

Chapter 1 General Provisions and Records Management Provisions

0101 Purpose, Authority, and Jurisdiction

Purpose. It is the purpose of this Chapter to provide general guidance on the operating activities of the offices of the Commission.

Authority. These rules and regulations are issued under and pursuant to the authority of the Gaming Regulatory Act.

Jurisdiction. The Commission shall have jurisdiction over all matters delegated to it or within the scope of its powers under the provisions of the Gaming Ordinance and these regulations.

0102 Definitions

General. For purposes of these regulations, or permissive certain terms are defined in this section. The word “shall” is always mandatory and not merely advisory. Unless defined elsewhere, terms defined in this Chapter and the Act are defined for the purposes of all Commission Regulations.

Act

The Nottawaseppi Huron Band of the Potawatomi Gaming Regulatory Act, as amended from time to time

Agency

The Gaming Regulatory Agency, a subdivision of the Tribe, established under Article IV of the Act, is responsible for the direct, day-to-day regulation of gaming establishments under this Act.

Applicant

Any person or entity applying for, or requesting renewal of, any license from the Commission.

Applicant records

Those records, including but limited to those which contain information and data pertaining to an applicant’s criminal record, antecedents and background, and the applicants’ financial records, furnished to or obtained by the Commission from any source incident to an investigation for licensure, finding of suitability, registration, or other affirmative approval.

Application or License Application

A request for the issuance or renewal of a License required by the Act

Authorized Agency Personnel, or Authorized Commission Personnel

Any member, employee, or agent of the Commission

Card game (Non-Banking)

A game in which the gaming operation is not party to wagers and receives compensation in the form of a rake-off, a time buy-in or other fee or payment from a player for the privilege of playing

Chair, Chairperson

Chairperson of the NHBP Commission

Class I gaming

Social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations

Class II gaming

As defined in the Indian Gaming Regulatory Act and any regulations promulgated thereunder, including:

1. A. Bingo or lotto (whether or not electronic, computer or other technologic aids are used), when players:
 - a. Play for prizes with cards bearing numbers or other designations;
 - b. Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
 - c. Win the game by being the first person to cover a designated pattern on such cards.
2. If played in the same location as bingo or lotto, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo;
3. Nonbanking card games that:
 - a. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 - b. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.

Class III gaming

As defined in the Indian Gaming Regulatory Act at 25 U.S.C. § 2703(8) and any regulations promulgated thereunder, including:

1. Any house banking game, including but not limited to:
 - a. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house banking games).
 - b. Casino games such as roulette, craps and keno.
2. Any slot machines as defined in 15 U.S.C. § 1171(A)(1) and electronic or electromechanical facsimiles of any game of chance.
3. Any sports betting and parimutuel wagering, including but not limited to wagering on horse racing, dog racing or jai alai; or
4. Lotteries;
5. but Excluding any Class III gaming that is not authorized by the Compact.

Commission (NHBP GC)

The subdivision of the Tribe established under Article III of the Act, Also known as the Commissioners

Commission Work Product

Any paper, document, or other record prepared within the Commission, in performance of statutory or regulatory authority, which contains opinions or recommendations submitted for consideration in the performance of decisional or policy making functions or information supplied by any governmental agency or an informer on the assurance that the information will be held in confidence. A Commission

work product includes, but is not limited to, the following documents, prepared by members, agents, attorneys, and employees of the Commission:

1. Investigative summaries concerning applicants for licensure, finding of suitability, registration, or other affirmative Commission approval;
2. Investigatory files compiled for law enforcement purposes;
3. Investigative reports;
4. Work papers and notes of members, agents, attorneys, and employees of the Commission;
5. Audit reports, including work papers, whether for special or regular audits; and
6. Orders to show cause and related documents

Commissioner

An individual appointed under §§ 8.5-18 and 8.5-19 of The Act to serve as a member of the Nottawaseppi Huron Band of the Potawatomi Commission.

