

LABOR ORGANIZATIONS REGULATION:

NHBP GAMING COMMISSION REGULATIONS: 2013 – 01

SECTION 1 GENERAL PROVISIONS

- (a) THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI INDIANS GAMING COMMISSION IS ESTABLISHED BY THE TRIBE THROUGH ITS EXERCISE OF THE INHERENT SOVEREIGNTY OF THE TRIBE BY AND THROUGH THE GAMING REGULATORY ACT OF 2010. AS A POLITICAL SUBDIVISION OF THE TRIBE, THE COMMISSION IS EMPOWERED WITH ALL OF THE RIGHTS, PRIVILEGES AND IMMUNITIES OF THE TRIBE. THROUGH THE GAMING REGULATORY ACT OF 2010, THE TRIBAL COUNCIL DELEGATED TO THE GAMING COMMISSION THE SOLE AUTHORITY AND RESPONSIBILITY TO REGULATE ALL GAMING CONDUCTED WITHIN THE TRIBE'S LANDS AND AS PART OF THAT AUTHORITY THE GAMING COMMISSION IS CHARGED WITH THE RESPONSIBILITY OF REGULATING LABOR ORGANIZATIONS.
- (b) THE GAMING COMMISSION RECOGNIZES THE PUBLIC POLICY WHICH REINFORCES THE IMPORTANCE OF AN INDEPENDENT REGULATORY AGENCY TO MEET THE FOLLOWING OBJECTIVES: (1) TO ENSURE THAT GAMING IS CONDUCTED HONESTLY AND IT IS FREE FROM UNLAWFUL AND CORRUPTIVE ELEMENTS; (2) STRICT REGULATION OF ALL PERSONS, LOCATIONS, PRACTICES, ASSOCIATIONS AND ACTIVITIES RELATED TO THE CONDUCT OF GAMING IS REQUIRED IN ORDER TO MAINTAIN PUBLIC CONFIDENCE AND TRUST IN THE HONESTY AND INTEGRITY OF GAMING; (3) ALL PRIMARY MANAGEMENT OFFICIALS, KEY EMPLOYEES, GAMING OPERATIONS, AND VENDORS OF GOODS OR SERVICES MUST BE LICENSED AND CONTROLLED TO PRESERVE THE INTEGRITY OF GAMING, TO PROTECT THE PUBLIC, AND PRESERVE THE GENERAL WELFARE OF THE TRIBE; (4) THE CONDUCT OF PROPERLY LICENSED AND REGULATED GAMING BY THE TRIBE FULFILLS IMPORTANT POLICY OBJECTIVES OF THE TRIBE AND THE FEDERAL GOVERNMENT BY PROMOTING TRIBAL SELF-GOVERNMENT AND ECONOMIC SELF-SUFFICIENCY; (5) THE SUBSTANTIAL AND RELATIVELY STABLE SOURCE OF REVENUE OFFERED BY GAMING ENABLES THE TRIBE TO FULFILL ITS GOVERNMENTAL RESPONSIBILITIES TO THE TRIBAL MEMBERSHIP.

(c) THE TRIBAL COUNCIL OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI INDIANS PROMULGATED A LABOR RELATIONS CODE WHICH IS AN EXERCISE OF COUNCIL'S INHERENT AUTHORITY TO DEFINE THE LAWS WHICH APPLY WITHIN THE TRIBE'S JURISDICTION. CONSISTENT WITH THE TRIBE'S TRADITIONS AND CUSTOMS, THE COUNCIL PROMULGATED LAW WHICH REGULATES THE TERMS AND CONDITIONS UNDER WHICH COLLECTIVE BARGAINING MAY OCCUR WHICH FURTHER INCLUDES THE RIGHT TO PROMOTE THE PEACE, SAFETY AND GENERAL WELFARE OF THE TRIBE FROM BEING HARMED OR THREATENED BY THE ACTIVITIES OF NON-MEMBERS WITHIN THE TRIBE'S JURISDICTION. THESE REGULATIONS DO NOT DENY OR LIMIT IN ANY WAY THE LEGITIMATE RIGHTS OF EMPLOYEES OF THE EMPLOYER TO BARGAIN COLLECTIVELY OR OTHERWISE TO ENGAGE IN CONCERTED ACTIVITY FOR THEIR MUTUAL AID AND PROTECTION THROUGH REPRESENTATIVES OF THEIR OWN CHOOSING, IF SUCH REPRESENTATIVES ARE NOT DISQUALIFIED PURSUANT TO THE PROVISIONS OF THESE REGULATIONS.

(d) DEFINITIONS. THE FOLLOWING WORDS AND TERMS, WHEN USED IN THIS SUBCHAPTER, SHALL HAVE THE FOLLOWING MEANINGS UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE.

- A. *Exclusive Bargaining Representative* or *Exclusive Representative* means a Labor Organization that is lawfully elected to be the exclusive bargaining representative of a Bargaining Unit within the Governmental Operations of the Tribe.
- B. *FireKeepers Development Authority* means the unincorporated instrumentality established by the Tribe to run and operate the FireKeepers Casino and related operations.
- C. *Gaming Commission* means the Nottawaseppi Huron Potawatomi Gaming Commission.
- D. *Governmental Operations of the Tribe* means the operations of the Nottawaseppi Huron Band of the Potawatomi Indians exercised pursuant to its inherent self-governing authority as a federally recognized Indian tribe, whether through the

FireKeepers Development Authority or other subordinate economic organization or instrumentality of the Tribe or through a department, commission, agency, or authority of the Tribe, including, but not limited to:

- a. the provision of health, housing, education, and other governmental services and programs to its members;
- b. the operation of "Class II" and "Class III" gaming; and
- c. the exercise and operation of its administrative, regulatory, and police power authorities within the Tribe's jurisdiction

E. *Indian Gaming Regulatory Act* means 25 U.S.C. §§ 2701-2721.

F. *Labor Organization* means and includes a labor association, labor union, an affiliate of a labor association or labor union, and any other organization of employees organized for the purpose of bargaining over hours of employment, rates of pay, working conditions, grievances, or other terms or conditions of employment. Labor Organization also includes the local affiliate, chapter, or other sub-unit of any Labor Organization.

G. **"LABOR ORGANIZATION AGENT" OR "AGENT"** MEANS ANY PERSON, OTHER THAN PERSONS WHOSE SOLE INVOLVEMENT RELATES EXCLUSIVELY TO BENEFIT PROGRAMS, WHETHER SUCH PERSON IS COMPENSATED OR NOT, WHO IS AUTHORIZED OR ALLOWED TO REPRESENT A LABOR ORGANIZATION IN ANY EMPLOYMENT MATTER RELATING TO EMPLOYEES WHO ARE EMPLOYED BY ANY EMPLOYER, OR WHO UNDERTAKE ON BEHALF OF THE LABOR ORGANIZATION TO PROMOTE, FACILITATE OR OTHERWISE INFLUENCE THE RELATIONS BETWEEN THE LABOR ORGANIZATION AND THE EMPLOYER. THE TERM LABOR ORGANIZATION AGENT SHALL ALSO MEAN ANY PERSON THAT SOLICITS, COLLECTS, OR RECEIVES, OR SEEKS TO SOLICIT, COLLECT, OR RECEIVE ANY DUES, ASSESSMENTS, LEVIES,

FINES, CONTRIBUTIONS OR OTHER CHARGES FOR OR ON BEHALF OF A LABOR ORGANIZATION.

