

Chapter 2 Facility License

0201 Introduction

Under the Gaming Regulatory Act, the Agency is delegated the authority and responsibility to regulate Gaming Operations within the Tribe's jurisdiction. These regulations further define the protocols related to facility licensing and oversight.

0202 Application

Each Gaming Operation applying for a Facility License must submit to the Agency:

1. An application on a form issued by the Agency as required in GRA §8.5-50 including:
 - a. Description of the proposed gaming, such as the type of gaming, number and types of gaming equipment, and proposed days and hours of operation
 - b. Description of the Gaming Operation, including a floor plan of the gaming equipment and surveillance systems
 - c. Verification that the proposed or current location must be accurately described and verified as on Indian lands
 - d. Description of the security, police, fire protection, and other public safety services that will be available in the Gaming Operation
 - e. Copies of the proposed system of internal controls and accounting procedures for the Gaming Operation,
 - f. Emergency Operation Plan, and
 - g. Schedule of all required permits and approvals
2. The amount of fees to be paid is as provided in these Regulations

0203 License Fees

Any obligation for payment of fees arising from these Regulations shall be paid in full even when the Applicant withdraws its Application for a Vendor License. All fees arising from these Regulations shall not be refunded.

Fee Schedule (as of 01/10/2024)

Initial Application: \$0.00

Renewal Application: \$0.00

The Agency reserves the right to increase, decrease, waive, or otherwise amend the License Fee schedule and structure, with 60-day written notice to impacted applicants and licensees.

0204 Standards of a Facility License

To be eligible to be issued a facilities gaming license, the applicant must submit documentation sufficient to permit the Commission to determine that the standards of a Facility License are met. The Agency will review all submitted documentation and provide their review to the Commission.

Location of the Gaming Operation on Indian lands - The Gaming Operation requesting licensure must provide information that demonstrates that the location, or proposed location, of the new Facility, is on Indian Lands, as defined by the GRA §8.5-12: The definition of 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. When applicable, the Gaming Operation should provide a BIA tract number or other legal description of the property.

Authorization of the proposed Gaming Operation - The application should also provide documentation that both the legal framework of the tribe and the entity responsible for operating the facility has granted their authorization for the proposed gaming facility to be established. This ensures that the proposed Gaming Operation is legally permissible and can be operated in accordance with tribal and federal laws.

Sole proprietary interest of the Tribe or a tribal entity in the Gaming Operation - The documentation provided must show that the Tribe or a tribal entity will be the main interest in the Gaming Operation. If the Gaming Operation plans to use an outside management company, the Gaming Operation must submit a "Management Review Letter" from the National Indian Gaming Commission stating that the agreement does not violate IGRA.

Inspection and Approval of Building and Safety Systems - To demonstrate compliance with applicable building codes and regulations regarding the presence of adequate plumbing, electrical, heating, cooling, and ventilation systems in the Gaming Operation's buildings and facilities, the applicant must provide documentation that includes building permits, inspection reports, certificate of occupancy, and any other relevant documents as part of their application.

Security and surveillance equipment - The application must demonstrate the security and surveillance equipment meets or exceed the TICS. This includes detailed information of the following:

Comprehensive system of security cameras - Access control systems to limit access to restricted areas, such as the cage vaults

Alarms and monitoring systems - Planned utilization of Tribal Police department. Additionally, copies of any MOUs that are in place with local police, fire departments and medical services.

Implementation of a system of internal controls and accounting procedures - The Gaming Operation must provide a system of internal controls, including accounting procedures, that meet or exceed the TICS.

Emergency Operation Plan - The application must provide an Emergency Operation Plan that details how the Gaming Operation will respond to emergencies while complying with federal and tribal law and the health and safety of the public. The Emergency Operation Plan should include the following:

1. Response overview including notification processes and listing of commanding officers and other essential personnel;
2. Types of emergency and incidents covered, including natural disasters, communicable diseases, threats and acts of violence, and other attacks;
3. Procedures for each type of emergency or incident
4. Evacuation protocols
5. Reopening procedures.

Other information - The Gaming Operation must also include an organizational chart of the Gaming Operation, including job descriptions of all positions.

0205 Approval of a License

Upon receipt of a complete application for a facilities gaming license, the Agency shall review the proposed facilities gaming license application to ensure that all threshold standards in Section 204 of these regulations are met. The Agency will provide their review to the Commission for approval consideration within 30 days, pursuant to GRA Section §8.5-52(B).

The Commission shall schedule a public hearing for approving the Facility License. The notice for the hearing must be provided at least 14 calendar days before the hearing to the following:

1. Gaming Operation management
2. Public posting in tribal government buildings and Gaming Operation
3. Two postings in a newspaper that serves the reservation, such as the Battle Creek Enquirer
4. Members Only Website and other tribal news outlets

The hearing may include testimony and evidence about the application from the Gaming Operation, the Agency, legal representatives, and any members of the public who would like to protest the license.