Compact

The Compact dated February 18, 1999, including all renewals, amendments, appendices, exhibits and other attachments thereto between the Nottawaseppi Huron Band of the Potawatomi and the State of Michigan providing for the conduct of tribal Class III gaming by the Nottawaseppi Huron Band of the Potawatomi, or any replacement, extension or substitution therefor

Compensation

Value of all salaries, bonuses, other taxable benefits and deferred compensation given to an employee

Complimentary Services and/or Items

A service or item provided at no cost, or at a reduced cost, to a patron of a Gaming Operation

Confidential record

Any paper, document or other record or data reduced to a record which is not open to public inspection

Consulting services

Any advice or expertise provided to the gaming operation in exchange for compensation, pertaining to gaming activities

Control person

An individual with the authority and capacity to direct or influence the management and policies of a supplier business, confirmed through the supplier's ownership and organizational structure documentation. Control is typically presumed for an individual owning 10% or more of the voting securities of a non-publicly traded corporation. This category encompasses board members, the CEO, COO, and anyone responsible for managing contracts related to gaming goods or services provided to a gaming operation.

Council or Tribal Council

The Tribal Council of the Nottawaseppi Huron Band of the Potawatomi established under Article IV of the Nottawaseppi Huron Band of the Potawatomi Constitution as the lawful governing body of the Tribe.

Excluded Person

A person whose name has been added to an exclusion list in accordance with the requirements set forth in the Act.

Executive Director

The Executive Director of the NHBP Commission or their designee

Executive Session

A nonpublic meeting of the Commission

Financial records

Those records which relate to the finances, earning, or revenue of an applicant, licensee, registered company, or person to whom any approval has been granted

Game Rules

The rules and specifications governing any game that is approved by the Commission

Gaming

Any Class II Gaming or Class III gaming activity, either individually or collectively and whether authorized or unauthorized

Gaming area

Any Commission-approved location at the gaming facility designated for the operation of a game

Gaming Device

Any mechanical, electromechanical or electronic equipment, contrivance, component or machine, whether used remotely or directly in connection with any gaming, which affects the result of a wager by determining or predicting the outcome of a game or the odds of winning or losing a game. The term shall be broadly construed to promote the purposes of this chapter and shall also include any devices, machines, components or contrivances which do affect or are capable of affecting, in any way, the playing of any game.

Gaming Equipment, Supplies, or Software

Various tools, devices, and elements that influence the outcome of a game, determining wins or losses. A machine, mechanism, device or implement that affects the result of a game by determining win or loss, including, without limitation, any gaming device, software used with any gaming device, cards and dice. Gaming equipment or supplies also includes layouts for live table games and representatives of values, including, without limitation, chips, tokens or electronic debit cards and related hardware or software that affect the result of the game.

Gaming Operation

Each economic entity that is licensed by the Tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by the tribe directly; by a management contractor; or, under certain conditions, by another person or other entity.

Gaming Services

Any services or concessions which directly relate to the conduct of gaming, security or surveillance at a Gaming Operation, including, without limitation, casino credit reporting services, maintenance or repairer services for gaming equipment or supplies.

Gaming Vendor

Any person who sells, leases, or otherwise supplies any Gaming Equipment or Supplies to a Gaming Operation.

General Session

A public meeting of the Commission.

Indian Gaming Regulatory Act or "IGRA"

Public Law 100-497, 102 Stat. 2467, enacted on October 17, 1988, and codified at 25 U.S.C. § 2701 et seq.

Indian Lands

The definition that term is given in the Indian Gaming Regulatory Act at 25 U.S.C. § 2703(4) and any regulations promulgated thereunder, but as to Class III gaming only, such definition shall exclude any Indian lands that are not also included within the definition of "Eligible Indian Lands" set forth in the Compact.

Independent gaming laboratory

A testing facility approved by the Commission to certify electronic gaming devices and related hardware and software.

Investigation

Any observation or inquiry conducted by the Commission or its staff pursuant to the Gaming Ordinance, and the regulations promulgated thereunder, including, but not limited to, an investigation pursuant to an application for a gaming license, continuation of a gaming license, finding of suitability, registration, approval, other license, criminal activity, or compliance investigations

Key Employee

A person who performs one or more of the following functions: Bingo caller, Counting room supervisor, Chief of security, Custodian of gaming equipment or supplies or cash, Floor manager, Pit boss, Dealer, Croupier, Approver of credit; or Custodian of gambling terminals or other devices operated by the management of any gaming operation, including persons with access to cash and accounting records for such devices. If not otherwise included any other person whose total cash compensation from employment in any gaming operation exceeds \$50,000 per year. If not otherwise included the four most highly compensated persons in any gaming operation. Any other employee of any gaming operation that the Commission designates by Commission regulations as a "key employee."