- H. **"LABOR ORGANIZATION OFFICER" OR "OFFICER"** MEANS ANY PERSON DESIGNATED AS AN OFFICER UNDER THE ORGANIZATIONAL DOCUMENTS OF A LABOR ORGANIZATION OR PURSUANT TO THE DECISIONS OF THE LABOR ORGANIZATIONS GOVERNING BODY, ANY PERSON AUTHORIZED TO PERFORM THE FUNCTIONS OF PRESIDENT, VICE-PRESIDENT, CHAIRMAN, VICE-CHAIRMAN, SECRETARY, TREASURER OR OTHER EXECUTIVE FUNCTIONS OF A LABOR ORGANIZATION AND ANY MEMBER OF ITS EXECUTIVE COMMISSION OR SIMILAR GOVERNING BODY.
- I. **"LABOR ORGANIZATION PRINCIPAL EMPLOYEE" OR "PRINCIPAL EMPLOYEE"** MEANS ANY EMPLOYEE OF A LABOR ORGANIZATION WHO, BY REASON OF REMUNERATION OR OF A MANAGEMENT, SUPERVISORY OR POLICY MAKING POSITION EXERCISES ANY AUTHORITY, DISCRETION OR INFLUENCE WITH REGARD TO ANY MATTER RELATION TO EMPLOYEES WHO ARE EMPLOYED BY AN EMPLOYER.
- J. *Laws of the Tribe* means the Constitution and Tribal Code of the Nottawaseppi Huron Band of the Potawatomi Indians, resolutions of the Tribal Council or subordinate entities, and the Tribal Regulations of the commissions, agencies, departments, and authorities of the Nottawaseppi Huron Band of the Potawatomi Indians.
- K. **"ORGANIZING ACTIVITY"** MEANS ANY MANNER OF SOLICITING MEMBERSHIP IN A LABOR ORGANIZATION DIRECTED AT AN EMPLOYEE WORKING FOR ANY EMPLOYER, INCLUDING WITHOUT LIMITATION SOLICITATION BY DIRECT PERSONAL CONTACT; DISTRIBUTING CARDS REGARDING INTERESTS OR REPRESENTATION; DISTRIBUTING OR POSTING A FLYER, POSTER, OR ADVERTISEMENT OR ANY OTHER FORM OF COMMUNICATION.
- L. *Tribal Council* Means the Nottawaseppi Huron Band of the Potawatomi Indians Tribal Council.

- M. *Tribal Court* means the Nottawaseppi Huron Band of the Potawatomi Indians Tribal Court.
- N. *Tribal Employee* means any employee of a Tribal Employer except:
- a. appointed or elected officials of the Tribe including but not limited to officials of any commission or regulatory body of the Tribe, or
 - b. Managerial Employees or Confidential Employees (as those terms are defined herein).
- O. *Tribal Employer* means a subordinate subdivision, instrumentality, agency, arm, or entity of the Nottawaseppi Huron Band of the Potawatomi Indians, including FireKeepers Development Authority, or any economic organization, department, commission, agency, or authority of the Tribe engaged in any Governmental Operation of the Tribe.

Tribe means the Nottawaseppi Huron Band of the Potawatomi Indians.

SECTION 2 LICENSING REQUIREMENTS.

1.01. *Licensing Required.* Each Labor Organization representing or seeking to represent employees working for any Tribal Employer shall be required to obtain a license issued by the Gaming Commission.

1.02. *Initial Filing of License Application.*

- a. Within thirty (30) days of the date on which it begins organizing activities directed at the employees of any Tribal Employer, a Labor Organization shall file with the Gaming Commission, an application for licensing in accordance with these regulations.
- b. For purposes of this section, organizing activities shall include, without limitation, soliciting membership by means of direct personal contact, or any public notices such as the posting or distribution of

fliers, posters or advertisements; provided that nothing in this section shall be construed as authorizing organizing activities which are otherwise prohibited by regulations, policies or procedures adopted by any Tribal Employer.

c. *Condition of License.* The following terms are a condition imposed on any and all licenses issued by the Gaming Commission to a Labor Organization, its officers, agents and principal employees:

1. Any license issued to any Labor Organization conducting business within the Tribe's jurisdiction is a privilege, subject to the consent and regulatory authority of the Tribe.
2. The consent of the Tribe to allow such Labor Organization to conduct business within the jurisdiction of the Tribe is conditioned upon such Labor Organization's agreement to be subject to the laws of the Tribe and its regulatory authority, including these Regulations.
3. In consideration of the Tribe's consent to such Labor Organization's conduct of business within the jurisdiction of the Tribe, such Labor Organization agrees to:
 1. comply with all rules, regulations, and laws of the Tribe,
 2. submit to the jurisdiction of the Tribe, and
 3. pay a license fee in the amount of \$1,000 for an initial and any renewal applications;
- (1) 4. Any Labor Organization agrees that a license issued by the Tribe for conducting business within the territorial jurisdiction of the Tribe may be revoked by the Tribe at any time, with

or without hearing, for any failure to comply with the laws of the Tribe and such other requirements as the Gaming Commission may require under its regulations.

(d) 03 INFORMATION REQUIRED AS PART OF THE LICENSE APPLICATION. EACH LABOR ORGANIZATION REQUIRED UNDER THESE REGULATIONS TO OBTAIN AND MAINTAIN A LICENSE SHALL PROVIDE THE FOLLOWING INFORMATION WITH ITS LICENSE APPLICATION:

- (1) NAME, ADDRESS AND TELEPHONE NUMBER OF THE LABOR ORGANIZATION;
- (2) NAME AND ADDRESS OF ANY INTERNATIONAL LABOR ORGANIZATION WITH WHICH THE LABOR ORGANIZATION DIRECTLY OR INDIRECTLY MAINTAINS AN AFFILIATION OR RELATIONSHIP;
- (3) COPIES OF ALL ARTICLES OF INCORPORATION, ARTICLES OF ORGANIZATION, OR OTHER ORGANIZATIONAL DOCUMENTS AND ALL BY-LAWS OF THE LABOR ORGANIZATION;
- (4) A LIST OF ALL OFFICERS, AGENTS, AND PRINCIPAL EMPLOYEES OF THE LABOR ORGANIZATION; AND
- (5) A WRITTEN CERTIFICATION UNDER OATH IN A FORM PRESCRIBED BY THE COMMISSION, SIGNED BY THE LOCAL LABOR ORGANIZATION PRESIDENT AND SECRETARY-TREASURER, AND CHIEF OFFICIAL OF THE LOCAL LABOR ORGANIZATION IF HIS TITLE IS OTHER THAN PRESIDENT OR SECRETARY-TREASURER THAT THE INFORMATION CONTAINED ON THE LIST IS COMPLETE AND ACCURATE.

