3976

Anonymous Reporting App: Keyword nhbpgc

B. Integrity of Investigations

To ensure consistent, coherent, and impartial investigations into suspected crimes or prohibited acts, the exclusive authority for conducting subject interviews in such cases shall be first vested in the Agency, provided that the Agency chooses to pursue the matter. As such, once the Gaming Operation has a reasonable suspicion that a prohibited act or crime has been committed, they must refrain from conducting subject interviews and inform the Agency of that suspicion. Only after the Agency has had the opportunity to conduct subject interviews may the Gaming Operation proceed to conduct its own interviews concerning the matter.

The Gaming Operation may bypass this restriction if such prohibition would interfere with management's primary duties, which include overseeing the implementation and enforcement of its System of Internal Controls, policies, and procedures, as well as supervising employee conduct and performance and ensuring compliance with applicable laws among patrons and vendors. Should the Gaming Operation choose to proceed with its own subject interviews, investigations, and/or disciplinary actions prior to the Agency's involvement, then the Gaming Operation must first inform the Agency of the following information via an email to the Executive Director:

1. Name, Badge Number, and Department of the Subject
2. Date, Time, and Location of the Subject Interview
3. Name of the Licensee conducting the interview
4. Justification for bypassing the aforementioned restriction

Additionally, all aspects of the Gaming Operations' investigation, including its findings, methods, and conclusions may be subject to review by the Agency.

C. Confidentiality

All Agency correspondence pursuant to an investigation is to be treated confidential and no individual or licensee will be allowed to discuss an open investigation with any other licensee unless the Commission has approved that communication. Conversely, any attempt to induce, persuade, coerce, or otherwise pressure an individual into breaching this confidentiality by a licensee in a supervisory, managerial, or executive position shall be deemed as impeding and/or obstructing a gaming investigation and may result in civil fines, license suspension or revocation when applicable, or other enforcement actions within these regulations. Nothing contained herein shall be interpreted or construed as prohibiting an applicant or licensee from reporting concerns to the Gaming Operation's human resources department or exercising other rights as an employee.