Law enforcement agency

Any governmental agency involved in the investigation of criminal activity, or the arrest, detention, or prosecution of persons suspected of engaging in criminal activity

License

Any authorization granted by the Commission to any person, which is required for such person to perform certain acts or engage in certain activities. The issuance of a license shall not create a property or liberty interest in such.

Licensee

A person or entity that holds a current license approved by the NHBP Commission

NIGC

National Indian Gaming Commission

Non-Gaming Vendor

Any Person who is not a Gaming Supplier and who provides goods or services to a Gaming Operation

Patron

Any person who participates in Gaming as a customer or who is physically present on the premises where Gaming is conducted as a customer of the Gaming Operation. Also, may be referred to as a “player”.

Person

Any business, proprietorship, association, partnership, syndicate, corporation, firm, joint venture, trust or other form of business association or entity, labor organization, state, local government, government instrumentality or entity, as well as a natural person.

Petition

A formal written request appealing to authority, usually the Commission, with respect to a particular case.

Petitioner/Party

The person, individual, organization, or entity that formally submits a request to the Commission for a hearing, seeking action, consideration, or redress related to a specific issue, dispute, or matter to be addressed.

Primary Management Official (PMO)

1. Any person having management responsibility over all or any part of any gaming operation
2. Any person that has the authority to:
 - a. Hire or fire employees of a gaming operation or;
 - b. Establish working policies for a gaming operation and an ability to control or direct a gaming operation
3. Any person holding the title of (or equivalent title to) Chief Financial Officer within the gaming operation or other person who has financial management responsibility for any gaming operation
4. Any person the Commission designates as a Primary Management Official

State

State of Michigan

Table game

Games that are banked by the house or a pool whereby the house or the pool pays all winning bets and collects from all losing bets.

TICS, Tribal Internal Control Standards

Tribal Internal Control Standards applicable to gaming operations, that have been approved by the Commission, that meet or exceed the Minimum Internal Control Standards prescribed by the NIGC

Tribal Court

The Tribal Court of the Nottawaseppi Huron band of the Potawatomi

Tribe and Tribal

The Nottawaseppi Huron band of the Potawatomi

Wager

The placing at risk cash, chips, or coupons on a gambling game that has an uncertain outcome with the primary intent of winning additional money and/or personal property.

0103 Construction and Application of the Regulations

Construction and Amendments

These regulations shall be liberally construed to permit the Commission and the Agency to effectively carry out its statutory functions and secure a just and expeditious determination of issues properly presented to the Agency. These regulations may be amended by the Commission from time to time in accordance with the provisions of the Gaming Ordinance and any regulation promulgated by the Commission.

Severability and Preemption

If any clause, sentence, subparagraph, paragraph, subsection, section, chapter, or other portion of these regulations or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, impair or invalidate the remainder of these regulations or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, chapter or other portion thereof directly involved in such holding or to the person or circumstances therein involved. The Commission shall have jurisdiction over all matters delegated to it or within the scope of its powers under the provisions of the Gaming Ordinance and these regulations.

Information and Filings

Office; Hours.

The main office of the Commission is located at: 11177 East Michigan Avenue Battle Creek, MI 49014
The mailing address for the Commission is: 11177 East Michigan Avenue, Battle Creek, MI 49014
Request for general information can be submitted via email to info@nhbpgc.org

The office of the Commission is open for the filing of papers and for other business from 8:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise authorized by the Commission. The office of the Commission is closed on legal holidays authorized by the Nottawaseppi Huron Band of the Potawatomi.

Communications; Notices.

Except as otherwise provided, all papers, process or correspondence relating to the Commission shall be addressed to or served upon the NHBP Commission at the Commission main office. All such papers, process or correspondence shall be deemed to have been received or served when delivered to the main office of the Commission.