(e) DURATION OF LABOR ORGANIZATION LICENSE; RENEWAL. THE DURATION OF AN INITIAL LABOR ORGANIZATION LICENSE SHALL BE FOR A PERIOD OF ONE YEAR FROM THE DATE ON WHICH THE INITIAL LABOR ORGANIZATION LICENSE APPLICATION IS ACCEPTED FOR FILING BY THE GAMING COMMISSION. SUBSEQUENT APPLICATIONS TO RENEW A LABOR ORGANIZATION LICENSE SHALL BE FILED ANNUALLY PURSUANT TO THE RULES TO THE COMMISSION SIXTY (60) DAYS PRIOR TO THE EXPIRATION OF THE CURRENT LICENSE.

(f) CONTINUING DUTY TO DISCLOSE. EVERY LABOR ORGANIZATION LICENSED BY THE COMMISSION UNDER THESE RULES SHALL BE UNDER A CONTINUING DUTY TO PROMPTLY DISCLOSE ANY CHANGE IN THE INFORMATION

CONTAINED IN THE LABOR ORGANIZATION LICENSE APPLICATION SET FORTH IN ACCORDANCE WITH THE RULES OF THE COMMISSION AND ANY INFORMATION OTHERWISE REQUESTED BY THE COMMISSION.

- (g) FEDERAL REPORTS EXCEPTION. NOTWITHSTANDING THE REPORTING REQUIREMENTS IMPOSED BY THE RULES OF THE COMMISSION, NO LABOR ORGANIZATION SHALL BE REQUIRED TO FURNISH ANY INFORMATION THAT IS INCLUDED IN A REPORT FILED BY THE LABOR ORGANIZATION WITH THE SECRETARY OF LABOR PURSUANT TO 29 U.S.C. SECTION 431, OR 29 U.S.C. SECTION 1001 ET SEQ. IF A COPY OF SUCH REPORT, OR IF THE PORTION THEREOF CONTAINING SUCH INFORMATION, IS FURNISHED TO THE GAMING COMMISSION PURSUANT TO THE AFORESAID FEDERAL PROVISIONS.

SECTION 3 INDIVIDUAL DISCLOSURE REQUIREMENTS.

- (a) OFFICERS, AGENTS AND PRINCIPAL EMPLOYEES; INITIAL AND RENEWAL FILING REQUIREMENTS.

- (1) EVERY OFFICER, AGENT AND PRINCIPAL EMPLOYEE OF A LABOR ORGANIZATION REQUIRED TO OBTAIN A LICENSE FROM THE GAMING COMMISSION PURSUANT TO THE RULES OF THE COMMISSION SHALL FILE WITH THE COMMISSION A COMPLETED ORIGINAL AND ONE COPY OF A LABOR ORGANIZATION INDIVIDUAL DISCLOSURE FORM AS PRESCRIBED BY THE COMMISSION, WHICH SHALL CONTAIN, AT A MINIMUM, THE FOLLOWING INFORMATION:

- (a) FULL NAME, INCLUDING ANY ALIASES OR NICK NAMES BY WHICH THEY HAVE BEEN OR ARE KNOWN;
- (b) BUSINESS ADDRESS AND TELEPHONE NUMBER;
- (c) HOME ADDRESS AND TELEPHONE NUMBER;
- (d) DATE AND PLACE OF BIRTH;
- (e) SOCIAL SECURITY NUMBER;
- (f) TITLE, DESIGNATION, OR POSITION HELD WITH THE LABOR ORGANIZATION;
- (g) DATE OF HIRE BY THE LABOR ORGANIZATION, OR DATE OF FIRST CONSULTATION OR ADVICE;
- (h) A DETAILED DESCRIPTION HIS:
 - (i) LABOR ORGANIZATION ACTIVITIES;

- (ii) PRIOR PERFORMANCE OF THE SAME OR SIMILAR FUNCTIONS ON BEHALF OF A LABOR ORGANIZATION ;AND
 - (iii) PREVIOUS EMPLOYMENT OR OCCUPATIONAL HISTORY.
 - (i) ANNUAL COMPENSATION INCLUDING SALARY, ALLOWANCES AND OTHER DIRECT OR INDIRECT DISBURSEMENTS (INCLUDING REIMBURSED EXPENSES) OF SUCH PERSON.
 - (j) EXCLUDING MINOR TRAFFIC OFFENSES, A DETAILED DESCRIPTION OF THE FOLLOWING AREAS OF CRIMINAL CONDUCT IF ANY, FOR THE PREVIOUS TEN YEARS, WHETHER THE CRIME INVOLVED IS DEFINED A FELONY, GROSS MISDEMEANOR, OR MISDEMEANOR:
 - (i) ANY CONVICTIONS
 - (ii) ANY CRIMINAL OFFENSES FOR WHICH THEY WERE CHARGED, INDICTED OR SUMMONED TO ANSWER, BUT FOR WHICH HE WAS NOT CONVICTED;
 - (iii) ANY CRIMINAL OFFENSES FOR WHICH THEY RECEIVED A PARDON; AND
 - (iv) ANY CRIMINAL OFFENSES FOR WHICH THE RECORD WAS EXPUNGED OR SEALED BY COURT ORDER.
 - (k) WHETHER THEY HAVE EVER BEEN DENIED A BUSINESS, LIQUOR, GAMING, OR PROFESSIONAL LICENSE, OR HAS HAD SUCH LICENSE REVOKED;
 - (l) WHETHER THEY HAVE EVER BEEN FOUND BY ANY COURT OR GOVERNMENTAL AGENCY TO BE UNSUITABLE TO BE AFFILIATED WITH A LABOR ORGANIZATION AND IF SO, ALL DETAILS RELATION THERETO;
 - (m) WHETHER THEY HAVE EVER BEEN SUBPOENAED AS A WITNESS BEFORE ANY GRAND JURY, LEGISLATIVE BODY, ADMINISTRATIVE BODY OR CRIME COMMISSION AND IF SO, ALL DETAILS RELATING THERETO;
 - (n) A COMPLETE SET OF FINGERPRINTS;
 - (o) A PHOTOGRAPH TAKEN WITHIN THE LAST 60 DAYS; AND
 - (p) SUCH OTHER INFORMATION OR DOCUMENTS AS THE COMMISSION MAY REQUIRE.
- (2) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (1) ABOVE, A LABOR ORGANIZATION INDIVIDUAL DISCLOSER FORM NEED NOT BE FILED

BY AN OFFICER OF A NATIONAL OR INTERNATIONAL LABOR ORGANIZATION WHO EXERCISES NO AUTHORITY, DISCRETION OR INFLUENCE OVER THE OPERATION OF SUCH LABOR ORGANIZATION WITH REGARD TO ANY EMPLOYMENT MATTER RELATION TO EMPLOYEES WHO ARE EMPLOYED BY AN EMPLOYER, PROVIDED THAT THE COMMISSION MAY DIRECT SUCH OFFICER TO FILE SUCH FORM OR TO PROVIDE ANY OTHER INFORMATION IN THE SAME MANNER AND TO THE SAME EXTENT AS MAY BE REQUIRED OF ANY OTHER OFFICER OF A LABOR ORGANIZATION.