During a hearing, the Commission has the authority to hold a closed session to discuss testimony or evidence. Once the hearing is concluded, the Commission will make a decision to approve or deny the Facility License Application.

The Commission shall approve the Facility License application unless the Commission determines that the Gaming Operation fails to meet the applicable licensing standards. The Commission will promptly notify the Gaming Operation management, Tribal Council, and NIGC of the issuance of a license.

0206 Denial of Facility Gaming License

If the Commission determines that the Gaming Operation fails to meet the applicable licensing standards in Section 204 of these regulations, or that, based on reasonable grounds, the gaming establishment will be operated in violation of federal or tribal law or the Compact, it will deny the license. If the Commission denies

the application, it will inform the applicant of the specific reasons for the denial, describe any necessary corrective actions, and advise the applicant of their right to appeal the determination under Article XI.

0207 Terms of License

A Gaming Facility license shall be valid for a period of two (2) years from the date of issuance.

0208 Posting of License

The Gaming Operation is obligated to post its license in an approved location. Any intended changes to this location must be communicated to the Agency prior to relocating the license. The Agency shall conduct a review of the proposed new location to ensure it is conspicuous enough and will grant approval of the new location if it meets the necessary regulatory requirements.

0209 Maintaining a Facilities Gaming License

To maintain a Facility Gaming License, the Gaming Operation shall comply with the following:

Ensure the environment, public health, and safety of the Gaming Operation through approved policies that require regular testing and inspections of all areas of the Gaming Operation;

1. OSHA compliance inspections
2. Gas Station Inspections
3. Fire and tornado drills documentation and results
4. Fire extinguisher inspections and training
5. Active shooter training

Food and beverage health inspections - The Gaming Operation must maintain regular Food & Safety inspections through an outside vendor. In the event of non-compliance with health and safety standards as determined by either the external inspector conducting the review or the Agency, the Gaming Operation must promptly submit a written corrective action plan along with a timeline outlining the steps to achieve compliance.

Any new buildings or remodeling of the current property will require appropriate permits, approvals and certificate(s) of occupancy under Chapter 9.2, Construction and Health Codes, of the Tribal Code before any public use of the location;

All Internal Revenue Service reporting and filing requirements;

Licensure of all primary management officials, key employees and other employees required under this chapter or the regulations including appropriate age restrictions for each license type;

Established patrol by gaming operation's security personnel, tribal police, and authorized local/state law enforcement, and fully cooperate with all security and law enforcement personnel;

The Gaming Operation shall be open to inspection by the Agency staff and other duly authorized tribal authorities at all times;

Pursuant to GRA Section §8.5-53G, the Gaming Operation may not discriminate based on a person's race, color, national origin, sex, age, physical or mental disability, sexual orientation, or creed. The Gaming Operation must follow the Nottawaseppi Huron Band of the Potawatomi Fair Employment Practices Code, including, without limitation, the adoption and implementation of written policies and procedures prohibiting workplace discrimination or harassment of a person, including, without limitation, sexual harassment.

If the Gaming Operation settles any litigation involving claims or allegations directly pertaining to the operation, management, or integrity of the Gaming Operation, it must be reported to the Agency. The Gaming Operation shall report the settlement to the Agency within 14 days of executing the settlement agreement, including summary of the underlying litigation, parties involved, and relevant legal issues, date of settlement agreement and settlement amount and material terms.

The Gaming Operation must maintain proper insurance, and maintain such documentation, to be available upon request of the Agency. Such insurances required include:

1. Commercial Property Policy
2. Property Policy
3. Commercial Cyber Liability
4. Environmental Site Liability
5. Management Policy
6. Deadly Weapons Policy
7. Excess Liability Policies

The Gaming Operation may not accept for cashing any public assistance check from any federal, state or tribal agency, including social security checks.

0210 Renewals

Each facility's gaming license must be renewed every two (2) years. At least 45 days before the expiration of the current license, the gaming operation shall submit a written renewal application to the Agency on a form approved by the Agency.

The Renewal application should include a current listing of PMOs who have prepared the application, and any changes from the initial or last renewal application regarding types of gaming offered, gaming vendors, hours of operations, job descriptions, and description of security and police protections.

The Agency will review and submit the renewal application to the Commission. The Commission must approve renewal license applications within 30 days of receiving a complete application unless the gaming establishment fails to meet licensing standards under federal or tribal law or the Compact, or if there are reasonable grounds to believe that the establishment will be operated in violation of federal or tribal law or

the Compact. The Commission has the discretion to hold a public hearing and close the hearing or parts of it, as allowed by applicable tribal law.

If the Commission denies a renewal application, the Commission shall, within seven (7) calendar days, notify the CEO of the Gaming Operation of the specific reasons for such denial, provide a description of any corrective actions that the Commission determines will cure the deficiencies in the application, and inform the applicant of its right to appeal the determination in accordance with Article XI.