Confidential Records

Confidential records may only be released as prescribed in these regulations. Confidential records include, but are not limited to:

1. Commission work product;
2. Applicant records;
3. Financial records of any applicant or licensee, including trade secrets, tax returns, internal controls or reports of financial or internal controls audits;
4. Transcripts of investigative and other closed hearing including, but not limited to, licensing and personnel hearings;
5. Licensee records, lists of license holders, and records or persons engaged in the gaming industry acquired or compiled by the Commission;
6. All information, records, interviews, reports, data or documents supplied to or used by the Commission that has been received from another jurisdiction under a promise of confidentiality or if the release of the information is otherwise barred by the statutes, rules or regulations of that jurisdiction or by an intergovernmental agreement;
7. Records or data provided to members, agents, and employees of the Commission on the assurance that such information will be held in confidence and treated as confidential information;
8. Records or data provided to members, agents, or employees of the Commission with a request for confidentiality, which request has been granted by the Executive Director or the Commission Chairperson;
9. Any records required to be submitted to the Commission which contain information that is privileged, unless the holder of the privilege has waived the privilege;
10. Licensees' responses to regulatory notices or inquiries, including orders to show cause;
11. Documents that are confidential under any Tribal ordinance, these regulations, or other law, proffered or introduced as evidence in contested matters, provided such documents are received in evidence as confidential exhibits;
12. Those documents or portions of documents filed in contested matters under seal pursuant to a determination by the Commissioners to maintain confidentiality;
13. Internal control systems or information relating to security, safety or surveillance systems submitted by applicants or licensees;
14. Correspondence containing information deemed confidential by applicable law or regulation; and
15. Any records which contain any information relating to confidential investigations or confidential informants of the Commission.

Sealing of Documents.

The Commission Chairperson, or their designee, may allow any person interested in a contested case brought before the Commission to file a document or portions of a document with the Commission under seal if:

1. The document or portions of the document contain information that is confidential pursuant to the Gaming Ordinance or these regulations;
2. The person makes a request in writing or on the record of a public hearing to allow the filing of the document under seal, setting forth the reasons that such filing under seal should be permitted;

3. The person requesting the filing of the document or portions of the document under seal has, to the extent practicable, segregated the portions of the document containing confidential information from the remainder of the document so that no more of the document than is necessary is filed under seal; and
4. The Commission Chairperson finds that the public interest in maintaining the confidentiality of the information outweighs the public interest in making the information public.

Documents That May Not be Filed Under Seal.

The Commission Chairperson, or their designee, may not allow the filing of the following documents under seal:

1. Complaints initiating enforcement actions;
2. Answers to complaints for enforcement action;
3. Any Commission order.

Access to Public Records.

A request for access to public records must be made to the custodian of records of the Commission. The Commission shall designate the custodian of the Commission records. Requests for public records must be made in writing and public records may be made available for public inspection during business hours. The custodians of records shall require payment of any duplication, or certification fees prior to release of copies of the records. As soon as practicable after payment of the required fees, the custodians of records shall provide copies of all public records requested. The Executive Director may waive payment of the required fees for requests made by, or on behalf of, governmental agencies.

Access to Confidential Records.

Public records include any paper, document, or other record required to be kept or necessary to be kept, not declared confidential by statute or regulation. Public records are open to public inspection and include, but are not limited to, the following:

1. Minutes of Commission regular and special public meetings, and all public hearings conducted by the Commission, or its agents, including exhibits entered in the public record as public documents at those meetings or hearing;
2. Agendas of Commission meetings;
3. With the exception of documents filed under seal pursuant confidentiality, legal documents filed with the Commission concerning contested cases brought by or against the Commission or the Executive Director, including, without limitation, disciplinary actions, proceedings concerning the possible inclusion of persons on the list of excluded persons, petitions for redetermination, and requests for refund, except that the summary of evidence filed with a disciplinary complaint and the evidence to which it refers is confidential until such documents are entered in the public record as public documents at a Commission hearing on the complaint; .
4. Commission files on the enactment, amendment, or repeal of regulations;
5. All ordinances enforced by the Commission and the regulations promulgated thereunder;
6. Licenses;
7. Reports and correspondence of the Commission specifically prepared for public distribution.

Except as otherwise provided in this section, the Commission may only release confidential records if ordered to do so by a court of competent jurisdiction. All requests for access to confidential records must be made in writing to the Executive Director. The Agency shall maintain a record of all circumstances in which confidential information is released which record shall include: identification of

the information released, the person to whom the information was released and the purpose for which the confidential information was released.