- (3) EACH OFFICER, AGENT OR PRINCIPAL EMPLOYEE THAT IS REQUIRED TO FILE A LABOR ORGANIZATION INDIVIDUAL DISCLOSURE FORM SHALL INITIALLY FILE SUCH FORM AT THE TIME THE LABOR ORGANIZATION WITH WHOM THE INDIVIDUAL IS ASSOCIATED APPLIES OR SHOULD APPLY FOR A LICENSE, OR WITHIN 30 DAYS OF THE DATE ON WHICH THE INDIVIDUAL IS ELECTED, APPOINTED, OR HIRED, WHICHEVER DATE IS LATER. UPON A SHOWING OF GOOD CAUSE, THE COMMISSION MAY EXTEND THE TIME FOR FILING THE FORM.
- (4) EACH INDIVIDUAL WHO HAS FILED AN INITIAL LABOR ORGANIZATION INDIVIDUAL DISCLOSURE FORM SHALL ANNUALLY FILE THE FOLLOWING WITH THE COMMISSION AT THE TIME THE PERTINENT LABOR ORGANIZATION FILES FOR RENEWAL OF ITS BUSINESS LICENSE PURSUANT TO THE RULES OF THE COMMISSION:
 - (a) AN ORIGINAL AND ONE COPY OF A LABOR ORGANIZATION INDIVIDUAL DISCLOSURE UPDATE FORM; AND
 - (b) A CERTIFICATION BY THE COMMISSION'S LICENSING DEPARTMENT THAT THE INDIVIDUAL HAS BEEN FINGERPRINTED.
- (b) OTHER PERSONS REQUIRED TO FILE. NOTWITHSTANDING ANY OTHER PROVISION OR EXEMPTION CONTAINED IN THESE RULES, THE EXECUTIVE DIRECTOR OF THE COMMISSION MAY DETERMINE AT ANY TIME THAT THE PUBLIC INTEREST AND PURPOSES OF THE CODE REQUIRE THAT, OTHER THAN OFFICERS, AGENTS, OR PRINCIPAL EMPLOYEES OF LABOR ORGANIZATIONS, AN INDIVIDUAL WHO HAS A MATERIAL RELATIONSHIP TO, OR MATERIAL INVOLVEMENT WITH A LABOR ORGANIZATION SHOULD FILE A LABOR ORGANIZATION INDIVIDUAL DISCLOSURE FORM. A PERSON MAY BE DEEMED TO HAVE A MATERIAL RELATIONSHIP TO, OR MATERIAL INVOLVEMENT WITH A LABOR ORGANIZATION

IF THEY, WITH OR WITHOUT COMPENSATION, AS AN AGENT, CONSULTANT, ADVISOR OR OTHERWISE, EXERCISES A SIGNIFICANT INFLUENCES UPON THE MANAGEMENT OR AFFAIRS OF A LABOR ORGANIZATION WITH RESPECT TO EMPLOYEES EMPLOYED BY ANY EMPLOYER. THE FOREGOING POWERS OF THE COMMISSION ARE NOT LIMITED TO INDIVIDUALS HAVING A FORMAL AND DIRECT INVOLVEMENT OR RELATIONSHIP WITH A LABOR ORGANIZATION.

- (c) GROUNDS FOR DISQUALIFICATION OF PERSONNEL OF LABOR ORGANIZATION. THE COMMISSION MAY INDIVIDUALLY DISQUALIFY ANY PERSON REQUIRED UNDER THESE REGULATION TO FILE A LABOR ORGANIZATION INDIVIDUAL DISCLOSURE FORM FROM PERFORMING ANY ONE OR MORE OF THE FUNCTIONS OF THEIR POSITION WITH THE LABOR ORGANIZATION, IF THE COMMISSION FINDS THAT:

- (1) THEY HAVE BEEN CONVICTED IN ANY JURISDICTION OF ANY CRIME INVOLVING MORAL TURPITUDE OR INDICATION A LACK OF BUSINESS INTEGRITY OR HONESTY, WHETHER DEFINED AS FELONY OR MISDEMEANOR;
- (2) THEY HAVE MADE OR CAUSED TO BE MADE ANY STATEMENT IN A DOCUMENT PROVIDED TO THE COMMISSION OR ITS AGENTS OR ORALLY TO A COMMISSION MEMBER OR AGENT IN CONNECTION WITH THE FILINGS REQUIRED UNDER THESE REGULATIONS OR IN AN INVESTIGATION WHICH WAS, AT THE TIME AND IN THE LIGHT OF THE CIRCUMSTANCES UNDER WHICH IT WAS MADE, FALSE OR MISLEADING;
- (3) THEY ARE A MEMBER OF OR AN ASSOCIATE OF ORGANIZED CRIMINAL ELEMENTS. IDENTIFICATION AS SUCH A MEMBER OR ASSOCIATE BY ANY LAW ENFORCEMENT AGENCY, LEGISLATIVE BODY OR CRIME COMMISSION CONSTITUTES EVIDENCE WHICH MAY BE CONSIDERED BY THE GAMING COMMISSION; OR
- (4) THEIR MORAL CHARACTER AND INTEGRITY, AS EVIDENCED BY THEIR PRIOR CONDUCT, ARE SUCH AS TO CREATE A REASONABLE BELIEF THAT THERE PERFORMANCE OF THE SPECIFIED FUNCTION WOULD NOT BE CONSISTENT WITH BAND POLICY THAT GAMING BE CONDUCTED HONESTLY AND FREE FROM UNLAWFUL CONDUCT AND CORRUPTIVE ELEMENTS.
- (5) Any person who intentionally makes a false statement to the Gaming Commission in connection with any application for a license or other registration required by

the Gaming Commission shall be deemed to be in violation of this Code.

INVESTIGATION OF PERSONNEL OF LABOR ORGANIZATION: POWERS OF COMMISSION; COSTS; CONSULTANTS; RECOMMENDATIONS.