Confidential information in the possession of the Commission may only be released or disclosed to any person in the following circumstances:

1. In the course of the necessary administration of the Gaming Ordinance;
2. To the applicant or licensee who furnished the confidential information to the Commission but only upon presentation of proper photographic identification or, in the case of a vendor, proof that the person is authorized to request such information on behalf of the licensee;
3. To any person making a written request which specifically identifies the confidential information relating to a licensee but only upon presentation of a duly executed and notarized authorization for release which identifies the information to be released;
4. Pursuant to a written request from a duly authorized agent of any agency of the United States or the Tribe in accordance with any applicable agreements with such other governmental agencies for the exchange or release of confidential information;
5. To appropriate federal, Tribal, state, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions;
6. In the course of administering Commission regulations governing licensing of Gaming Operation employees and vendors;
7. In the course of administration of workers compensation, unemployment or other benefits claimed by current or former employees of a Gaming Operation or the Commission; and
8. Copies of surveillance logs and video and/or audio tapes may be released to authorized representatives of a Gaming Operation for the following purposes:
9. To assist the Gaming Operation in responding to a patron complaint;
10. To investigate or adjust an insurance claim in which a patron or vendor claims injury or damage to his person or property;
11. To investigate or adjust unemployment, workers compensation or other claims by employees of a Gaming Operation;
12. To identify or track employee breaks in gaming procedures, internal controls, or other regulatory requirements for training and/or disciplinary purposes.

If confidential information is released or otherwise disclosed to any person under any circumstances other than those identified above, written notice of such release or disclosure shall be given to any applicant or licensee affected unless notice would otherwise imperil the integrity of the Tribe, gaming operation or the Commission's Regulations and Ordinance. To the extent known, the notice shall include:

1. The name and address of the person to whom the information was released or disclosed;
2. A description of the information released or disclosed; and
3. The date of the release or disclosure. Whenever possible, any such notice of confidential information to be released or disclosed shall be given prior to the release or disclosure.

Confidential Information; Determination of Confidential Status

Any questions concerning whether or not a specific item of information or data within the possession of the Commission is deemed to be confidential information, or any other applicable statutory provision,

judicial decision or rule of court, shall be submitted to the Commission or its designee for determination or referral to appropriate authorities.

Retention in Secure Storage Facilities; Access

Access to confidential information within the possession of the Commission shall be restricted to authorized personnel who require such information in the performance of their official duties. Confidential information which is not presently being utilized by authorized personnel shall be stored in secure storage facilities. No one except authorized personnel may gain access to designated secure storage facilities except in accordance with the provisions of this Chapter. All Commission offices in which secure storage facilities are located shall be protected from unauthorized intrusions at all times. Every secure storage facility shall be placed under the direct supervision and control of an appropriate manager who shall periodically review for their effectiveness all security procedures and precautions pertaining to the confidential information stored therein. Security procedures and precautions that are determined to be ineffective shall be immediately corrected. Confidential information may be stored in secure facilities on micrographics, hard copy (paper), magnetic media or any other suitable medium, provided adequate security measures are maintained to prevent unauthorized access to or use of such information. Access to confidential information stored on computer or magnetic media shall be restricted to authorized personnel who have obtained the required operating key, code manual or access code from the appropriate supervisor. Operating keys, code manuals and access codes shall be limited in number and shall be controlled by the appropriate manager.

Temporary Custody by Authorized Personnel.

Authorized personnel shall not remove confidential information from designated secure storage facilities unless such removal is necessary to the fulfillment of their official Commission duties. Confidential information which is not presently being utilized by authorized personnel shall be promptly returned to the secure storage facility. Confidential information shall not be removed from the offices of the Commission without the prior approval of the Chairperson, or their designee. Such approval shall only be granted where removal of the confidential information is necessary for the performance of the official duties of authorized personnel. The integrity of confidential information in the possession of authorized personnel shall be preserved at all times. It shall be the personal responsibility of any individual granted temporary custody of confidential information to ensure that the information is not shown, released, or disclosed to any unauthorized person or to any otherwise authorized person who does not require such information in the performance of their official duties.

Retention Schedule and Storage Destruction.

The Commission shall establish and maintain a record retention schedule for all confidential information within their possession. Per 25 CFR 558.1 (c) for primary management officials or key employees, the tribe shall retain applications for employment and reports (if any) of background investigations for no less than three (3) years from the date of termination of employment. Any confidential information in the possession of the Commission shall be promptly destroyed in accordance with the provisions of the applicable retention records schedule required by subsection(a) above.

Unauthorized Procurement Of Records Prohibited

An applicant, licensee, registered company, or other person shall not, directly, or indirectly, procure or attempt to procure from the Commission information or records that are not made available by proper authority. Any violation of this regulation constitutes reasonable cause for disciplinary action, license revocation or to deny any license application.

Penalties.

Any direct or indirect willful disclosure of confidential information by authorized personnel of the Commission except as provided herein, shall be a violation of the Commission regulations, Tribal law, or applicable federal law. The unauthorized release or disclosure of confidential information shall also be a violation. Any violation of the provisions of this chapter may result in appropriate disciplinary action up to and including termination.

0104 Access to Records and Information

As defined in GRA Section §8.5-40G, Access to Records and Information (G) of the Act that authorizes authorized Agency personnel shall possess unrestricted access to all facilities and areas within any gaming operation. This access extends to all records, files, information, and data related to the functioning of the gaming operation, regardless of their physical or electronic location. The Agency retains the authority to conduct interviews with any licensee of the Gaming Operation with respect to matters relating to the operation of the Gaming Operation. Advance notice to the Gaming Operation or any employee, agent, or representative of the Gaming Operation shall not be required for the Commission to exercise this authority.

0105 Expert Engagement

The Commission shall have the discretion to engage experts to assist in various aspects of its work, including but not limited to:

1. Assessing the technical and technological aspects of gaming systems and equipment
2. Analyzing economic and financial data related to gaming operations and revenues
3. Conducting investigations, audits, and forensic examinations, if required
4. Evaluating the social and public health impact of gaming activities
5. Advising on regulatory frameworks, best practices, and industry trends

The selection of experts shall be based on their qualifications, expertise, and reputation in the relevant fields. The Commission shall establish clear guidelines and procedures for engaging experts, including the process for identifying needs, soliciting proposals, evaluating qualifications, and negotiating contractual terms.

All experts engaged by the Commission shall adhere to strict confidentiality standards and shall not disclose any confidential or sensitive information obtained during the course of their engagement. Experts shall disclose any potential conflicts of interest that may compromise their impartiality or objectivity in conducting their duties. The Commission shall consider such disclosures and take appropriate actions to mitigate any conflicts, including, if necessary, disqualifying the expert from the engagement.

0106 Communications and Notices

Except when otherwise provided, any document or correspondence addressed to the Commission shall be sent to, or personally delivered at, the principal office of the Commission. Said documents or correspondence shall be deemed to have been delivered or filed from the date the same were received at the principal office of the Commission. Except as otherwise provided in these Regulations, all notices and other communications from the Commission shall be sent to a Licensee and an Applicant by regular or certified mail to the address which appears in the most recent Application or in a change of address notice received from such person.

Any notice or any other communication from the Commission shall be deemed to have been served or received when the same is deposited, postage prepaid, in the mail of the United States of America and the time specified in said notice shall commence to run from that date.

Applicants and Licensees shall immediately notify the Commission of any change of address.

0107 Alcohol

The Gaming Operation is required to secure and maintain a "On-Premises Resort License" through the Tribe's Liquor Control Code (Chapter 8.4 Liquor Control). The Gaming Operation must purchase spirits, beer and wine through distributors, or methods, approved by the Liquor Control Code. The Gaming Operation shall monitor to prevent alcohol from being taken outside the building or brought inside the building.

Alcoholic beverages shall not be served free to any person at the Gaming Operation as an inducement to participate in gaming. Per § 8.4-7J, the Gaming Operation, operating as an "On-Premises Resort Licensee," may furnish complimentary alcoholic beverages to invited guests during business events. For such events featuring free drinks, prior authorization from the Agency is required. Additionally, a well-defined protocol to monitor and regulate the dispensation of drinks must be in place, specifying the nature of the business event, date, and allocated number of drink tickets per guest.

The Gaming Operation must have policies, approved by the Agency, for handling intoxicated persons, cut-off procedures, and violations.

0108 Restrictions for Gaming Operations

Minimum age for players

No person below the age of twenty-one (21) years shall be permitted to wager or be in areas designated for gaming of the Gaming Operation, except in designated areas approved by the Commission. Pursuant to GRA Section §8.5-114, the Gaming Operation must exclude and eject from the gaming area any individual under the age of 21.