- (1) TO DETERMINE SUITABILITY UNDER AND COMPLIANCE WITH THE CODE AND THESE REGULATIONS, THE COMMISSION MAY INVESTIGATE ANY PERSON THAT IS REQUIRED UNDER THESE REGULATION TO FILE A LABOR ORGANIZATION INDIVIDUAL DISCLOSURE FORM AND ANY OTHER PERSON WHOSE NAME IS LISTED BY A LABOR ORGANIZATION AS AN OFFICER, AGENT OR PRINCIPAL EMPLOYEE OF THE LABOR ORGANIZATION, OR WHO IT BELIEVES IS PERFORMING OR SEEKING TO PERFORM ONE OR MORE ORGANIZING ACTIVITIES FOR THE LABOR ORGANIZATION. FOR THIS PURPOSE THE COMMISSION IS VESTED WITH ALL OF THE POWERS WHICH IT POSSESSES FOR THE INVESTIGATION OF AN APPLICANT FOR OR HOLDER OF A GAMING EMPLOYEE LICENSE UNDER THE CODE, AND MAY FURTHER MAKE SUCH EXAMINATION AS IT REASONABLY DEEMS NECESSARY OF THE FINANCIAL RECORDS OF ANY LABOR ORGANIZATION FOR WHOM SUCH A PERSON IS PERFORMING OR SEEKING TO PERFORM SUCH A FUNCTION.
- (2) THE COST OF ANY INVESTIGATION REQUIRED BY THIS SUBSECTION (D) SHALL BE PAID BY THE COMMISSION FROM MONEY APPROPRIATED OR AUTHORIZED TO BE USED FOR THIS PURPOSE, PROVIDED THAT IF THE COST OF INVESTIGATION WILL EXCEED \$1,000.00, THE COMMISSION MAY REQUIRE THAT SUCH EXCESS COST BE PAID BY THE LABOR ORGANIZATION.
- (3) WHENEVER THE COMMISSION UNDERTAKES AN INVESTIGATION PURSUANT TO THIS SUBSECTION (D), THE COMMISSION MAY EMPLOY OR CONSULT WITH SOME PERSON WHO HAS A PROFESSIONAL BACKGROUND IN THE FIELD OF LABOR RELATIONS. THE SAME SERVICES MAY BE RETAINED TO ASSIST THE COMMISSION UPON ANY SUBSEQUENT HEARING OF THE MATTER.
- (d) DISQUALIFICATION OF PERSONNEL OF LABOR ORGANIZATION: NOTICE OF RECOMMENDATION AND REASONS; NOTICE OF DEFENSE.
 - (1) IF THE EXECUTIVE DIRECTOR OF THE COMMISSION RECOMMENDS THAT A PERSON BE DISQUALIFIED, THE COMMISSION SHALL SERVE UPON THE PERSON AND THE LABOR ORGANIZATION FOR WHICH THE PERSON IS PERFORMING HIS FUNCTION OR SEEKING TO PERFORM THAT FUNCTION:
 - (a) A NOTICE OF DISQUALIFICATION;

- (b) A STATEMENT FOR THE REASONS FOR THE RECOMMENDATION;

SECTION 4: LABOR ORGANIZATION "ON-PROPERTY" ACTIVITIES

- a. Interfere with, restrain, or coerce any Tribal Employee in the exercise of any right set forth in this Code, or interfere with, restrain, or coerce management by reasons of its performance of duties or other activities undertaken in the interests of the Governmental Operations of the Tribe;
- b. Restrain or coerce a Tribal Employer in the selection of its exclusive representative for purposes of collectively bargaining;
- c. Discriminate against a Tribal Employee with regard to Labor Organization membership, or because of race, color, religion, creed, age, sex, or national origin;
- d. Cause or attempt to cause a Tribal Employer to discriminate against a Tribal Employee because of the Employee's membership or nonmembership in a Labor Organization or attempt to cause a Tribal Employer to violate any of the provisions of this Code;
- e. Force or require a Tribal Employer to recognize or bargain with a particular Labor Organization as the representative of Tribal Employees if another Labor Organization has been certified as the exclusive representative of such Tribal Employees under the provisions of this Law;
- f. Refuse to bargain collectively or fail to bargain collectively in good faith or refuse to sign a final agreement agreed upon with management;
- g. Refuse or fail to comply with a collective bargaining or other agreement with a Tribal Employer;

- h. Discriminate against a Tribal Employee because she or he has signed or filed an affidavit, petition, or complaint or given any information or testimony in any proceedings provided for in this Code;
- i. Participate in, condone or authorize a strike against the Governmental Operations of the Tribe by instigating, supporting or failing to take affirmative action to terminate a strike. Any violation of this paragraph shall subject the violator to the civil penalties provided in this Code;
- j. Attempt to influence the outcome of a Tribal government election in any manner, provided, however, that this subsection does not apply to a Tribal Employee who is a Tribal Member acting in his or her individual capacity;
- k. Picket homes or private businesses of elected Tribal officials or Tribal Employees.

SECTION 5 ENFORCEMENT.

- (a) **FAILURE TO COMPLY; CONSEQUENCES.** THE COMMISSION MAY IMPOSE ANY SANCTION PERMITTED BY THE CODE INCLUDING THE IMPOSITION OF FINES NOT EXCEEDING \$5,000 PER VIOLATION OR THE REVOCATION AT ANY TIME, WITH OR WITHOUT A HEARING , OF A LICENSE, IF:
 - (1) A LABOR ORGANIZATION FAILS TO PROPERLY OBTAIN OR MAINTAIN A VALID LICENSE WITH THE COMMISSION PURSUANT TO THE RULES OF THE COMMISSION AND OR FAILS TO PROVIDE ALL INFORMATION REQUESTED BY THE COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THE CODE OR THE REGULATIONS OF THE COMMISSION;
 - (2) ANY OFFICER, AGENT OR PRINCIPAL EMPLOYEE OF SUCH LABOR ORGANIZATION HAS BEEN FOUND DISQUALIFIED BY THE COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THE CODE OR THE REGULATIONS OF THE COMMISSION;

- (3) THE LABOR ORGANIZATION OR ANY OFFICER, AGENT, OR PRINCIPAL EMPLOYEE THEREOF FAILS TO FULLY COMPLY WITH THE LAWS OF THE BAND OR THE GAMING COMMISSION;
- (4) AN OFFICER, AGENT, OR PRINCIPAL EMPLOYEE OF A LABOR ORGANIZATION FAILS TO PROPERLY FILE A LABOR ORGANIZATION INDIVIDUAL DISCLOSURE FORM WITH THE COMMISSION PURSUANT TO THE REGULATIONS OF THE COMMISSION OR FAILS TO PROVIDE ALL INFORMATION REQUESTED BY THE COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THE CODE OR THE REGULATIONS OF THE COMMISSION;
- (5) THE LABOR ORGANIZATION FAILS TO: (I) REGISTER WITH THE OFFICE OF GENERAL COUNSEL FOR THE BAND BY FILING A REPORT, AS REQUIRED IN SUBSECTION 6(C) OF THE CODE, (II) TO FILE WITH THE OFFICE OF GENERAL COUNSEL A NOTICE OF ANY CHANGES TO THE INFORMATION REQUIRED BY SUBSECTION 6(C) OF THE CODE WITH TEN (10) DAYS AFTER THE CHANGES ARE MADE, OR, (III) TO PROVIDE ANY ADDITIONAL INFORMATION REQUESTED BY THE OFFICE OF GENERAL COUNSEL; OR
- (6) THE LABOR ORGANIZATION IS FOUND TO HAVE MADE FALSE STATEMENTS ON ANY APPLICATION FOR A BUSINESS LICENSE OR ANY REPORT REQUIRED TO BE FILED PURSUANT TO SUBSECTION 6(C) OF THE CODE.

(B) INJUNCTION; FINE.

(1) IF, TEN (TEN) DAYS OR MORE AFTER NOTICE OF DISQUALIFICATION IS GIVEN, A PERSON PERFORMS ANY FUNCTION FOR WHICH HE OR SHE IS DISQUALIFIED, THE COMMISSION MAY BRING AN ACTION IN THE TRIBAL COURT FOR AN INJUNCTION RESTRAINING:

- (a) THE DISQUALIFIED PERSON FROM PERFORMING ANY FUNCTION FOR WHICH HE IS DISQUALIFIED;
- (b) THE LABOR ORGANIZATION, AFTER THE EXPIRATION OF THE 10-DAY PERIOD, IF IT HAS PERMITTED THE PERSON TO PERFORM SUCH FUNCTION, FROM COLLECTING ANY DUES, ASSESSMENTS, LEVIES, FINES OR OTHER CHARGES FROM AN EMPLOYER EMPLOYEES; OR

- (c) BOTH THE DISQUALIFIED PERSON AND THE LABOR ORGANIZATION FROM THESE ACTIVITIES RESPECTIVELY.
- (2) THE COMMISSION MAY, IN ADDITION TO REQUESTING INJUNCTIVE REMEDIES, SEEK SUCH OTHER REMEDIES AS MAY BE AVAILABLE UNDER THE CODE, OTHER APPLICABLE LAW AND THESE REGULATIONS.

SECTION 6 HEARINGS

(1)

SECTION NOTICE OF DEFENSE

INSTRUCTIONS TO RESPONDENTS: TWO COPIES OF THIS FORM SHOULD BE FILED WITH THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI GAMING COMMISSION, BATTLE CREEK, MICHIGAN, WITHIN FIFTEEN (15) DAYS AFTER SERVICE UPON YOU OF THE ENCLOSED COMPLAINT. THE FORM MUST BE SIGNED BY YOU OR ON YOUR BEHALF. YOU WILL NOTE THAT BLANKS ARE PROVIDED FOR ANY INFORMATION YOU WISH TO SUPPLY.

Yes No

1. DO YOU REQUEST A HEARING?

..... ☐ ☐

2. DO YOU ADMIT THE FACTS STATED IN THE COMPLAINT? ...

..... ☐ ☐

IF YOU ADMIT SOME OF THE FACTS STATED IN THE COMPLAINT, BUT DENY OTHERS, PLEASE SPECIFY:

3. ARE THERE ANY DEFENSES OR EXPLANATIONS WHICH YOU BELIEVE THE COMMISSION SHOULD CONSIDER? ☐ ☐

IF SO, PLEASE SPECIFY:

4. DO YOU WISH TO STATE ANY LEGAL OBJECTIONS TO THE COMPLAINT?

..... ☐ ☐

IF SO, PLEASE SPECIFY:

NOTE: IF YOU FAIL TO FILE TWO COPIES OF THIS FORM AS SPECIFIED, THE COMMISSION MAY PROCEED UPON THE COMPLAINT WITHOUT A HEARING.

(p) NOTICE OF DEFENSE: TIME FOR FILING; CONTENTS.

(1) WITHIN SEVEN (7) DAYS AFTER SERVICE UPON HIM OF THE NOTICE, THE RESPONDENT MAY FILE WITH THE COMMISSION A NOTICE OF DEFENSE IN WHICH HE MAY:

- (a) REQUEST A HEARING;
- (b) ADMIT THE ACCUSATION IN WHOLE OR IN PART;
- (c) PRESENT NEW MATTER OR EXPLANATIONS BY WAY OF DEFENSE;

AND

- (d) STATE ANY LEGAL OBJECTIONS TO THE COMPLAINT.

(2) WITHIN THE TIME SPECIFIED, RESPONDENT MAY FILE ONE OR MORE NOTICES OF DEFENSE UPON ANY OR ALL OF THE ABOVE GROUNDS, BUT ALL SUCH NOTICES SHALL BE FILED WITHIN THE PERIOD SPECIFIED ABOVE UNLESS THE COMMISSION AUTHORIZES THE FILING OF A LATER NOTICE.

(q) RIGHT TO HEARING; WAIVER. THE RESPONDENT IS ENTITLED TO A HEARING ON THE MERITS IF THEY FILE A NOTICE OF DEFENSE WITHIN THE TIME ALLOWED AND ANY SUCH NOTICE SHALL BE DEEMED A SPECIFIC DENIAL OF ALL PARTS OF THE COMPLAINT NOT EXPRESSLY ADMITTED. FAILURE TO FILE A NOTICE OF DEFENSE WITHIN THE TIME ALLOWED CONSTITUTES A WAIVER OF THE RESPONDENT'S RIGHT TO A HEARING, BUT THE COMMISSION MAY ORDER A HEARING. ALL

AFFIRMATIVE DEFENSES MUST BE SPECIFICALLY STATED AND UNLESS
OBJECTION IS STATED IN A NOTICE OF DEFENSE, ALL OBJECTIONS TO THE FORM
OF THE NOTICE AND STATEMENT OF REASONS ARE WAIVED.

(r) NOTICE OF HEARING.

(1) THE HEARING BOARD CHAIR OF THE COMMISSION SHALL DETERMINE
THE TIME AND PLACE OF THE HEARING AS SOON AS IS REASONABLY
PRACTICAL AFTER RECEIVING THE RESPONDENT'S NOTICE OF DEFENSE.
THE EXECUTIVE DIRECTOR OF THE COMMISSION SHALL DELIVER OR
SEND A NOTICE OF HEARING BY REGISTERED OR CERTIFIED MAIL TO ALL
PARTIES AT LEAST TEN (10) DAYS PRIOR TO THE HEARING. UNLESS THE
RESPONDENT CONSENTS, THE HEARING SHALL NOT BE HELD PRIOR TO
THE EXPIRATION OF THE TIME WITHIN WHICH THE RESPONDENT IS
ENTITLED TO FILE A NOTICE OF DEFENSE.