Prohibition on Firearms and Weapons

A person may not carry a firearm or other weapon in a Gaming Operation, except for the following persons with valid authorization under law:

1. Tribal law enforcement officials;
2. Federal law enforcement officers, as defined in 5 U.S.C. §8331(20);
3. State, county, city, township or village law enforcement officers, as defined in Section 2 of Michigan Public Act 203 of 1965, as amended, to extent and under circumstances duly authorized by the Tribal Council;
4. Armored car personnel picking up or delivering currency at secured areas: and
5. Security personnel employed by a Gaming Operation may carry handcuffs or similarly restrictive restraint devices and pepper spray, to the extent expressly authorized by the Gaming Operation.

Other weapons include any device or instrument that has, or may appear to have, a purpose of inflicting harm to the body or property of another person, including:

1. Firearms, air guns or rifles;
2. Knives with a four-inch or longer blade or knives with projecting or swing blades, dirks, daggers or ice picks;

3. Explosive or incendiary devices;
4. Slingshots;
5. Metal knuckles;
6. Billies, batons or blackjacks;
7. Tear gas;
8. Chemical or pepper sprays; or
9. Any electrically charged device designed to incapacitate.

All law enforcement officers shall, to extent practicable, advise the Gaming Operation and the Agency, prior to conducting any official law enforcement activities within a Gaming Operation.

Gratuities

The Gaming Operation is required to develop and uphold comprehensive policies that clearly define the criteria and circumstances under which employees are permitted to accept tips, gifts, or gratuities.

The policies must define the following:

1. Acceptance Policies: When and how employees can accept tips, gifts, or gratuities from patrons or other individuals.
2. Prohibition of Favoritism: Guidelines to prevent employees from showing favoritism or granting special privileges to patrons in return for tips or gifts.
3. Record-Keeping: Requirements for accurate record-keeping by employees of all tips or gratuities that are required to be reported.
4. Limits and Reporting: Setting limits on the value or nature of tips that can be accepted and establishing reporting mechanisms for any tips exceeding specified thresholds.
5. Gifts from Suppliers or Vendors: Regulations regarding acceptance of gifts or gratuities from suppliers, vendors, or other entities to avoid conflicts of interest or undue influence

Wagers and Game Rules

Any wager made in accordance with the defined permissible wager types as outlined in the Game Rules is authorized and subject to compliance with this regulation. All wagers must adhere to the applicable laws, regulations, and licensing requirements governing the specific gaming jurisdiction. Exceptions to permissible wager types shall be clearly defined in the Game Rules and approved by the Agency in advance. Any wager placed on a game that does not align with the permissible wager types stipulated in the Game Rules is strictly prohibited. Wagers that violate applicable laws, regulations, or licensing requirements are strictly forbidden. Gaming operators shall provide clear information to patrons regarding permissible wager types and associated rules.

Responsible Gaming

Responsible gambling practices, including information on permissible wagers, shall be available to patrons to encourage informed decision-making. The Gaming Operation shall make available educational materials that promote responsible gaming, upon request of the player. The Gaming Operation shall ensure staff undergo training to recognize signs of problematic gambling behavior and be equipped to provide assistance and information on responsible gaming resources.

Implied Consent

Upon entry into the tribal casino premises, all guests shall be deemed to have granted implied consent to the collection of certain personal information necessary for casino operations and guest services. The scope of implied consent shall cover but not be limited to the following activities:

1. Collection of basic personal information such as name, date of birth, and contact details for guest registration and security purposes.
2. Video surveillance and recording within the casino premises for security and safety measures.
3. Use of tracking technologies, such as cookies or RFID (Radio Frequency Identification) tags, for enhancing guest experiences and ensuring responsible gaming practices.
4. Communication from the casino for promotional offers, event notifications, and other relevant updates related to casino activities and services, except where a guest has chosen to opt-out through a manner determined by the Gaming Operation.

0109 Areas Not Covered by the Regulations

The Commission and/or the Agency shall exercise its discretion in any matter not covered by these Regulations to achieve the objectives of the Compact, Act, and these Regulations. If a practice or procedure is not specifically addressed in these Regulations, or the Commission and/or the Agency does not exercise its discretion, such practice or procedure is prohibited.