(2) THE NOTICE OF HEARING SHALL BE SUBSTANTIALLY IN THE FOLLOWING
FORM, BUT MAY INCLUDE OTHER INFORMATION:

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED THAT A HEARING WILL BE HELD
BEFORE THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI GAMING
COMMISSION AT (INSERT PLACE OF HEARING) ON THE DAY OF THE MONTH
OF OF THE YEAR, AT THE HOUR OF, UPON THE CHARGES
MADE IN THE STATEMENT OF REASONS SERVED UPON YOU. YOU MAY BE PRESENT
AT THE HEARING AND MAY BE, BUT NEED NOT BE, REPRESENTED BY COUNSEL. YOU
MAY BE PRESENT AT ANY RELEVANT EVIDENCE, AND YOU WILL BE GIVEN FULL
OPPORTUNITY TO CROSS-EXAMINE ALL WITNESSES TESTIFYING AGAINST YOU. YOU
ARE ENTITLED TO THE ISSUANCE OF SUBPOENAS TO COMPEL THE ATTENDANCE OF
WITNESSES AND THE PRODUCTION OF BOOKS, DOCUMENTS, OR OTHER THINGS BY
APPLYING TO THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI GAMING
COMMISSION.

(s) SUBPOENAS; WITNESS FEES; DEPOSITIONS; AFFIDAVITS.

- (1) PRIOR TO A HEARING BEFORE THE COMMISSION, AND DURING A HEARING UPON REASONABLE CAUSE SHOWN, THE COMMISSION SHALL ISSUE SUBPOENAS AND SUBPOENAS *DUCE TECUM* AT THE REQUEST OF A PARTY.
- (2) ALL WITNESSES APPEARING PURSUANT TO SUBPOENA, OTHER THAN PARTIES, OFFICERS OR EMPLOYEES OF THE BAND OR ANY POLITICAL SUBDIVISION THEREOF, ARE ENTITLED TO FEES AND MILEAGE IN THE SAME AMOUNTS AND UNDER THE SAME CIRCUMSTANCES AS PROVIDED BY LAW FOR WITNESSES IN CIVIL ACTIONS IN THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI TRIBAL COURT. WITNESSES ENTITLED TO FEES OR MILEAGE WHO ATTEND HEARINGS AT POINTS SO FAR REMOVED FROM THEIR RESIDENCES AS TO PROHIBIT RETURN THERETO FROM DAY TO DAY ARE ENTITLED, IN ADDITION TO WITNESS FEES AND IN LIEU OF MILEAGE, TO THE PER DIEM COMPENSATION FOR SUBSISTENCE AND TRANSPORTATION AUTHORIZED FOR BAND OFFICERS AND EMPLOYEES FOR EACH DAY OF ACTUAL ATTENDANCE AND FOR EACH DAY NECESSARILY OCCUPIED IN TRAVELING TO AND FROM THE HEARINGS.
- (3) FEES, SUBSISTENCE AND TRANSPORTATION EXPENSES MUST BE PAID BY THE PARTY AT WHOSE REQUEST THE WITNESS IS SUBPOENAED.
- (4) THE COMMISSION MAY, IN ITS DISCRETION, AWARD AS COSTS THE AMOUNT OF ALL SUCH EXPENSES TO THE PREVAILING PARTY.
- (5) THE TESTIMONY OF ANY MATERIAL WITNESS RESIDING WITHIN OR WITHOUT THE TERRITORIAL JURISDICTION OF THE BAND MAY BE TAKEN BY DEPOSITION IN THE MANNER PROVIDED BY THE RULES OF CIVIL PROCEDURE APPLICABLE IN THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI TRIBAL COURT.
- (6) AFFIDAVITS MAY BE RECEIVED IN EVIDENCE AT ANY HEARING OF THE COMMISSION IN ACCORDANCE WITH THE FOLLOWING;
 - (a) THE PARTY WISHING TO USE AN AFFIDAVIT SHALL, NOT LESS THAN TEN (10) DAYS PRIOR TO THE DAY SET FOR HEARING, SERVE UPON THE OPPOSING PARTY OR COUNSEL, EITHER

PERSONALLY OR BY REGISTERED OR CERTIFIED MAIL, A COPY OF THE AFFIDAVIT WHICH HE PROPOSES TO INTRODUCE IN EVIDENCE TOGETHER WITH A NOTICE AS PROVIDED IN PARAGRAPH (3).

- (b) UNLESS THE OPPOSING PARTY, WITHIN SEVEN (7) DAYS AFTER SUCH SERVICE, MAILED OR DELIVERS TO THE PROPONENT A REQUEST TO CROSS-EXAMINE AFFIANT HIS RIGHT TO CROSS-EXAMINE THE AFFIANT IS WAIVED AND THE AFFIDAVIT, IF INTRODUCED IN EVIDENCE, MUST BE GIVEN THE SAME EFFECT AS IF THE AFFIANT HAD TESTIFIED ORALLY. IF AN OPPORTUNITY TO CROSS-EXAMINE AN AFFIANT IS NOT AFFORDED AFTER REQUEST THEREFORE IS MADE IN ACCORDANCE HERewith, THE AFFIDAVIT MAY BE INTRODUCED IN EVIDENCE, BUT MUST BE GIVEN ONLY THE SAME EFFECT AS OTHER HEARSAY EVIDENCE.
- (c) THE NOTICE REFERRED TO IN PARAGRAPH (F) MUST BE SUBSTANTIALLY IN THE FOLLOWING FORM:

AFFIDAVIT

THE ACCOMPANYING AFFIDAVIT OF (INSERT NAME OF AFFIANT) WILL BE INTRODUCED AS EVIDENCE AT THE HEARING SET FOR THE DAY OF THE MONTH OF OF THE YEAR (INSERT NAME OF AFFIANT) WILL NOT BE CALLED TO TESTIFY ORALLY AND YOU WILL NOT BE ENTITLED TO QUESTION HIM UNLESS YOU NOTIFY THE UNDERSIGNED THAT YOU WISH TO CROSS-EXAMINE HIM. TO BE EFFECTIVE YOUR REQUEST MUST BE MAILED OR DELIVERED TO THE UNDERSIGNED ON OR BEFORE SEVEN (7) DAYS FROM THE DATE THIS NOTICE AND THE ENCLOSED AFFIDAVIT ARE SERVED UPON YOU.

.....
(PARTY OR COUNSEL)

.....
(ADDRESS)

(t) HEARING: PROCEDURES.

- (1) THE PROCEEDINGS AT THE HEARING SHALL BE REPORTED EITHER STENOGRAPHICAL OR BY OTHER RELIABLE MEANS APPROVED BY THE COMMISSION.
- (2) ORAL EVIDENCE SHALL BE TAKEN ONLY UPON OATH OR AFFIRMATION ADMINISTERED BY THE COMMISSION.
- (3) EVERY PARTY TO A HEARING IS ENTITLED:
 - (a) TO CALL AND EXAMINE WITNESSES;
 - (b) TO INTRODUCE EXHIBITS RELEVANT TO THE ISSUES OF THE CASE, INCLUDING THE TRANSCRIPT OF TESTIMONY AT ANY INVESTIGATIVE HEARING CONDUCTED BY OR ON BEHALF OF THE COMMISSION;
 - (c) TO CROSS-EXAMINE OPPOSING WITNESSES ON ANY MATTERS RELEVANT TO THE ISSUES OF THE CASE, EVEN THOUGH THE MATTER WAS NOT COVERED IN A DIRECT EXAMINATION;
 - (d) TO IMPEACH ANY WITNESS REGARDLESS OF WHICH PARTY FIRST CALLED HIM TO TESTIFY; AND
 - (e) TO OFFER REBUTTAL EVIDENCE.
- (4) IF THE RESPONDENT DOES NOT TESTIFY ON HIS OWN BEHALF, HE MAY BE CALLED AND EXAMINED AS IF UNDER CROSS-EXAMINATION.
- (5) THE HEARING NEED NOT BE CONDUCTED ACCORDING TO TECHNICAL RULES RELATING TO EVIDENCE AND WITNESSES. ANY RELEVANT EVIDENCE MAY BE ADMITTED AND IS SUFFICIENT IN ITSELF TO SUPPORT A FINDING IF IT IS THE SORT OF EVIDENCE ON WHICH RESPONSIBLE PERSONS ARE ACCUSTOMED TO RELY IN THE CONDUCT OF SERIOUS AFFAIRS, REGARDLESS OF THE EXISTENCE OF ANY COMMON-LAW OR STATUTORY RULE WHICH MIGHT MAKE IMPROPER THE ADMISSION OF SUCH EVIDENCE OVER OBJECTION IN A CIVIL ACTION.
- (6) THE PARTIES OR THEIR COUNSEL MAY BY WRITTEN STIPULATION AGREE THAT CERTAIN SPECIFIED EVIDENCE MAY BE ADMITTED EVEN THOUGH SUCH EVIDENCE MIGHT OTHERWISE BE SUBJECT TO OBJECTION.

(u) HEARING: OFFICIAL NOTICE. THE COMMISSION MAY TAKE OFFICIAL NOTICE OF ANY GENERALLY ACCEPTED INFORMATION OR TECHNICAL OR

SCIENTIFIC MATTER WITHIN THE FIELD OF GAMING, AND OF ANY OTHER FACT WHICH MAY BE JUDICIALLY NOTICED BY THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI TRIBAL COURT OR THE COURTS OF THE STATE OF MICHIGAN. THE PARTIES SHALL BE INFORMED OF ANY INFORMATION, MATTERS OR FACTS SO NOTICED, AND SHALL BE GIVEN A REASONABLE OPPORTUNITY, ON REQUEST, TO REFUTE SUCH INFORMATION, MATTERS OR FACTS BY EVIDENCE OR BY WRITTEN OR ORAL PRESENTATION OF AUTHORITIES, THE MANNER OF SUCH REFUTATION TO BE DETERMINED BY THE COMMISSION.

- (v) HEARING: AMENDED AND SUPPLEMENTAL NOTICES AND STATEMENTS. THE COMMISSION MAY, BEFORE SUBMISSION OF THE MATTER FOR DECISION, PERMIT THE FILING OF AMENDED OR SUPPLEMENTAL NOTICES OR STATEMENTS, AND SHALL NOTIFY ALL PARTIES THEREOF AND PROVIDE A REASONABLE OPPORTUNITY FOR OBJECTIONS THERETO.
- (w) HEARING: CONTEMPT. IF ANY PERSON IN PROCEEDINGS BEFORE THE COMMISSION DISOBEYS OR RESISTS ANY LAWFUL ORDER OR REFUSES TO RESPOND TO A SUBPOENA, OR REFUSES TO TAKE THE OATH OR AFFIRMATION AS A WITNESS OR THEREAFTER REFUSES TO BE EXAMINED, OR IS GUILTY OF MISCONDUCT DURING THE HEARING OR SO NEAR THE PLACE THEREOF AS TO OBSTRUCT THE PROCEEDING, THE COMMISSION MAY ISSUE AN ORDER DIRECTING THE PERSON TO APPEAR BEFORE THE COMMISSION AND SHOW CAUSE WHY HE SHOULD NOT BE PUNISHED AS FOR CONTEMPT. THE COMMISSION ORDER SHALL BE SERVED ON THE PERSON CITED TO APPEAR. THEREAFTER THE PERSON CHARGED MAY PURGE HIMSELF OF THE CONTEMPT IN THE SAME WAY AS IN THE CASE OF A PERSON WHO HAS COMMITTED CONTEMPT IN THE TRIAL OF A CIVIL ACTION BEFORE THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI TRIBAL COURT.
- (x) FAILURE TO FILE NOTICE OF DEFENSE OR APPEAR. FAILURE OF A RESPONDENT TO FILE A NOTICE OF DEFENSE OR TO REQUEST OR APPEAR AT THE HEARING CONSTITUTES AN ADMISSION OF ALL MATTERS AND FACTS CONTAINED IN THE COMPLAINT FILED WITH RESPECT TO SUCH RESPONDENT. IN SUCH CASES THE COMMISSION MAY TAKE ACTION BASED UPON SUCH

ADMISSION OR UPON ANY OTHER EVIDENCE, INCLUDING AFFIDAVITS, AND WITHOUT ANY FURTHER NOTICES WHATEVER TO RESPONDENT. IN SUCH CASES THE COMMISSION SHALL PREPARE AND FILE A RECORD CONTAINING THE EVIDENCE UPON WHICH ITS ACTION WAS BASED.

- (y) DISQUALIFICATION: WRITTEN DECISION; NOTICE. IF A PERSON IS DISQUALIFIED AFTER A HEARING, THE COMMISSION SHALL PREPARE AND FILE A WRITTEN DECISION SETTING FORTH THE REASONS ON WHICH ITS ORDER IS BASED. WHENEVER A PERSON IS DISQUALIFIED, THE COMMISSION SHALL IN WRITING NOTIFY THAT PERSON AND THE LABOR ORGANIZATION, STATING WHAT FUNCTIONS THE PERSON IS DISQUALIFIED FROM PERFORMING.

REHEARING: ALL DECISIONS OF THE GAMING COMMISSION ARE FINAL WITH NO FURTHER RIGHTS OF APPEAL.



BOARD OF THE GAMING COMMISSIONERS



Certification Summary

July 31, 2013

Labor Regulations-

The Gaming Commission Chair made a "MOTION TO PUT INTO PLACE THE LABOR REGULATIONS IMMEDIATELY"

Support: Shirley

In favor: 5 Oppose: 0 abstain: 0 absent: 0

THE LABOR REG'S ARE EFFECTIVE IMMEDIATELY

Passed and Adopted by the Governing Board of the Nottawaseppi Huron Band of the Potawatomi


Gaming Commission. On the 31st day of July, 20 13 By the following vote of

5 In favor 0 Opposed 0 Abstain 0 Absent


Chairperson NHBP GC

Date

2-25-15


Secretary NHBP GC

Date

2-25-15

